

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1078
Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 11 DP 21872, 76 Prince Charles Road FRENCHS FOREST NSW 2086
Proposed Development:	Demolition works and the construction of a seniors housing development
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes, under SEPP Housing for Seniors or People with a Disability
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Khosrow Ataii Mojgan Ataii
Applicant:	Khosrow Ataii
Application lodged:	25/06/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	04/07/2018 to 22/07/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 1,750,000.00

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

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D6 Access to Sunlight

Warringah Development Control Plan - D13 Front Fences and Front Walls

SITE DESCRIPTION

Property Description:	Lot 11 DP 21872 , 76 Prince Charles Road FRENCHS FOREST NSW 2086
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Prince Charles Road, Frenchs Forest at its intersection with Blackbutts Road.</p> <p>The site is irregular in shape with a frontage of 27.43m along Prince Charles Road and a depth of 79.37m. The site has a surveyed area of 1428m².</p> <p>The site is located within the R2 low density residential zone and accommodates a weatherboard house with ancillary sheds.</p> <p>The site falls gently from north to south by up to 3.77m.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by mostly low density residential dwellings with a seniors housing development located two properties to the north containing 5 dwellings.</p>

Map:



SITE HISTORY

PLM2017/0140

Pre-lodgement meeting PLM2017/0140 was held on 30 November 2017 for the demolition of existing structures and construction of a seniors housing development with six (6) townhouses.

The notes from the meeting recommended a reduction in the number of units on the site and a separation of building elements at the centre of the site. Further design amendments to address privacy and amenity to and from the development were also included.

DA2018/1078

Development Application No. DA2018/1078 for demolition works and construction of a seniors housing development was lodged with Council on 27 June 2018. This application is the subject of this assessment. A search of Council's records did not reveal any further relevant history for the site.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for demolition of the existing structures and construction of a seniors housing development at No. 76 Prince Charles Road, Frenchs Forest.

Specifically, the development includes construction of five (5) dwellings. Dwellings 1, 2, 3 and 4 are two storeys and dwelling 5 is single storey, each containing 3 bedrooms.

The proposed dwellings are contained within two (2) separate buildings with vehicular access to all dwellings from a single driveway from Prince Charles Road.

Dwelling 1 and 2 have the direct pedestrian access from the street frontage, while pedestrian access to dwellings 3, 4 and 5 is along a path adjoining the common driveway. The proposal requires the removal of four (4) trees within the site and one (1) street tree.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&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&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&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 of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

Name:	Address:
Emily Frances Love	42 Adams Street FRENCHS FOREST NSW 2086

The following issues were raised in the submissions and each have been addressed below:

- **Congestion** - Traffic back ups beyond Adams Street into Blackbutts Road indicating we have already reached a high density in the region. Increased number of cars in and out of the street presents increased risk to families in Adams Street entering and leaving their premises.

Comment:

The applicant submitted a Traffic and Parking Assessment for the proposed development prepared by Transport and Traffic Planning Associates dated April 2018. The report has provided an analysis of the current road and traffic conditions in the vicinity of the site. Specifically, the report identified that Adams Street / Blackbutts Road – as minor collector road route connecting between Forest Way and Davidson and Prince Charles Road – as a local access road.

The annual Average Daily Traffic (AADT) figures published by the RMS identifies Forest Way north of Frenchs Forest Road providing 75,379 AADT. While the RMS data is focused on the State Roads and sub-arterial routes (Forest Way) it does not include the collector, minor collector or local road figures.

The Traffic and Parking Assessment has identified traffic movements along the Adams Street and Blackbutts Road route as 'relatively minor' but has qualified that "traffic conditions in the area are dominated by the operation of the major arterial intersections and the flows across Roseville Bridge."

The anticipated peak hour traffic generation from five (5) dwellings proposed on the site is 2.0vtp (vehicle trips per hour). When the credit for the existing dwelling vehicle movements are taken into consideration there is a resultant addition of 1.0vtp. This has been assessed by the Traffic consultant as *"imperceptible and will not result in adverse traffic implications."* Council's Traffic Engineer has not raised any objection to the proposed development in terms of traffic generation.

- **Safety** - *given the number of recent accidents at 74 Prince Charles Rd due to speeding motorists (heading eastbound Blackbutts Rd into Adams St), we are concerned with the safety of elderly people entering and exiting the property within the immediate vicinity of this black spot. Furthermore there are no safe crossings at either Prince Charles Rd or Mount Pleasant, which are the only thoroughfares when walking to Glenrose shopping village. In particular the Mount Pleasant crossing requires pedestrians to walk (or drive a mobility scooter) into incoming traffic on Blackbutts Road in order to cross over the other side of Mount Pleasant Street.*

Comment:

The existing driveway crossing into this site is located closer to the southern side of the site. The new development will be accessed by a driveway along the northern boundary of the site to provide the greatest available sight distance to the east and west. Council's Traffic Engineers have endorsed this driveway location as the preferable position. In terms of pedestrian safety, a condition of consent has been recommended for imposition by Council's Traffic Engineer for a pedestrian refuge to be constructed on Prince Charles Road on the southbound approach to Blackbutts Road.

Subject to condition, the proposal is considered satisfactory in relation to traffic and parking. This issue is not considered to hold determining weight.

- **Loss of sunlight** - *The rear of 42 Adams Street will not receive as much sunlight causing damage to gardens and lawn reducing the ability for the pool to naturally heat itself.*

Comment:

The property at No. 42 Adams Street is located to the direct south of the subject site and the rear grass area is currently impacted by overshadowing from midday through to 3pm during mid winter by the adjacent outbuilding located within the rear northern corner of No. 44 Adams

Street.

