

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
additions to a shop top
housing development

638 Pittwater Road,
Brookvale

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Statement of Environmental Effects

Alterations and Additions to a Shop Top Housing Development

638 Pittwater Road, Brookvale



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November 2024

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Attachment 1 Clause 4.6 variation request – Height of buildings

Attachment 2 Apartment Design Guide Compliance Table

1 Introduction

This Statement has been prepared in support of a development application proposing alterations and additions to an approved shop top housing development.

On 15th April 2020 development consent DA2019/0239 was approved by the Northern Beaches Local Planning Panel with the consent subsequently modified on 24th February 2021 pursuant to mod 2020/0598 involving the introduction of storage mezzanines into the approved commercial spaces and the provision for an adjustment to the approved car parking numbers and arrangement to accommodate required fire service areas and storage.

This application seeks to provide an additional 20 apartments through the construction of an additional storey residential accommodation noting that the shop top housing land use, height, form and residential density proposed are entirely consistent within anticipated for development on the land following the adoption of the Brookvale Structure Plan (BSP) by Northern Beaches Council at its meeting of 28 November 2023 which anticipates building heights of 30 metres or 8 storeys on the site.

We note that development consent DA2019/0239 has been commenced that due to ongoing holding costs our client is unable to wait until the gazettal of the draft Comprehensive Northern Beaches Local Environmental Plan (draft LEP) which has only recently been endorsed by Council and forwarded to the Minister for Planning and Public Spaces for Gateway Determination

The construction of a four (4) storey building on this prominent corner site is considered to represent a better planning and urban design outcome having regard to the BSP and the heights anticipated to emerge through the future development of the Brookvale precinct. The proposal provides for the orderly and economic use and development of the land without adverse streetscape, residential amenity or environmental consequences.

We confirm that any inconsistency between the subject development application, if approved, and the previous Court granted consent can be remedied pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 (the Act) with such provisions enabling the imposition of a condition requiring the administrative modification of another consent applying to the land. No objection is raised to an appropriately worded condition in this regard.

In addition to this Statement of Environmental Effects, the application is also accompanied by the following:

- Architectural plans
- Design Verification Statement
- Boundary survey
- Traffic Impact Assessment
- Geotechnical Assessment
- BCA report

- Noise Impact Assessment
- Access report
- Waste Management Plan
- QS Report
- Photomontage
- BASIX Certificate

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

- Environmental Planning and Assessment Act, 1979
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Housing) 2021
- The Apartment Design Guide.

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

- The height, form and massing of the development are contextually appropriate and satisfy the relevant Local and State planning controls applicable to the site.
- The proposed development is consistent with the desired future character of the Brookvale precinct in particular the Pittwater Road corridor as anticipated by the BSP which identifies building heights of 30 metres or 8 storeys on the site.
- The proposed development will not give rise to unacceptable natural or built form impacts.
- The site is assessed as suitable for the proposal having regard to the relevant considerations pursuant to the Chapter 4 - Design of Residential Apartment Development of SEPP (Housing) 2021.
- Although the application requires Council to give favourable consideration to a variation to the height of building standard the accompanying clause 4.6 demonstrates that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed BSP.

- The proposal will increase the supply and diversity of housing choice on a site ideally suited to increased residential densities.

