

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2021/0619 |
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| Responsible Officer: | Jordan Davies |
| Land to be developed (Address): | Lot 202 DP 1019363, 15 Jubilee Avenue WARRIEWOOD NSW 2102 |
| Proposed Development: | Construction of a mixed use development comprising 59 self-storage units and 24 light industrial units |
| Zoning: | B7 Business Park |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Delegation Level: | NBLPP |
| Land and Environment Court Action: | No |
| Owner: | Blackmores Ltd |
| Applicant: | 15 Jubilee Pty Ltd |

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| Application Lodged: | 20/05/2021 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Mixed |
| Notified: | 27/05/2021 to 10/06/2021 |
| Advertised: | Not Advertised |
| Submissions Received: | 3 |
| Clause 4.6 Variation: | 4.3 Height of buildings: 24.55% |
| Recommendation: | Approval |

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| Estimated Cost of Works: | \$ 9,937,836.00 |
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Executive Summary

The proposal is for a mixed use development comprising of 59 self-storage units and 24 light industrial tenancies. The application is referred to the Northern Beaches Local Planning Panel as the proposed development has a departure of 24.55% from the height of buildings development standard.

The building height non-compliance is for a localised section at the western edge of the building and is partially as a result of the flood affectation of the site and a depression along the western edge of the site which is part of a stormwater easement. The majority of the building is compliant with the 11m building height development standard as viewed from Jubilee Avenue and the scale of the building is compatible with the buildings in the visual catchment of the site.

The application was exhibited in accordance with the Northern Beaches Community Participation Plan. A total of three (3) submissions were received, one (1) of which in support of the proposal. The submissions raised concerns regarding flooding, noise, construction vehicle parking and footpath construction. Each of the issues are addressed within this assessment report and none of the submissions raised a fundamental issue with the design or concept in principle.

The application was referred to the Design Sustainability Advisory Panel (DSAP) for review. The DSAP provided their support for the proposal, subject to a recommendation for detailed landscaping design and encouragement for improvements to the environmental sustainability and energy efficiency of the development. The applicant has provided a satisfactory landscape scheme which is supported by Council's landscape officer (subject to conditions) and responded to the remaining recommendations of the Panel with regards to sustainability. Some of the recommendations have incorporated into the design (such as solar panels and rainwater reuse), however the remaining recommendations which have not been adopted do not having determining weight for the application.

The proposed development is considered to be suitable for the locality and site context, offering additional employment opportunities and storage opportunities for surrounding businesses and residents, achieving the objectives of the B7 Zone. Therefore, the proposal is recommended for approval to the Northern Beaches Local Planning Panel.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for the construction of a mixed use development comprising of 59 self-storage units and 24 light industrial units. The proposed development specifically consists of:

- Ground floor plan consisting of 59 Self Storage Units with central driveway isle, ranging from 22sqm to 83 sqm in size. Some of the units at the eastern end of the site are subterranean and with the building footprint partially excavated into the site.
- Ground floor consisting of 5 light industrial units, each with loading area, mezzanine office space, bathroom and kitchenette. Car parking for each unit and driveway access off Jubilee Avenue.
- First floor plan consisting of 19 light industrial units, each with loading area, mezzanine office space, bathroom kitchenette and car parking for each unit. Access to this level via a driveway at the eastern end of the site off Jubilee Avenue.
- Total of 40 spaces provided for light-industrial staff/visitors.
- Two Building identification signs on the Jubilee Avenue frontage, each 2.5m x 2m (5sqm).
- Hours of operation 24 hours a day, 7 days per week for the self-storage premises.
- Hours of operation 7am to 6pm, Monday to Saturday for the Light Industrial Premises.
- Removal and pruning of trees to facilitate the development.
- Excavation to facilitate the development.
- Landscape planting along the Jubilee Avenue Frontage.