While there will be additional overshadowing resulting from the proposed development along the northern end of Nos. 40,42 and 44 Adams Street from midday, the extent of overshadowing is considered minor affecting open grass areas only. For No. 44, the overshadowing in mid winter will extend approximately 13.5m into the site. It is noted that the existing swimming pool water is approximately 15m from the boundary with the subject site and will not be unacceptably impacted by overshadowing. This issue does not warrant amendment or refusal of the application.


MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	This application seeks Consent for the demolition of the existing dwelling on the site, and five (5) townhouses for a senior's housing development. No objection to proposal subject
Landscape Officer	<p><u>Additional Information Comment 18/10/2018</u></p> <p>Additional information in the form of amended Arborist's Report and Landscape Plan are</p> <p>The Arborist's Report concludes that no trees on site can be retained and the Street tree retained. The landscape plan still indicates retention of the street tree and one Lilly Pilly c helpful if the plans addressed the report, however if not able to be provided, such matters</p>



Internal Referral Body	Comments						
	<div><div></div><div><div>AIA REPORT</div><div>76 PRINCE CHARLES ROAD FRENCHS FOREST</div></div></div> <div><h2>7 Recommendations</h2><div><div>7.1.1</div><div>The supplied plans will necessitate the removal of four (4) trees construction impact. Trees T1, T2 & T3 all fall within the envelope be retained given the extent, close offset distance of construction</div></div><table><tr><td>High Retention</td><td>Medium Retention</td><td>Lc</td></tr><tr><td>T4</td><td>T1, T2 & T3</td><td></td></tr></table><div><div>7.1.2</div><div>T5 Liquidambar Styraciflua (Street tree) under the current des excavation for driveway is within the SRZ and will necessitate structural roots all on the northern side of the trunk and the removal the proposed driveway equating to approximate 25% of the over In addition, the Bin bay is within Tree Protection Zone (TPZ) but on stormwater ingress pits (trenching) further impacts the tree’s TPZ</div></div></div>	High Retention	Medium Retention	Lc	T4	T1, T2 & T3	
High Retention	Medium Retention	Lc					
T4	T1, T2 & T3						

Internal Referral Body	Comments
	<div data-bbox="416 416 480 495" data-label="Image"> </div> <div data-bbox="537 434 904 495" data-label="Text"> <p>AIA REPORT 76 PRINCE CHARLES ROAD FRENCHS FOREST</p> </div> <div data-bbox="1133 465 1377 495" data-label="Text"> <p>ASSESSED 12TH JUNE, 2018</p> </div> <div data-bbox="384 568 1287 609" data-label="Section-Header"> <h3>Appendix 2 – Tree identification and proposed building footprint.</h3> </div> <div data-bbox="354 622 1474 1426" data-label="Image"> <p>T5 Street Tree Liquidambar Retention value "Moderate"</p> <p>T4: <i>Syzygium paniculatum</i> Retention value "High"</p> <p>Pasted 180413</p> <p>T1: <i>Magnolia grandiflora</i> Retention value "Moderate"</p> <p>T2: <i>Callistemon citrinus</i> Retention value "Moderate"</p> <p>T3: <i>Melaleuca linariifolia</i> Retention value "Moderate"</p> </div> <div data-bbox="306 1505 555 1541" data-label="Section-Header"> <h4>Original Comment</h4> </div> <div data-bbox="306 1538 1487 1612" data-label="Text"> <p>Following review of the information provided, the proposal is not able to be supported with or conflicting information.</p> </div> <div data-bbox="341 1646 1487 1895" data-label="List-Group"> <ul style="list-style-type: none"> • Landscape Plans indicate a different layout to Architectural Plans • Landscape Plan indicates planting along the driveway in areas where there is no planting in Architectural Plans. Additionally, some planting areas are not considered adequate in width to accommodate trees. • Landscape Plans indicate trees to be retained that are indicated to be removed in Architectural Plans due to impact from the building works. • The Arborist's Report makes no assessment of impacts on the street tree due to its proximity to the proposed works are considered to be significant. </div>

NECC
(Development
Engineering)

Development Engineers have reviewed the proposal and cannot support the proposal due to the following reasons:
1. In order for Council to adequately check the design of the OSD system, when the DRA summary information including a copy of the model on computer disc must be provided. If

Internal Referral Body	Comments
	<p>of the above information.</p> <p>2. Invert level of orifice plate (RL155.30m) is lower than the grate surface level of pit at po (RL156.34m). Therefore the OSD tank is not operating under 'inlet control'. This is not in and therefore not acceptable. The stormwater drainage proposal is to be amended to allc</p> <p>3. Stormwater drainage pipeline is not permitted under the footpath/grass verge, due to cc services. Stormwater drainage pipeline is to be located under the kerb and gutter.</p> <p>4. The engineering longitudinal section through the outlet pipe from the OSD basin to the required to show all design flows, all utility services that may cross the line and a hydraul The hydraulic analysis is to check that the OSD discharges with a 'free outlet'. For simpli point of connection to the existing pit in Blackbutts Road can be assumed to be the top of</p> <p>Note: It is the responsibility of the Applicant to provide full details of all relevant services t system(s) and stormwater lines. The exact locations of any crossings or connections are</p> <p>5. No written concurrence from Council's Traffic Engineers can be found with respect to th and 2018/402113). In this regard Development Engineers are not able to issue the appro location and dimensions given the above.</p> <p>Not supported for approval due to lack of information to address:</p> <ul style="list-style-type: none"> • Stormwater drainage for the development in accordance with clause C4 Stormwater of t • Vehicle access for the development in accordance with clause C2 Traffic, Access and S <p><u>Further assessment dated 27/12/2018</u></p> <p>Development Engineers have reviewed the additional survey information and DRAINS cc</p> <p>Development Engineers raise no objections to the proposal subject to recommended con</p>
Strategic and Place Planning (Urban Design)	<p>Please find Urban Design comments below for consideration:</p> <p>Built Form Controls WDCP 2011</p> <p>1. B3 Side Boundary Envelope Minor encroachments into the building envelope are acceptable.</p> <p>2. B5 Side Boundary Setback Minor encroachments into the side boundary setback are acceptable.</p> <p>3. Materials Selection and Built Form Treatment The colour selection of face bricks is acceptable. The height of the dark brown expanse of wall presents as quite monolithic when viewed f the site. Understanding that the extent of the brick wall has a top of wall height that sits a underside of the window sill at the upper level, the extent of the dark brick to these one a be broken up by a 3 course brick band of the opposing colour brick at the upper storey fl the top brick course reflecting the internal floor level of the upper storey) and would assis</p>