2 Site Analysis

2.1 Site Description and location

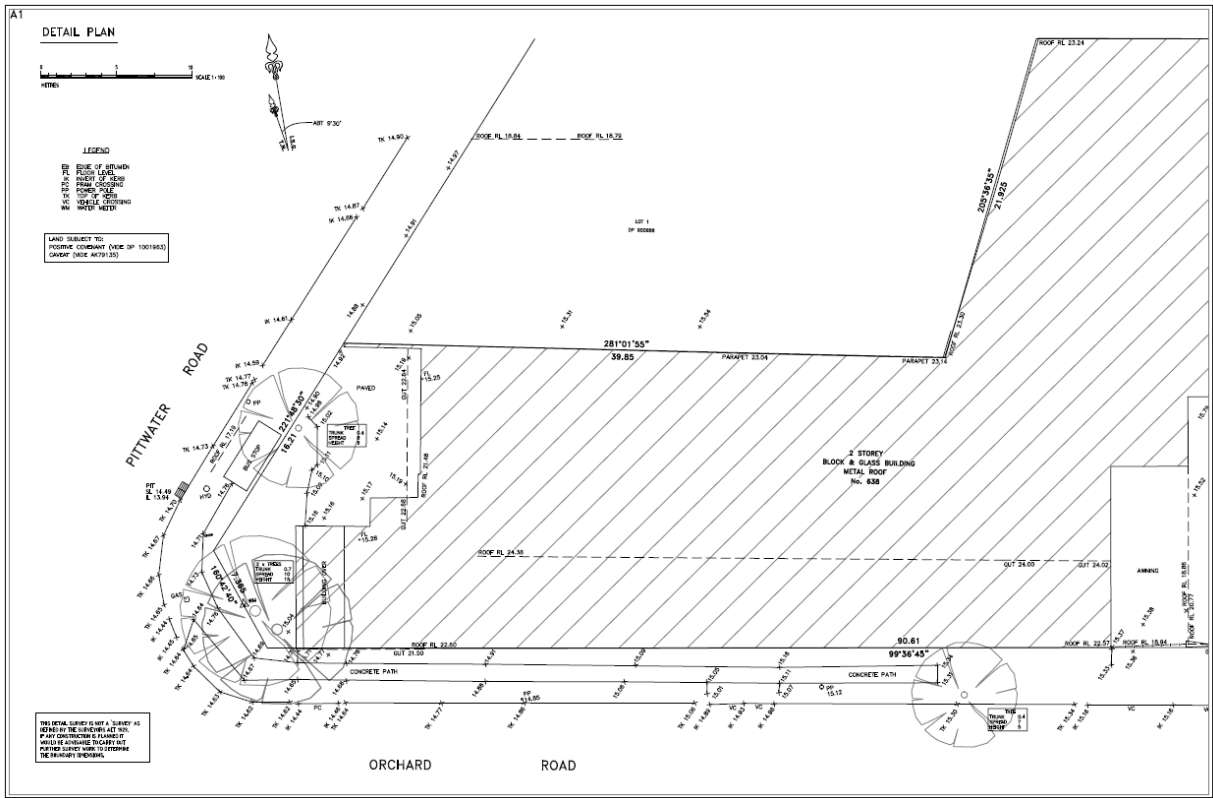
2.1.1 The Site

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

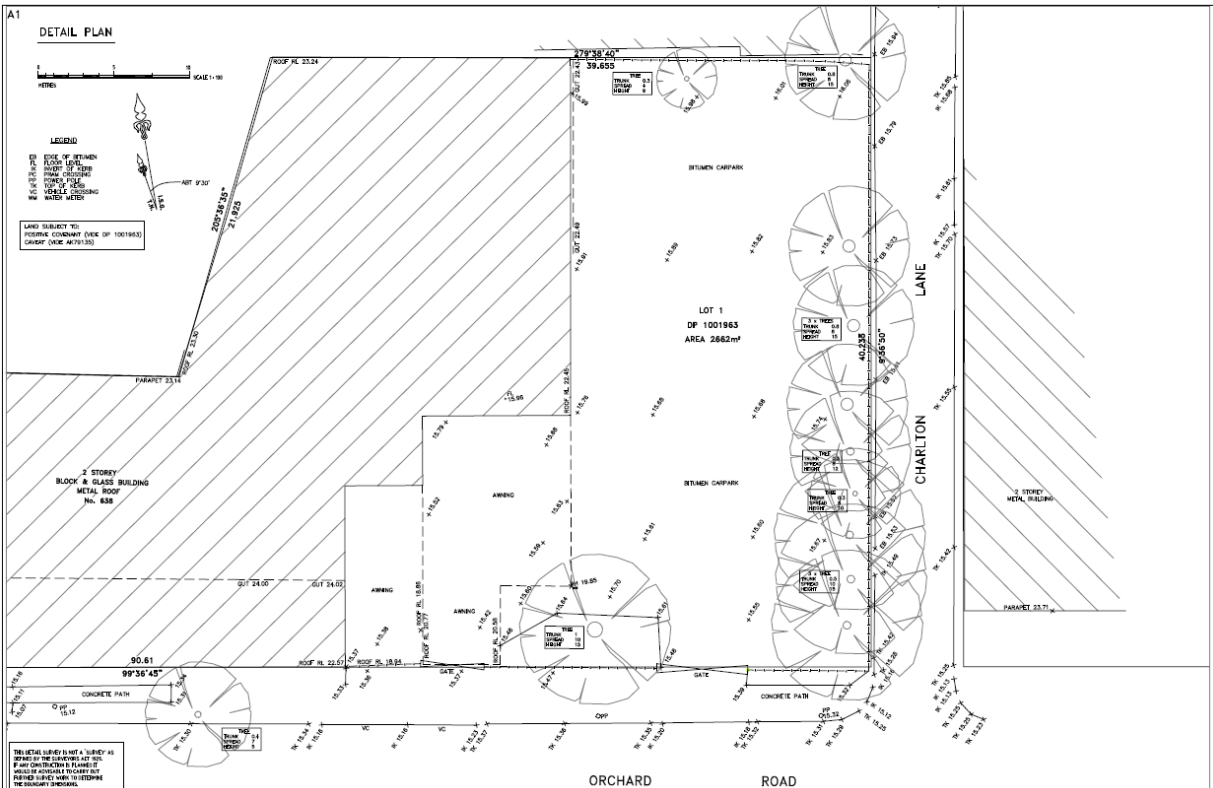


Figure 1: Site Location (Source: Six Maps)