Figure A - Photo montage of the proposal prepared by SBA Architecture.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.6 Exceptions to development standards
Pittwater Local Environmental Plan 2014 - 6.1 Warriewood Valley Release Area

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
 Pittwater Local Environmental Plan 2014 - 7.3 Flood planning
 Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments
 Pittwater 21 Development Control Plan - D16.6 Front building lines
 Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

SITE DESCRIPTION

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| Property Description: | Lot 202 DP 1019363 , 15 Jubilee Avenue WARRIEWOOD NSW 2102 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the southern side of Jubilee Avenue.</p> <p>The site is regular in shape with a frontage of 100.6m along Jubilee Avenue and a depth of 45.3m. The site has a surveyed area of 4555m².</p> <p>The site is located within the B7 Business Park zone and is currently a vacant site.</p> <p>The site has a moderate slope from the eastern half to the western half with an overall fall of 6m and a slight fall to the south-western corner. The site is burdened by a 1m wide drainage easement along the rear (southern) boundary, a 3m wide drainage easement along the western boundary, and a 4m wide Sydney Water sewer easement centrally located through the site.</p> <p>The site has a number of medium and tall canopy trees located in the south-western corner of the site and a number of medium height trees along the western edge adjacent to the stormwater easement. There is one large Swamp Mahogany tree in the north-western corner of the site and two within the road reserve at the north-western corner.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by various mixed use developments, warehouses and industrial buildings. To the west of the site is a multi level mixed use development with a 6m wide landscape buffer to Jubilee Avenue. To the south are industrial developments presenting a nil setback blank wall to the shared common boundary, up to 10.5m in height. To the east is a site containing a dwelling house, shed, paddocks and associated outbuildings currently used a residential property. The land to the west containing the dwelling and associated structures is zoned IN2 Light Industrial. Across the road to the north is a large warehouse development with a generous landscape buffer to Jubilee Avenue. To the north-west</p> |

across the road is a mixed use development with a three storey glazed building facade to Jubilee Avenue.

Map:



SITE HISTORY

The land has been vacant for an extended period of time. A search of Council's records has revealed the following relevant history:

- N0316/16 for Relocating two (2) shipping containers to the site and using them for the purpose of a storage premises was approved by Council on 13/10/2016.
- DA2019/0268 - Use of the land as an ancillary recreation area for the warehouse and distribution centre, approved by Council on 27 August 2019.
- PLM2020/0045 - Prelodgement meeting for construction of a warehouse development was held on 17 March 2020.
- DA2020/1039 - Use of the premises as a transport depot (Bus Depot), application was withdrawn on 11 November 2020.

Application History

Amended plans were received for the application in response to Council's referral comments and DSAP comments. The changes included minor adjustments to the building facade, clarification of height plane, inclusion of solar panels and detailing of flood construction for the building. The changes are not considered to increase the impact of the development and therefore do not trigger re-notification of the application.

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 |
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| 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 | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The application is accompanied by a Detailed Site Investigation with regards to contamination which concludes the site presents a low risk to contamination based on site analysis and history of previous uses. The site is deemed suitable for the development. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Pittwater 21 Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(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 allow Council to request additional information. Additional information was requested in relation to geotechnical forms, amended clause 4.6 variation (to reference correct height) and response to DSAP recommendations following DSAP meeting.</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 clause is not relevant to this application.</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 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 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 |
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| | 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 Pittwater 21 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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 27/05/2021 to 10/06/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

| Name: | Address: |
|---------------------------|---|
| Mr Peter William McDonald | 10 / 6 Foley Street MONA VALE NSW 2103 |
| Mr David O'Neill | 4 Foley Street MONA VALE NSW 2103 |
| Pittwater RSL Club Ltd | 80 - 82 Mona Vale Road MONA VALE NSW 2103 |

The application received three submissions. One (1) of the submissions was in support of the application and the other two, whilst not expressively objecting to the development in principle, asking considerations of issues to be resolved prior to Council granting consent.

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

- Please ensure the shared pathway at the site frontage is extended to the shared pathway that dead ends on Warriewood road and goes around the corner down Jubilee road.
- Request the acoustic report to be updated to include assessment of noise for night time use of storage units and removal truck movements.
- Request for flooding to be resolved to Council's satisfaction.
- Identify within the construction management plan that no workers are to park on at the RSL Club during the construction period.
- Request parking signs be placed along Jubilee Avenue at completion of the construction period (2-hour parking or similar), to stop the probable proliferation of caravans and boat trailers etc. that cannot be accommodated on site.