Internal Referral Body	Comments
	<p>elevations.</p> <p>Similarly the dark brick single storey building to the rear of the site could utilise the same brick banding (sandstone / orange colour brick) with the header course aligned with the v</p> <p>This will provide some articulation / visual interest to the large expanses of dark and/or o bringing the perceived scale of the building down to a human scale.</p>
Traffic Engineer	<p>Car Park layout: The submitted swept path diagram has adequately addressed the passing concerns along required to install white hatching in the space adjacent the garages to ensure this area st in the conditions of consent.</p> <p>Pedestrians: The applicant has agreed that the requirement for a pedestrian refuge will be accepted a</p> <p>Servicing: The applicant shall demonstrate how safe servicing of the site is to occur given the site c This will be conditioned as part of Deferred Commencement Conditions.</p> <p>Traffic: Traffic Team raise no objection.</p> <p>Parking: Traffic Team raise no objection.</p>
Waste Officer	No objections to the proposed seniors housing development subject to conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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 residential purposes for a significant period of time with no prior land uses. In this regard it is 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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.937798M dated 21 June 2018). The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	50	52

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

SEPP (Housing for Seniors or People with a Disability) 2004

The development application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) as the development is for self contained seniors housing.

Chapter 1 – Preliminary

The aims of the Policy are set out in Clause 2 and are as follows;

This Policy aims to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (b) make efficient use of existing infrastructure and services, and
- (c) be of good design.

Comment:

The proposed development is considered consistent with the aims of the Policy as detailed above for the following reasons:

(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability

The development will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.

(b) make efficient use of existing infrastructure and services

The proposed development makes use of existing infrastructure and services as the site is within approximately 325m of the north bound bus service on Forest Way and approximately 365m of the south bound bus service on Forest Way which accesses an interchange at Forestway Shopping Centre with connections available to Chatswood, North Sydney, and the CBD. The site is located approximately 800m from Forest Way Shopping Centre.

(c) *be of good design.*

When considering the development against the aims of achieving good design, the development must be considered in context with the other provisions of the SEPP. In this regard, in the context of the built environment, the development proposes the construction of a one and two storey development which is consistent with the general character of building forms surrounding the development site.

Therefore, the design of the development is considered to be compatible with the context of the area, the proposed building forms are appropriate for the purpose of providing residential accommodation on an infill site within a low density residential area and the proposal is acceptable.

Chapter 2 – Key Concepts

Comment:

The proposed development is for the redevelopment of the site to accommodate "in-fill self-care housing" which is defined as *"seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care"*.

Accordingly, the proposed development is considered consistent with the provisions outlined in Chapter 2 of the SEPP.

Chapter 3 – Development for seniors housing

Chapter 3 of SEPP HSPD contains a number of development standards applicable to development applications made pursuant to SEPP HSPD. Clause 18 of SEPP HSPD outlines the restrictions on the occupation of seniors housing and requires a condition to be included in the consent if the application is approved to restrict the kinds of people which can occupy the development. If the application is approved the required condition would need to be included in the consent. The following is an assessment of the proposal against the requirements of Chapter 3 of SEPP (HSPD).

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	Satisfactory access to these services are available from the site.	Yes
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance	The site is within 400m of bus services north and south on Forest Way. These services provide access to Forest Way Shopping	Yes

Development Criteria			
Clause	Requirement	Proposal	Complies
	of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	Centre (approximately 800m to the south) and further to Brookvale, Dee Why and Chatswood.	
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not located within Bushfire Prone Land	N/A
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	Given the existing residential use of the site, it is considered that there is suitable access to water and sewerage infrastructure.	Yes
29	Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b)(i), 25(5)(b)(iii), and 25(5)(b)(v): i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision, v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	The proposed development is considered compatible with the surrounding residential land uses and was not subject to the requirements of Clause 25 for the attainment of a Site Compatibility Certificate. The site is serviced by existing infrastructure (electricity, water and sewerage) that is capable of meeting the demands that will arise from the development. The proposed one and two storey built form demonstrates a suitable bulk and scale in this location and provides a human scale of development complimentary to the existing, approved and future uses on land in the vicinity.	Yes
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	A detailed site analysis plan has been provided and further detail within the Statement of Environmental Effects which satisfactorily address this requirement.	Yes

Clause 31 Design of in-fill self-care housing

Pursuant to Cause 31 in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of

the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the former NSW Department of Infrastructure, Planning and Natural Resources dated March 2004.

The provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* have been taken into consideration in the assessment of the application against the design principles set out in Division 2, Part 3 of SEPP HSPD. A detailed assessment of the proposals inconsistencies with regards to the requirements of SLP is undertaken hereunder.