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



<p>ChiSurv Pty Ltd ABN 32 122 758 276 CONSULTING SURVEYORS 32/42 STRAIN AVENUE STRATHFIELD, 2159 PHONE: 9784 3885 FAX: 9784 3881 E-mail: info@chisurv.com.au</p>	<p>SCALE: 1:100 SHEET: 1 OF 2 DATE OF SURVEY: 7-1-2018 DRAWN: JH CHECKED: JC</p>	<p>ISSUE: A REVISED ISSUE: AMENDMENTS: DATE: 11-1-18 JOB NO:</p>	<p>PMC CONSTRUCTIONS PTY LTD</p>	<p>NO: 40 ORDER OF LEVELS IN 1481 DATE: 7-JAN-2018</p>	<p>FORM: DETAIL & LEVEL SURVEY</p>	<p>LOCAL: WARRIEWARR PARISH: MARLBOROUGH COUNTY: CLARENDON</p>	<p>LOT 1 DP 1001963</p>	<p>NOTE: 1. THIS SURVEY IS NOT A 'TURNKEY AS SHOWN' BY THE SURVEYORS AT THE TIME OF CONSTRUCTION. IT IS A FRAMEWORK OF DIMENSIONS TO CHECK OUT THE BUILDING AGAINST THE SURVEY. THE SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES. 2. THE SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES. 3. THE SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES. 4. THE SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES. 5. THE SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES.</p>
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Figure 2: Survey extract

The property is currently vacant with the pre-existing structures demolished pursuant to DA2019/0239.

2.1.2 The Locality

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

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

2.1.3 Site Analysis

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

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

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

3 Description of Proposed Development

3.1 Details of the proposed development

The proposed works are depicted on the following architectural plans prepared by Barry Rush and Associates:

A01A	LOCATION DIAGRAM
A02B	B3 BASEMENT FLOOR PLAN
A03B	B2 BASEMENT FLOOR PLAN
A04B	B1 BASEMENT FLOOR PLAN
A05A	GROUND FLOOR PLAN
A06A	FIRST FLOOR PLAN
A07A	SECOND FLOOR PLAN
A08A	ROOF PLAN
A09A	ELEVATIONS
A10A	ELEVATIONS
A11B	SECTIONS
A12B	SHADOW DIAGRAMS
A13A	SITE ANALYSIS
A14A	DEMOLITION PLAN
A15A	VIEWS FROM SUN
A16A	VIEWS FROM SUN
A17A	DRIVEWAY SECTION
A18A	EXTERNAL COLOUR SCHEDULE
A19A	MEZZANINE FLOOR PLAN
A20	THIRD FLOOR PLAN

Specifically, the alterations and additions involved following:

Basement Level B3

- No change

Basement Level B2

- No change

Basement Level B1

- No change

Ground Floor Plan

- Mezzanine above shown and stair layouts amended to coordinate with A04 & A19 as per updated BCA report

First Floor Plan

- No change

Second Floor Plan

- No change

Third Floor Plan

- This new floor plate incorporates 13 x 1 bedroom, 5 x 2 bedroom and 2 x 3 bedroom apartments accessed via an extension of the stair and lift cores from the levels below.

Each apartment has previously approved car parking at the basement level with lift and stair access to/from such parking. All apartment is provided with private open space in the form of balconies.

The apartments will utilise the previously approved waste management facilities with materials and finishes consistent with those previously approved pursuant to development consent DA2019/0239.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Warringah Local Environmental Plan 2011

4.1.1 Zoning

The Warringah Local Environmental Plan (LEP) 2011 applies to the subject site and this development proposal. The subject site is located within the E3 Productivity Support zone. A range of uses are permissible in the zone with site specific additional permissible uses detailed in Clause 5 of Schedule 1 of WLEP 2011 namely:

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

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

Shop top housing is defined as follows:

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

In this regard, all residential dwellings are located above the level of the permissible and approved ground floor retail and business floor space below.

Finally, pursuant to clause 5(3) of Schedule 1 WLEP 2011 consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone E4 General Industrial. We note that the subject site immediately adjoins E4 General Industrial zone land to the east

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

In any event the acoustic attenuation measures required for the residential apartments pursuant to the provisions of SEPP (Transport and Infrastructure) 2021 will ensure that no acoustic conflict will occur between such land uses as detailed within the accompanying Noise Impact Assessment prepared by Rodney Stevens Acoustics.

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

4.1.2 Height of Buildings

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

The objectives of this control are as follows:

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

Building height is defined as follows:

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

The proposed development results in a maximum roof parapet height to Pittwater Road of 14.43 metres representing a building height variation of 3.43 metres or 31.1% with the building height breach reducing at the eastern end of the property adjacent to Charlton Lane to a maximum of 14.26 metres a variation of 3.26 metres or 29.6%.

The lifts have a maximum height of approximately 15.33 metres representing a variation of 4.33 metres or 39.36%. The non-compliant building elements are depicted in the following Figures.