Section	Requirements	Comment
1. Responding to context	<p>Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p>Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.</p>	<p>The proposed design of the development incorporates building forms which present as large two storey dwellings at the front of the site. The length of the building mass is broken into two elements separated at first floor level by a break in the first floor structure (between House 1 and 2 and House 3).</p> <p>The site is surrounded by a mixture of dwelling types which include one and two storey dwelling houses, dual occupancy development</p> <p>In addition, the building mass at the rear of the site (House 5) provides a single storey building form with a separation of between 11.9m (at ground level) and 17.85m (at first floor level) to House 4.</p> <p>There is no formal description of character with the WLEP or WDCP. The existing character of development surrounding the site ranges from single detached dwellings to dual occupancy and a number of attached house developments including two properties to the north.</p> <p>The proposed housing is attached dwellings with the exception of House 5 which is not attached and is considered consistent with the established building pattern and character.</p>
2. Site Planning and design	<p>Objectives of this section are to:</p> <p>-Minimise the impact of new development on</p>	<p>The proposed development will present as low density attached dwellings in a landscaped setting.</p> <p>All parking on the site is behind the</p>

Section	Requirements	Comment
	neighbourhood character -Minimise the physical and visual dominance of car parking, garaging and vehicular circulation.	front building setback and out of view of the street.
3. Impacts on streetscape	Objectives of this section are to: -Minimise impacts on the existing streetscape and enhance its desirable characteristics -Minimise dominance of driveways and car park entries in streetscape.	The proposed development includes landscaping within the front setback while enabling casual surveillance of the street. The proposed driveway is in a relocated location on the northern side of the site and provides a 6.5m splay at the kerb.
4. Impacts on neighbours	The objectives of this section are: • To minimise impacts on the privacy and amenity of existing neighbourhood dwellings. • To minimise overshadowing of existing dwellings and private open space by new dwellings. • To retain neighbours 'views and outlook to existing mature planting and tree canopy. • To reduce the apparent bulk of development and its impact on neighbouring properties • To provide adequate building separation.	The proposal is generally in accordance with the requirements of this section.
5. Internal site amenity	Objectives of this section are to: -Provide safe and distinct pedestrian routes to all dwellings and communal facilities.	The site provides clear access to each dwellings vehicle and pedestrian access.

Clause 32 Design of residential development In accordance with Clause 32 of SEPP HSPD a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 2.

The following table outlines compliance with the principles set out in Division 2, Part 3 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to	The predominant character of the local area adjoining the site is a low density built form scale.	Yes

Control	Requirement	Proposed	Compliance
	the quality and identity of the area.	The proposed development is a mixture of one and two storeys with built form and material articulation and separation to reflect the surrounding character of development.	
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.	The site is not located within or in the vicinity of any heritage items or heritage conservation areas.	Yes
	c. Maintain reasonable neighbour amenity and appropriate residential character by;		
	(i) providing building setbacks to reduce bulk and overshadowing	The development provides greater separation at first floor level with staggered setbacks to the southern boundary of between 2.0m and 5.6m.	Yes
	(ii) using building form and siting that relates to the site's land form, and	While there will be additional overshadowing on the adjoining southern neighbour, the development in its context is considered reasonable.	
	(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,	At the street frontage, the development presents as a two storey development which is consistent with other more recent development in close proximity to the site.	
	(iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbors.		
	d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,	The proposed development provides a front building setback which mostly complies with the 6.5m front setback required by Warringah DCP 2011. The building breaches this setback in two (2) locations on the north-west corner of the ground and first floor level of House 1 by 0.2m. Notwithstanding, the proposed	Yes

Control	Requirement	Proposed	Compliance
	<p>e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p> <p>f. retain , wherever reasonable, major existing trees, and</p> <p>g. be designed so that no building is constructed in a riparian zone.</p>	<p>setback achieve this requirement.</p> <p>The landscape plan submitted with the application has been assessed and is supported.</p> <p>The planting proposed includes a variety of mostly native species ranging from low level to large trees.</p> <p>Four (4) existing trees on the site are proposed to be removed in addition to a street tree outside the property boundary. Council's Landscape Officer has reviewed the submitted Arborist Report and has recommended a number of conditions.</p> <p>There are no riparian zones impacting the site.</p>	<p>Yes</p> <p>Yes</p>
CL 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The proposed development does not result in any unnecessary visual or acoustic impacts on the adjoining properties or the proposed dwellings within the site. The majority of bedrooms within the development are located either on the opposite side of the site or at first floor level with more than 4m separation from the driveway.	Yes
CL35 Solar access and design for climate	The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of	<p>The adjoining property to the south is a dual occupancy development with the main dwelling at the western end of the site and the second occupancy in the eastern corner of the site.</p> <p>The main dwelling contains a</p>	Yes

Control	Requirement	Proposed	Compliance
	private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	<p>pool and outdoor entertaining area on the south-eastern side of the dwelling. This area is the main area of outdoor open space on the site and remains affected by overshadowing from 9am to midday.</p> <p>The second dwelling provides minimal setbacks to both side boundaries and has a small courtyard on the northern side of the dwelling and the eastern side of the dwelling at the rear of the site. The northern courtyard will not receive any sunlight during mid winter, however the rear of the site will still receive some filtered sunlight impacted by the boundary fence.</p> <p>The proposed development has been designed to reduce the bulk of the structure and provides breaks in the building form. Further the internal layout of dwellings 3, 4 and 5 provide living and dining areas with northerly and/or easterly solar access.</p>	
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	The site provides an acceptable on-site stormwater detention beneath the driveway to address stormwater runoff from the development.	Yes
CL 37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public	The development provides clear sight lines of the entry to each dwelling and House 1 and 2 at the front of the site provide adequate casual surveillance of the street and the entry of the site.	Yes

Control	Requirement	Proposed	Compliance
	areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.		
CL 38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The site is within 400m of bus services connecting to Manly, North Sydney, City and Chatswood. A condition of this consent requires the development to provide a pedestrian refuge in Prince Charles Road on the southbound approach to Blackbutts Road.	Yes
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The development is subject to the requirements of Council's Waste Management Plan for the provision of appropriate bins. These requirements have been included as conditions of consent.	Yes

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

Pursuant to Clause 40(1) of SEPP HSPD a consent authority must not consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in the Clause.