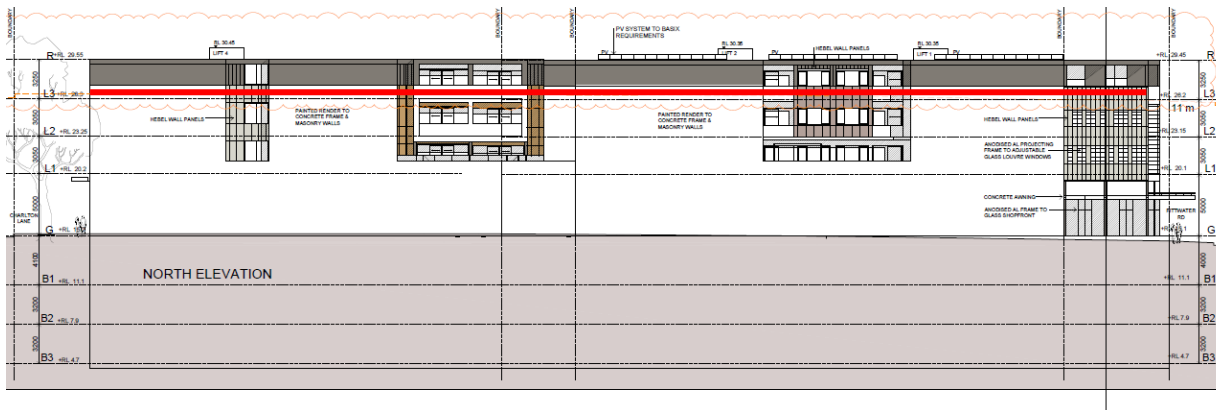


Figure 3 – Plan extract showing extent of 11 metre building height breach northern façade

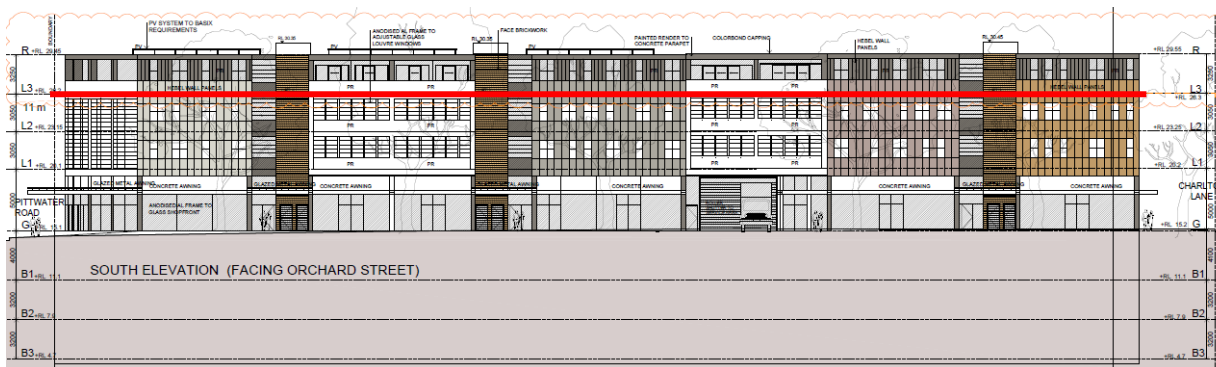


Figure 4 – Plan extract showing extent of 11 metre building height breach southern façade

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

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

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

Clause 4.6(3) states that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This submission is accompanied by a clause 4.6 variation request (Attachment 1) which demonstrates that strict compliance with the development standard is unreasonable and unnecessary under the circumstances and that there are sufficient environmental planning grounds to justify the contravention. Such variation request is well founded.

4.1.3 Development on Sloping Land

The site is mapped as falling within a Land Slip Risk Area A. A geotechnical report prepared by Alliance Geotechnical accompanies the application noting that the application does not propose any additional site excavation.

4.2 Warringah Development Control Plan 2011

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

4.2.1 DCP Compliance Table

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

Control	Requirement	Proposed	Compliance
<p>Number of Storeys</p> <p>DCP Control B2</p>	<p>Mapped as 3 storeys.</p> <p>To ensure development does not visually dominate its surrounds.</p> <p>To minimise the visual impact of development when viewed from adjoining properties, streets, waterways, and land zoned for public recreation purposes.</p> <p>To provide equitable sharing of views to and from public and private properties.</p> <p>To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.</p> <p>To provide sufficient scope for innovative roof pitch and variation in roof design.</p> <p>To complement the height of buildings control in the LEP with a number of storeys control.</p>	<p>The proposed building is 4 storeys in height. Refer to accompanying clause 4.6 variation request.</p>	<p>No</p> <p>Consistent with adopted BSP</p>

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

Control	Requirement	Proposed	Compliance
		<p>Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.</p>	
<p>Merit Assessment of Side and Rear Boundary Setbacks</p> <p>DCP Controls B6, B8, B10</p>	<p>Setbacks will be determined on a merit basis and will have regard to:</p> <p>Streetscape; amenity of surrounding properties; and setbacks of neighbouring development</p>	<p>The upper-level apartments maintain a nil setback to the side northern side boundary as anticipated by the control although internalised courtyards are maintained consistent with the previously approved levels below to achieve cross ventilation and amenity for adjacent habitable rooms and provide courtyard design continuity should the adjoining property be developed.</p>	<p>Yes</p> <p>Acceptable on merit</p>
<p>Traffic, Access and Safety</p> <p>DCP Controls C2</p>	<p>To minimise:</p> <ul style="list-style-type: none"> a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian and cyclist conflict; e) interference with public transport facilities; and f) the loss of “on street” 	<p>APEX Engineers have prepared a Traffic Impact Assessment.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	kerbside parking.		
Parking Facilities DCP Control C3	Application of the DCP Parking Rates yields a requirement for 44 residential, 8 residential visitor and 54 retail/ business parking spaces totalling 106 spaces.	<p>APEX Engineers have prepared a Traffic Impact Assessment. This report contains the following commentary:</p> <p><i>The subject development currently includes 53 surplus car parking spaces. As such, the required additional 26 car parking spaces under the current application can be accommodated within this surplus parking inventory. Upon allocating the 26 car spaces out of the 53 surplus car spaces for the proposed modification, there will be 27 surplus car parking spaces within the development.</i></p>	Yes
Bicycle Parking DCP Control C3A	<p>Objectives</p> <ul style="list-style-type: none"> • To help meet the transport needs of the Warringah community • To encourage healthy active lifestyles and help reduce reliance on private motor vehicles • To provide convenience and safety for bicycle users 	Bicycle Parking Spaces are provided for residents in the basement in strict accordance with this control.	Yes
Stormwater DCP Control C4	<p>To ensure the appropriate management of stormwater.</p> <p>To minimise the quantity of stormwater run-off.</p>	All stormwater will be disposed of to the previously approved stormwater disposal system.	Yes

Control	Requirement	Proposed	Compliance
	<p>To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.</p> <p>To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).</p>		
<p>Erosion and Sedimentation DCP Control C5</p>	<ul style="list-style-type: none"> •To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment. •To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands. •To prevent any reduction in water quality downstream of the development site. 	N/A	N/A
<p>Excavation and Landfill DCP Control C7</p>	<p>Excavation and landfill works must not result in any adverse impact on adjoining land.</p>	<p>A geotechnical report prepared by Alliance Geotechnical accompanies the application noting that the application does not propose any additional site excavation.</p>	Yes

Control	Requirement	Proposed	Compliance
<p>Demolition & Construction</p> <p>DCP Control</p> <p>C8</p>	<p>A demolition and waste management plan must be satisfactorily completed and submitted.</p>	<p>A waste management plan accompanies the application.</p>	<p>Yes</p>
<p>Waste Management</p> <p>DCP Control C9</p>	<p>Each development must include, or have access to Waste/Recycling Storage Rooms and Areas.</p> <p>a) where the number of dwellings/units is 29 or less, the Waste/Recycling Storage Rooms or Areas must be located at the front of the development within 6.5 metres walking distance to the front boundary adjacent to the roadway. If a Waste/Recycling Storage Room or Area is to be provided at another suitable location within the building, a complementary Waste/Recycling Storage Room or Area must be provided within 6.5 metres walking distance to the front boundary adjacent to the roadway; or</p> <p>b) where the number of dwellings/units is 30 or more, the Waste/Recycling Storage Rooms or Areas must be located within 6.5 metres walking distance of the service area.</p>	<p>A waste management plan accompanies the application.</p> <p>The development provides appropriately for residential waste storage and collection.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p>Private Open Space</p> <p>DCP Control D2</p>	<p>Multi dwelling housing (not located at ground level) residential flat buildings and shop top housing, to provide 10sqm of private open space with a minimum dimension of 2.5 metres.</p> <p>Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.</p> <p>Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p> <p>Private open space shall not be located in the primary front building setback.</p> <p>Private open space is to be located to maximise solar access.</p>	<p>As demonstrated on the proposed floor plans each residential unit is afforded with a balcony have an area exceeding the minimum dimensional requirements and accessed directly from the living room areas to each individual unit.</p> <p>Each of the balconies have been positioned to maximise solar access and privacy between apartments. All private open space areas are accessed directly from the living rooms and are appropriately sized and dimensioned.</p>	<p>Yes</p>
<p>Access to Sunlight</p> <p>DCP Control D6</p>	<p>Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:</p>	<p>Refer to the shadow diagrams prepared by Barry Rush and Associates which demonstrate that the only overshadowing impact is to the adjoining road network.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> Development should avoid unreasonable overshadowing any public open space. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21. 	No shadowing will occur to any surrounding residential property.	
<p>Views DCP Control D7</p>	Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.	Having inspected the site and its surrounds to identify available view corridors across the site, we have formed the considered opinion that there will be no adverse public or private view affectation with a view sharing scenario maintained in accordance with the principles established by the Land and Environment Court in the matter of Tenacity Consulting v Warringah [2004] NSWLEC 140.	Yes
<p>Privacy DCP Control D8</p>	Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.	The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained between adjoining apartments and between the site and the adjoining light industrial zone	Yes