The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Required	Proposed	Compliance
Site Size	1000 sqm	1428sqm	Yes
Site frontage	20 metres	27.43m	Yes

Control	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	<8m	Yes
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	Maximum 2 storeys for houses 1, 2, 3 and 4.	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15.51 metres of the rear boundary).	House 5 at the rear of the site is single storey.	Yes

Clause 41 Standards for hostels and self contained dwellings

In accordance with Clause 41 a consent authority must not consent to a development application made pursuant to Chapter 3 unless the development complies with the standards specified in Schedule 3 for such development. The following table outlines compliance with the principles set out in Schedule 3 of SEPP HSPD.

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater.	The accessibility report prepared by Equibuilt dated 22 June 2018 indicated that the development is capable of complying with these accessibility requirements.	Yes, by condition
Security	Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and	The development is capable of meeting these requirements.	Yes, by condition

Control	Required	Proposed	Compliance
	(b) Must provide at least 20 lux at ground level		
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.	The letterboxes are identified along the western face of the bin enclosure on the access ramp leading to the street.	Yes
Private car accommodation	(a)Carparking space must comply with AS2890 (b)One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	The proposal has been identified as capable of complying.	Yes, by condition.
Accessible entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299	The proposal has been identified as capable of complying.	Yes, by condition.
Interior general	Widths of internal corridors and circulation at internal doorways must comply with AS1428.1.	The proposal has been identified as capable of complying.	Yes, by condition
Bedroom	At least one bedroom within each dwelling must have: (a) An area sufficient to accommodate a wardrobe and a queen size bed (b) A clear area for the bed of at least 1200 mm wide at the foot of	The proposal has been identified as capable of complying.	Yes, by condition

Control	Required	Proposed	Compliance
	the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction. (c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.		
Bathroom	The bathroom is to comply with the requirements described in Clause 9 of Schedule 3.	The proposal has been identified as capable of complying.	Yes, by condition
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	The proposal has been identified as capable of complying.	Yes, by condition
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	The proposal has been identified as capable of complying.	Yes, by condition
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	The proposal has been identified as capable of complying.	Yes, by condition
Ancillary items	Switches and power points must be provided in accordance with AS4299.	The proposal has been identified as capable of complying.	Yes, by condition
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	The proposal has been identified as capable of complying.	Yes, by condition
Kitchen	The kitchen must comply with the requirements of Clause 16 of Schedule 3	The proposal has been identified as capable of complying.	Yes, by condition
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry level.	The proposal has been identified as capable of complying.	Yes, by condition
Laundry	The laundry must	The proposal has been	Yes, by

Control	Required	Proposed	Compliance
	comply with the requirements of Clause 19 of Schedule 3.	identified as capable of complying.	condition
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299	The proposal has been identified as capable of complying.	Yes, by condition
Garbage	A garbage storage area must be provided in an accessible location.	The proposal has been identified as capable of complying.	Yes, by condition

Part 5 Development on land adjoining land zoned primarily for urban purposes

This part is not applicable to the subject site.

Part 6 Development for vertical villages

This part is not applicable to the proposed development.

Part 7 Development standards that cannot be used as grounds to refuse consent

Clause 46 Inter relationship of Part with design principles in Part 3

Clause 46 states that nothing in Part 7 permits the granting of consent pursuant to the Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings
In accordance with Clause 50 of SEPP HSPD a consent authority must not refuse consent to a development application made pursuant to Chapter 3 for the carrying out of development for the purpose of a self contained dwelling on any of the grounds listed in Clause 50.

The following table outlines compliance with standards specified in Clause 50 of SEPP HSPD.

Control	Required	Proposed	Compliance
Building height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	<8m in height	Yes
Density and scale	0.5:1	0.483:1	Yes
Landscaped area	30% of the site area is to be landscaped	30% provided	Yes
Deep soil zone	15% of the site area Two thirds of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3 metres.	15.3%. The deep soil areas are located at the front, rear and northern side of the property. Only 44% of the deep soil area is within the rear setback.	Yes
Solar access	Living rooms and private open spaces	All dwellings contain at least a window with a	Yes

Control	Required	Proposed	Compliance
	for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	north, east or west facing or a combination of more than one of these orientations.	
Private open space	15sqm of private open space per dwelling not less than 3 metres long and 3 metres wide	All dwelling provide at least 15sqm of private open space.	Yes
Parking	13 Bedrooms = 6.5 carparking spaces required	9 parking spaces provided (Includes 1 visitor)	Yes
Visitor parking	None required if less than 8 dwellings	1 visitor space provided	Yes

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.45m	N/A	Yes

Compliance Assessment

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

Detailed Assessment

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.6m	N/A	Yes
B3 Side Boundary Envelope	North - 4m	Within envelope	N/A	Yes
	South - 4m	Within envelope	N/A	Yes
B5 Side Boundary Setbacks	North - 0.9m	House 5- 0.9m House 1 - 3.7m House 3 - 3.7m	N/A	Yes
	South - 0.9m	0.9m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	West - 6.3m to building 1.6m to garbage enclosure	3.1% 52.3%	No Yes, see comments
B9 Rear Boundary Setbacks	6m	6m to face House 5 4.5m to pergola	Nil	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (571.2m ²)	30% (428.6m ²)	10%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	No	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The proposed development results in a minor non-compliance with the front boundary setback. The front boundary is on an oblique angle to the side boundaries of the site creating an angled frontage to the site. As a result, a small sliver of the north-west corner of the ground floor living room, bedroom 1 and first floor bedroom 2 steps into the front setback area.