Control	Requirement	Proposed	Compliance
		through building design and orientation, the appropriate use and placement of fenestration and the inclusion of fixed privacy screen treatments where necessary. Retained screen trees along Charlton Lane will also assist in this regard.	
Building Bulk DCP Control D9	<p>Encourage good design and innovative architecture to improve the urban environment.</p> <p>Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</p>	<p>The development has been designed through detailed site context analysis to provide through a contextually responsive building form maintaining appropriate amenity to adjoining properties and a high level of amenity to future occupants.</p> <p>The development has regard to the scale, proportion and line of visible facades with the highly articulated and modulated building form providing appropriate facade treatment and visual interest to the streetscape.</p> <p>The scale and footprint of the development is not altered and will remain entirely in keeping with the established built form character along Pittwater Road.</p>	Yes
Building Colours and Materials DCP Control D10	<p>Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.</p>	<p>The proposed materials and finishes are indicated on the plans prepared by the project Architect.</p> <p>The materials and finishes are considered to be sympathetic to the existing and desired future streetscape character.</p>	Yes

Control	Requirement	Proposed	Compliance
Roofs DCP Policy D11	Roofs are to be designed to complement the local skyline.	The development incorporates a flat concrete roof which is consistent with other development along this section of Pittwater Road.	Yes
Glare and Reflection DCP Policy D12	Ensure that development will not result in overspill or glare from artificial illumination or sun reflection.	The proposed window glazing and roof finishes will not give rise to any unacceptable glare or reflection.	Yes
Accessibility DCP Policy D18	To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.	The proposed development has been designed to ensure a convenient, comfortable and safe access for all people including wheelchair and pram accessibility as detailed in the accompanying report prepared by Jensen Hughes.	Yes
Safety and Security	<p>Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</p> <p>2. Service areas and access ways are to be either secured or designed to allow casual surveillance.</p> <p>3. There is to be adequate lighting of entrances and pedestrian areas.</p> <p>4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>5. Entrances to buildings</p>	<p>The design of the development enables casual observation (from inside the apartments) of the street frontages. The previously approved residential lobbies at the ground level and apartment entries are well located, so that they are easily identifiable, providing a sense of address to each unit and passive surveillance.</p> <p>The basement car parking area and common circulation spaces will be appropriately lit at night with no objection raised to the imposition of a condition in this regard.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>are to be from public streets wherever possible.</p> <p>6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).</p>		
<p>Waterways and Riparian Lands E8</p>	<p>1. The applicant shall submit a Waterway Impact Statement.</p> <p>2. Development in Waterways and on the Riparian Land of Group A and Group B creeks (see DCP Map for Catchment Groupings) (Creek Management Study 2004) is required to have impervious surfaces offset by stormwater management controls so there is no net change in</p>	<p>N/A</p>	<p>N/A</p>

Control	Requirement	Proposed	Compliance
	<p>peak loads or pollutant loads in accordance with Councils On Site Stormwater Detention Technical Specification, Councils Water Sensitive Urban Design Policy STR-PL820 and Landcom's Managing Urban Stormwater (MUS): Soils and Construction (commonly referred to as the Blue Book).</p> <p>3. Infrastructure such as roads, drainage, stormwater structures, services, etc. should be located outside land identified as Waterways and Riparian Land.</p> <p>4. The Asset Protection Zone must not extend into land identified as Waterways and Riparian Land. Refer to NSW Rural Fire Service for site assessment methodology.</p>		
<p>Landslip Risk DCP Policy E10</p>	<p>The site is identified as falling within Landslip Risk Area A.</p> <p>The applicant must demonstrate that:</p> <ul style="list-style-type: none"> The proposed development is justified in terms of geotechnical stability; and 	<p>A geotechnical report prepared by Alliance Geotechnical accompanies the application noting that the application does not propose any additional site excavation.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> The proposed development will be carried out in accordance with good engineering practice. 		

4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP applies to the residential component of the development and aims to encourage sustainable residential development.

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

4.4 State Environmental Planning Policy (Housing) 2021 – Design of Residential Apartment Development

Chapter 4 - Design of Residential Apartment Development of SEPP (Housing) aims to improve the design quality of residential apartment developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

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

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

A residential flat building is defined as follows:

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

- a) *3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*

- b) *4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The proposed development results in a 4 storey building containing more than 4 apartments. As per the definition of a ‘Residential Flat Building’ and the provisions of Clause 4 outlining the application of the Policy, the provisions of SEPP Housing are applicable to the proposed development.

Clause 147(1) requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 9. The proposal’s compliance with the design quality principles is detailed within the required Architect Design Verification Statement accompanying this application.

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

4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

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

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

Compliance with these requirements is detailed within the accompanying Noise Impact Assessment prepared by Rodney Stevens Acoustics with no objection raised to a condition requiring compliance with the recommendations contained within such report.

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

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

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

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

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

Context and Setting

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

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

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

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

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

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable with regard to the design quality principles within SEPP (Housing) 2012 and the ADG.