In addition, the development provides a bin storage room within the front setback which is a listed

permissible encroachment.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The front of the development site provides a sense of openness as the majority of the building facade is behind the 6.5m front setback and the southern end of the building frontage has a landscaped setback of up to 7.75m.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The front setback of this development is consistent with the general pattern of buildings, setbacks and landscaping in this location.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The proposed development is considered to provide a positive enhancement to the streetscape in this location.

- *To achieve reasonable view sharing.*

Comment:

There are no views identified that are affected by this development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

While the proposed development provides a compliant rear setback of 6m to the face of the building, it also includes a pergola structure on the northern side of the site with a setback to the rear boundary of 4.45m. Accordingly, the development is considered on merit against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The site provides a number of locations where deep soil landscaping can be provided both at

the rear and front of the site.

- *To create a sense of openness in rear yards.*

Comment:

The proposed pergola structure is open in nature and is single storey in height maintaining a sense of openness within the rear of the development.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

House No. 5 which is the only dwelling which is at the rear of the site is single storey and considered unlikely to cause any adverse impacts on amenity or privacy to the adjoining properties.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The proposed rear garden and setback are not inconsistent with surrounding building and site patterns.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The site provides suitable areas for the provision of ground level landscape planting and has been designed to ensure there are no primary living areas at first floor level likely to impact on the privacy of adjoining dwellings.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The proposed site layout results in a total landscaped area of 428.6m² (30%). While this provision does not comply with the requirements of WDCP for landscaping, it is consistent with the overriding requirements of SEPP (Housing for Senior or People with a Disability) 2004 which requires 30% landscaping on the site. Notwithstanding, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The proposed landscape plan indicates that within the front setback of the site, there will be four (4) *Cupaniopsis anacardioides* (Tuckeroo) with a mature height of between 8-15m. In addition, there is one (1) *Waterhousia floribunda* with a mature height of up to 10m. These plant species are considered to provide a substantial improvement to the streetscape from this site.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

There is no significant vegetation on the site required to be retained.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The landscape plan provided for the development incorporates a range of low, medium and high scale plantings which will be commensurate to the height, bulk and scale of the building.

- *To enhance privacy between buildings.*

Comment:

The development provides adequate separation both internally between dwellings and with adjoining properties sufficient to ensure privacy is maintained.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The development is for seniors housing. The outdoor areas provided for each dwelling are considered to adequately meet the requirements of SEPP ARH and this control.

- *To provide space for service functions, including clothes drying.*

Comment:

The development provides adequate space for service functions.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The development includes an underground OSD tank providing 79.3m³ of storage located under the driveway. In addition, the development includes a 2000L rainwater tank for each dwelling.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in this

particular circumstance.

D6 Access to Sunlight

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that reasonable access to sunlight is maintained.*

Comment:

The subject site is oriented east-west and is adjoined on its longest boundary by an existing dual occupancy development at No. 74 Prince Charles Road. As this site is to the direct south of the subject site, overshadowing is unavoidable to a certain extent.

9am Mid-Winter

At 9am mid-winter, most of the overshadowing affecting the property at No. 72 is cast from the buildings currently on the site (existing dual occupancy) on the south-eastern side of each building. The terrace adjoining the living room on the northern facade of the rear dwelling is in shadow with the proposed development. In addition the grass area to the north-east of the front dwelling will be in shadow, however the swimming pool and south-eastern courtyard adjoining the family living room remains unaffected.

Midday Mid-Winter

The dwelling at No. 72 currently cast shadow to the south at midday mostly affecting the area of grass on the north-east side of the swimming pool near the rear dwelling. The proposed shadows will affect the grassed area to the north and north-east of the front dwelling and will continue to shadow the northern terrace area of the rear dwelling.

3pm Mid-Winter

By 3pm, both dwellings at No. 72 are in shadow.

While the proposed development results in additional overshadowing of the property at No. 72, it is considered that given the constraints with the site orientation and location of the buildings on the site that reasonable sunlight access is maintained.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The design of the development has broken up the bulk of the built form separating and stepping the second storey elements within the front portion of the site to reduce potential impacts on surrounding properties.

- *To maximise the penetration of mid winter sunlight to windows, living rooms, and high use indoor and outdoor areas.*

Comment:

Each dwelling contains a ground floor level kitchen and living area which has north, east or west

facing windows and doors. The site will receive adequate solar penetration.

- *To promote passive solar design and the use of solar energy.*

Comment:

The proposal incorporates passive solar design elements.

- *To minimise the need for artificial lighting.*

Comment:

The development has provided a BASIX assessment which addresses the areas where artificial lighting will be identified and detailed at Construction Certificate stage.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D13 Front Fences and Front Walls

The proposed development includes a stepped front setback with a ramped path extending in front of the bin store and a front fence extending from the bin store across the front of the site. The proposed fence is to be sited on top of a sloping retaining wall which increases in height and setback from the bin store to the southern boundary of the site. The fence at the southern boundary will be approximately 4.0m from the front boundary. The retaining wall at this point will be approximately 0.8m in height and the fence structure behind will have a height from the top of the retaining wall (finished ground level inside the fence line) of 1.0m providing brick pillars and timber slat infill.

Subject to conditions, the proposed fence is considered acceptable.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018	
Contribution based on a total development cost of \$ 1,750,000	

Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 16,625
Section 7.12 Planning and Administration	0.05%	\$ 875
Total	1%	\$ 17,500

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1078 for Demolition works and the construction of a seniors housing development on land at Lot 11 DP 21872, 76 Prince Charles Road, FRENCHS FOREST, subject to the conditions printed below:

DEFERRED COMMENCEMENT CONDITIONS

1. Waste Collection

The applicant shall have a plan prepared by a suitably qualified engineer identifying how waste collection will occur for the site. The plan shall be submitted to and approved by Council prior to a consent becoming operative. Any signage that may be required can be conditioned prior to

Occupation Certificate.

Reason: To ensure that waste servicing can be undertaken efficiently for the site based on the limited accessible frontage (DACTRADC2)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A:001 - Cover Page/Location Plan	27 February 2018	Macphail & Sproul Architects
A:002 - Existing Site Plan/ Construction Management Plan/ Site Access	27 February 2018	Macphail & Sproul Architects
A:003 - Ground Floor Plan	27 February 2018	Macphail & Sproul Architects
A:004 - First Floor Plan	27 February 2018	Macphail & Sproul Architects
A:005 - Roof Plan	27 February 2018	Macphail & Sproul Architects
A:006 - Elevations	27 February 2018	Macphail & Sproul Architects
A:007 - Sections	27 February 2018	Macphail & Sproul Architects
A:020 - Ground Floor plan-Area Measure	27 February 2018	Macphail & Sproul Architects
A:021 - First Floor Plan-Area Measure	27 February 2018	Macphail & Sproul Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment Report	3 October 2018	Margot Blues Consulting Arborist

Accessibility Assessment Report	22 June 2018	Equibuilt
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b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L-DA-3 - Site Landscape Plan	14 April 2018	Eximia Design
L-DA-4 - Landscape Structure Plan	14 April 2018	Eximia Design
L-DA-5 - Tree Planting Plan	14 April 2018	Eximia Design
L-DA-6 - Ground Planting Plan	14 April 2018	Eximia Design
L-DA-7 - Landscape Plan - Front	14 April 2018	Eximia Design
L-DA-8 - Landscape Plan - Rear	14 April 2018	Eximia Design
L-DA-10 - Indicative Planting Schedule	14 April 2018	Eximia Design

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of

that Act,

- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of



any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008

- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. **Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

Reason: Statutory requirements. (DACPLB11)

6. **Traffic Management**

Traffic management procedures and systems must be in place and practiced during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation. (DACTRBOC1)

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 1,750,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 16,625.00
Section 7.12 Planning and Administration	0.05%	\$ 875.00
Total	1%	\$ 17,500.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

8. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment)

is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

9. **Construction, Excavation and Associated Works Bond (Road)**

A Bond of \$10,000 as security against any damage or failure to complete the construction of pedestrian refuge island as part of this consent.

Reason: Protection of Council's Infrastructure

10. **Construction, Excavation and Associated Works Bond (Drainage)**

A Bond of \$80,000 as security against any damage or failure to complete the construction of Stormwater drainage works as part of this consent.

Reason: Protection of Council's Infrastructure

11. **Construction, Excavation and Associated Works Bond (Crossing / Kerb)**

A Bond of \$26,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

Reason: Protection of Council's Infrastructure

12. **Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a Maintenance Bond of \$5,000 for the construction of stormwater drainage works in the public roadway. The Maintenance Bond will only be refunded on completion of the six month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion and may be exchanged for the works bond.

Reason: To ensure adequate protection of Council infrastructure

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

13. **On-site Stormwater Detention Compliance**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850 and the concept drawing by Nitma Consulting Engineers, drawing number 3366H, Issue B dated 08.06.2018 are to be submitted to the Certifying Authority.

Stormwater drainage design and plans must include (but not limited to) the following:

1. Onsite Stormwater Detention system is to be designed to operate under inlet control for all storms up to and including the 1 in 100 year ARI.
2. Engineering longitudinal section of the stormwater pipeline from the onsite stormwater

detention system to Council's existing pit in Prince Charles Road showing calculated flows, velocities, pipe sizes, type and class, grades, and invert levels of all pipes, all utility services crossings and hydraulic grade line.

Note: It is the responsibility of the Applicant to provide full details of all relevant services that may conflict with the proposed OSD system(s) and stormwater lines. The exact locations of any crossings or connections are to be shown.

3. Stormwater pipeline exiting the development site must connect to a new kerb inlet pit in Prince Charles Road and must be laid under the existing kerb alignment and connect to Council's existing kerb inlet pit in Prince Charles Road. Stormwater pipeline under the kerb must be minimum 375mm diameter rubber ring jointed reinforced concrete pipe. All utility services conflicting with the proposed stormwater pipeline must be re-located at the applicant's expense.

All works in the public roadway must comply with Council's AUS-SPEC #1 specifications. Separate approval from the Roads Authority for the stormwater drainage proposal within the public roadway.