Access, transport and traffic:

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

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

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

Public Domain

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

Utilities

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

Flora and Fauna

No change

Waste Collection

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

Natural hazards

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

Economic Impact in the locality

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

Site Design and Internal Design

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

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

- ii) *How would the development affect the health and safety of the occupants in terms of:*
- *lighting, ventilation and insulation*
 - *building fire risk – prevention and suppression*
 - *building materials and finishes*
 - *a common wall structure and design*
 - *access and facilities for the disabled*
 - *likely compliance with the Building Code of Australia*

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

Construction

- i) *What would be the impacts of construction activities in terms of:*
- *The environmental planning issues listed above*
 - *Site safety*

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

4.6.3 The suitability of the site for the development

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

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

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

4.6.4 Any submissions received in accordance with this act or regulations

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

4.6.5 The public interest

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

The construction of a four (4) storey building on this prominent corner site is considered to represent a better planning and urban design outcome having regard to the BSP and the heights anticipated to emerge through the future development of the Brookvale precinct. The proposal provides for the orderly and economic use and development of the land without adverse streetscape, residential amenity or environmental consequences.

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

5 Conclusion

This Statement has been prepared in support of a development application proposing alterations and additions to an approved shop top housing development.

On 15th April 2020 development consent DA2019/0239 was approved by the Northern Beaches Local Planning Panel with the consent subsequently modified on 24th February 2021 pursuant to mod 2020/0598 involving the introduction of storage mezzanines into the approved commercial spaces and the provision for an adjustment to the approved car parking numbers and arrangement to accommodate required fire service areas and storage.

This application seeks to provide an additional 20 apartments through the construction of an additional storey residential accommodation noting that the shop top housing land use, height, form and residential density proposed are entirely consistent within anticipated for development on the land following the adoption of the Brookvale Structure Plan (BSP) by Northern Beaches Council at its meeting of 28 November 2023 which anticipates building heights of 30 metres or 8 storeys on the site.

We note that development consent DA2019/0239 has been commenced that due to ongoing holding costs our client is unable to wait until the gazettal of the draft Comprehensive Northern Beaches Local Environmental Plan (draft LEP) which has only recently been endorsed by Council and forwarded to the Minister for Planning and Public Spaces for Gateway Determination

The construction of a four (4) storey building on this prominent corner site is considered to represent a better planning and urban design outcome having regard to the BSP and the heights anticipated to emerge through the future development of the Brookvale precinct. The proposal provides for the orderly and economic use and development of the land without adverse streetscape, residential amenity or environmental consequences.

We confirm that any inconsistency between the subject development application, if approved, and the previous Court granted consent can be remedied pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 (the Act) with such provisions enabling the imposition of a condition requiring the administrative modification of another consent applying to the land. No objection is raised to an appropriately worded condition in this regard.

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

- The height, form and massing of the development are contextually appropriate and satisfy the relevant Local and State planning controls applicable to the site.
- The proposed development is consistent with the desired future character of the Brookvale precinct in particular the Pittwater Road corridor as anticipated by the BSP which identifies building heights of 30 metres or 8 storeys on the site.

- The proposed development will not give rise to unacceptable natural or built form impacts.
- The site is assessed as suitable for the proposal having regard to the relevant considerations pursuant to the Chapter 4 - Design of Residential Apartment Development of SEPP (Housing) 2021.
- Although the application requires Council to give favourable consideration to a variation to the height of building standard the accompanying clause 4.6 demonstrates that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed BSP.
- The proposal will increase the supply and diversity of housing choice on a site ideally suited to increased residential densities.

Boston Blyth Fleming Pty Limited



Greg Boston

Director

Attachment 1

Clause 4.6 variation request – Height of buildings

Circulated separately

Attachment 2

Apartment Design Guide Compliance Table

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

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

	Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		Complies	-
Pedestrian Access and Entries	Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain		Complies	The residential entries are from Orchard Road and Charlton Lane with retail access from each street frontage. All entries address the public domain and provide clearly identifiable and separate access points for the residential and retail components of the development.
	Objective 3G-2 Access, entries and pathways are accessible and easy to identify		Complies	Refer to BCA/ Access Report
	Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations		N/A	-
Vehicle Access	Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		Complies	No change
Bicycle and Car Parking	Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	For development in the following locations: • on sites that are within 800 metres of	Compliant resident, visitor and retail parking provided Refer to Traffic Impact Statement for its	Yes

		<p>a railway station or light rail stop in the Sydney Metropolitan Area; or</p> <ul style="list-style-type: none"> • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less <p>The car parking needs for a development must be provided off street.</p>	acceptability.	
	Objective 3J-2 Parking and facilities are provided for other modes of transport		Complies	Bicycle parking is provided throughout the basement areas.
	Objective 3J-3 Car parking design and access is safe and secure		Complies	Refer to Traffic Impact Statement. Both entry and egress in a forward direction.
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised		Complies	Yes
	Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised		N/A	-
	Objective 3J-6 Visual and environmental impacts of		N/A	-

	above ground enclosed car parking are minimized			
Part 4, Designing the Building				
Solar and Daylight Access	Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</p>	48 of 60 (80%) apartments receive 2 hours of solar access between 9am and 3pm	Yes
	Objective 4A-2 Daylight access is maximised where sunlight is limited		Complies	Yes
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months		Complies	Yes
Natural Ventilation	Objective 4B-1 All habitable rooms are naturally ventilated		Complies	-

	Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation		N/A	-
	Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	43 of 60 (71.6%) of apartments are naturally cross-ventilated	Yes
Ceiling Heights	Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Habitable rooms: 2.7m</p> <p>Non-habitable: 2.4m</p> <p>For 2 storey apartments: 2.7m for main living area floor / 2.4m for second floor where its area does not exceed 50% of the apartment area</p> <p>Attic spaces: 1.8m at edge of room with</p>	Complies	Yes

		a 30 degree minimum ceiling slope If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use		
	Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms		Complies	Yes
	Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building		Noted	
Apartment Size and Layout	Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	<p>1. Apartments are required to have the following minimum internal areas:</p> <p>Studio – 35m²</p> <p>1 bedroom – 50m²</p> <p>2 bedroom – 70m²</p> <p>3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than</p>	Complies	Yes
			Some variations however acceptable on merit given room geometry and	Yes

		10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	orientation.	
	Objective 4D-1 Environmental performance of the apartment is maximised	<p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Complies</p> <p>Minor variations however acceptable on merit given room geometry and orientation.</p>	Yes
	Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	<p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. . Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>N/A</p>	Yes

		apartment layouts		
Private Open Space and Balconies	Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	<p>1. All apartments are required to have primary balconies as follows:</p> <p>Studio - min. area, 4m² / depth -</p> <p>1 Bed. - min. area, 8m² / depth, 2m</p> <p>2 Bed - min. area, 10m² / depth, 2m</p> <p>3 Bed - min. area, 12m² / depth, 2.4m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p>	Complies	All balconies of compliant size and dimension.
	Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents		Complies	All private open space is accessed directly from the principle habitable room.
	Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building		Complies	Balconies and terraces contribute to the overall building design and form.

	Objective 4E-4 Private open space and balcony design maximises safety		Complies	-
Common Circulation Spaces	Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	<p>1. The maximum number of apartments off a circulation core on a single level is eight</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	Complies N/A	The maximum number of apartments off the circulation core is less than 8 per level.
	Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents		Complies	Yes
Storage	Objective 4G-1 Adequate, well designed storage is provided in each apartment	<p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <p>Studio - 4m³ storage volume</p> <p>1 Bed. - 6m³ storage volume</p> <p>2 Bed - 8m³ storage volume</p> <p>3+ Bed - 10m³ storage volume</p> <p>At least 50% of the required storage is to be located within the apartment</p>	Complies Ample storage is available in each apartment as they are well over the minimum required internal sizes. Additional dedicated secure storage is provided for each unit in the parking area.	Yes

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

Apartments	Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents		N/A	-
Facades	Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area		Complies	Yes
	Objective 4M-2 Building functions are expressed by the facade		Complies	As above
Roof Design	Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street		Complies	Yes
	Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised		N/A	N/A
	Objective 4N-3 Roof design incorporates sustainability features		Complies	Yes
Landscape Design	Objective 4O-1 Landscape design is viable and sustainable		Complies	No change
	Objective 4O-2 Landscape design contributes to the streetscape and amenity		Complies	No change

Planting on Structures	Objective 4P-1 Appropriate soil profiles are provided		Complies	No change
	Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance		Complies	No change
	Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces		Complies	-
Universal Design	Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members		Complies	Refer to BCA/ Access Report submitted with the Application.
	Objective 4Q-2 A variety of apartments with adaptable designs are provided		Complies	Refer to BCA/ Access Report submitted with the Application.
	Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs		Complies	Refer to BCA/ Access Report submitted with the Application.
Adaptive Reuse	Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place		N/A	-
	Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse		N/A	-

Mixed Use	Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement		Complies	Yes
	Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		Complies	Yes
Awnings and Signage	Objective 4T-1 Awnings are well located and complement and integrate with the building design		Complies	Yes
	Objective 4T-2 Signage responds to the context and desired streetscape character		N/A	N/A
Energy Efficiency	Objective 4U-1 Development incorporates passive environmental design		Complies	All habitable rooms receive adequate natural light. Balconies are oversized to allow for clothes drying areas, highly efficient appliances are to be provided to all units, solid concrete floors and masonry wall construction provide thermal mass, overhanging roofs shade the units and cross ventilation to all units adjacent to sea breezes will minimise reliance on air conditioning.

	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		Complies	Refer to BASIX Report submitted with the Application
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation		Complies	All apartments receive adequate natural ventilation.
Water Management and Conservation	Objective 4V-1 Potable water use is minimised		Complies	-
	Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters		Complies	No change
	Objective 4V-3 Flood management systems are integrated into site design		N/A	-
Waste Management	Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents		Complies	No change
	Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling		Complies	No change
Building Maintenance	Objective 4X-1 Building design detail provides protection from weathering		Complies	Yes

	Objective 4X-2 Systems and access enable ease of maintenance		Complies	Yes
	Objective 4X-3 Material selection reduces ongoing maintenance costs		Complies	Yes