A Construction Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979 must be issued by a C3 and C15 Accredited Certifier, ensuring that the stormwater drainage design and plan comply with all requirements of this condition. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

14. Submission of Engineering Plans for Infrastructure Works on Council Roadway

Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of a pedestrian refuge island in Prince Charles Road and associated line markings and signpostings, vehicle crossing, 1.5 metre wide footpath and stormwater drainage pipeline and two pits to drain stormwater from the development site to Council's existing kerb inlet pit in Prince Charles Road which are to be generally in accordance with the Development Application and Council's specification for engineering works – AUS-SPEC #1 and Council's Minor Works Specification.

The stormwater drainage pipeline must be laid under the existing kerb alignment. Stormwater pipeline under the kerb must be minimum 375mm diameter rubber ring jointed reinforced concrete pipe. All utility services conflicting with the proposed stormwater pipeline must be re-located at the applicant's expense.

The Fee Associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges.

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Ensure engineering works are constructed in accordance with relevant standards.

15. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

16. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

17. **Privacy Screen**

The front fence structure (measured from finished ground level at the southern boundary and the street frontage) is to be no higher than 1.8m in total height. The maximum height of the fence structure measured from the internal garden finished level of the front setback in front of House 1 and House 2 (RL157.7) is to be 1.0m. The infill screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)

18. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

19. **Requirements for Seniors Housing or Housing for Persons with a Disability**

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Schedule 3 - "*Standards*

concerning accessibility and useability for hostels and self-contained dwellings”.

Details demonstrating compliance with the above requirement are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure public safety and equitable access for seniors or people with a disability.
(DACPLC16)

20. **Submission of Engineering Plans (standard from development engineers)**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of:

- A pedestrian refuge in Prince Charles Road on the southbound approach to Blackbutts Road, Frenchs Forest.

These are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

Reason: To ensure compliance with Council's specification for engineering works.
(DACENC08) (DACTRCPC1)

21. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Council Waste Management Guidelines, including the required Northern Beaches Council Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Northern Beaches Council Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.
(DACWTC01)

22. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in

accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

24. Tree protection

- (a) Existing trees which must be retained
 - ii) Trees located on adjoining private land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAD01)

25. Tree removal within the road reserve

- i) This consent includes approval to remove the following trees located within the road reserve:

Species	Location	Tree Number
1 x <i>Liquidambar styraciflua</i>	Prince Charles Road road reserve forward of the property adjacent to the driveway crossover	T5

- ii) Removal of approved tree/s in the road reserve shall only be undertaken by a Council

approved tree contractor.

iii) Details of currently approved tree contractors can be obtained from Northern Beaches Council Tree Services Section prior to removal.

Reason: Public liability

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

26. Civil Works Supervision

All civil works approved in the public roadway under the Roads Act are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works.

27. Footpath Construction

The applicant shall demolish and re-construct a 1.5 metre wide concrete footpath along the whole frontage of the development site. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's Specification
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works.

28. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety

29. Vehicle Crossings

The provision of a vehicle crossing metres 4 wide in accordance with Northern Beaches Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

30. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

31. **Civil infrastructure works in the public roadway**

All approved civil infrastructure construction works within the public roadway are to be completed to the satisfaction of the Roads Authority.

Reason: To provide suitable public infrastructure for the development

32. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

33. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

34. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

35. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

36. **On-Site Stormwater Detention Compliance Certification**

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

37. Creation of Positive Covenant and Restriction as a User

A restriction on the use of land and a positive covenant shall be created on the title of the land in respect of the installation and maintenance of on-site stormwater disposal structures. The detailed information for a restriction on the use of land and a positive covenant is shown in Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850. The terms of the positive covenant and a Restriction on the use of land are to be prepared to Council's standard requirements, at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard

38. Required Planting

i) Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
All trees	As indicated on landscape plan Dwg No. L-DA-5 dated 14.04.18 prepared by Eximia Design	As indicated on the landscape plan	25 litre
1	<i>Syzygium paniculatum</i>	Central courtyard to replace the existing <i>S.paniculatum</i> required to be removed as indicated in the Arborist's Report.	75 litre
1 Street tree	<i>Nyssa sylvatica</i>	Prince Charles Road road reserve forward of the property, clear of driveway sightlines and generally in alignment with other street trees	100 litre

ii) All street trees shall meet the requirements of Natspec - Specifying Trees,

- iii) All street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, and mulched to 75mm depth minimum,
 - iv) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.
- Reason: To maintain environmental amenity. (DACLAF01)

39. **Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate - Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate

Reason: To ensure compliance of drainage works with Council's specification for engineering works.

40. **Removal of All Temporary Structures/Material and Construction Rubbish**

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

41. **Garbage and Recycling Facilities**

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

42. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

43. **Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

Reason: Statutory requirements. (DACPLF11)

44. **Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability**

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure statutory requirements have been completed, public safety, and equitable access for seniors of people with a disability. (DACPLF12)

45. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

46. **Signage and Linemarking**

A plan demonstrating the proposed signage and line marking within the site and Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by Council prior to the issue of any Occupation Certificate.

Note: The applicant is advised that the plan of signage and line marking, within the public domain, will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent regulatory approval of parking restrictions. (DACTRFPOC1)

47. **Signage and Linemarking – Implementation.**

The applicant is to install all signage and line marking, as per the plan approved by the Local Traffic Committee. These works are to be undertaken prior to the issue of any Occupation Certificate.

Reason: To ensure all necessary regulatory and advisory signs and lines can be adhered to prior to tenants moving in. (DACTRFPOC2)

48. **Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with Northern Beaches Council Waste Management Guidelines

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided. (DACWTF01)

49. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

50. **Positive Covenant for Waste Services**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

51. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land. (DACWTF04)

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

Signed

Renee Ezzy, Principal Planner

The application is determined on 05/02/2019, under the delegated authority of:



Anna Williams, Manager Development Assessments