The matters raised within the submissions are addressed as follows:

- *Please ensure the shared pathway at the site frontage is extended to the shared pathway that dead ends on Warriewood road and goes around the corner down Jubilee road.*
Comment:
The shared footpath is not required this to be delivered as part of the development and there is not direct nexus between development of the site and construction of a shared pathway at the site frontage by the applicant. Development contributions are recommended within the conditions which will contribute to the provision of a shared footpath to be provided as part of Council's capital works program. Council's landscape officer and contributions officer have considered the provision of a future pathway in the context of the street trees to be delivered at the site frontage and the proposal is satisfactory in this regard.
- *Request the acoustic report to be updated to include assessment of noise for night time use of storage units and removal truck movements.*
Comment:
The applicant has updated the acoustic report as requested by Council's EHO to account for night time use of storage units. Council's EHO has reviewed the updated report and is satisfied this has been addressed, supporting the proposal subject to consent conditions.
- *Request for flooding to be resolved to Council's satisfaction.*
Comment:
The application is accompanied by a flood report and the architectural plans have been updated to show the flood construction for the subfloor area of the building, as required by Council's flood engineer. Council's flood engineer supports the proposal subject to conditions.
- *Identify within the construction management plan that no workers are to park on at the RSL Club during the construction period.*
Comment:
Council's traffic engineer has provided conditions for a construction traffic management plan. In light of the above issue raised, an additional point has been added to this condition to specify that the construction traffic management plan shall include a direction that construction workers

do not park in the Pittwater RSL car park.

- *Request parking signs be placed along Jubilee Avenue at completion of the construction period (2-hour parking or similar), to stop the probable proliferation of caravans and boat trailers etc. that cannot be accommodated on site.*

Comment:

Council's traffic engineer has provided a condition of consent which requires indented parallel parking to be provided along the frontage of the development site together with associated signage and line larking to be approved by the Local Traffic Committee. Should it be decided to place time limited parking via signage, this will be implemented by the Local Traffic Committee if considered necessary.

REFERRALS

| Internal Referral Body | Comments |
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| Design and Sustainability Advisory Panel | <p>Recommendation - Supported</p> <p>The application was referred to the Design Sustainability Advisory Panel (DSAP).</p> <p>The DSAP Panel provided their general support for the proposal in the concluding comments which were as follows:</p> <p><i>The Panel supports the proposal in its current form, if accompanied by more detailed landscape design.</i></p> <p><i>The panel strongly encourages the applicant and architect to investigate strategies to make this building 'net ZERO ready' through a range of initiatives mentioned and others.</i></p> <p><i>The panel believes that high efficiency low carbon buildings (even relatively straight forward light industrial buildings) will be in higher demand.</i></p> <p>The applicant has provided a response to each of the DSAP recommendations in a letter to Council and incorporated some of the recommendations such a solar panels, additional visual interest to the facade through projecting panels and rainwater reuse into to the design. The applicant has provided a landscape plan which has been reviewed by Council's landscape officer, who has recommended conditions regarding landscape planting at certain densities and proximity to the proposed building. The applicant has liaised with Council's landscape officer to achieve a satisfactory outcome with regards to the landscape scheme for the site and Council's landscape officer supports the proposal subject to conditions. The issue of landscaping is considered to have been addressed in a satisfactory way.</p> <p>Some of the recommendations which are 'strongly encouraged' by the</p> |

| Internal Referral Body | Comments |
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| | <p>DSAP to further improve the development have been reviewed by the applicant however have not been included into the design, for instance inclusion of outdoor seating by removal of two car parking spaces or the inclusion of low embodied carbon concrete into the proposal. The non-inclusion of these recommendations by the applicant into the proposal would not have determining weight for Council to refuse that application and therefore, as the DSAP panel indicated their general support for the scheme the application can be supported without all of the recommendations being incorporated.</p> |
| <p>Building Assessment - Fire and Disability upgrades</p> | <p>Supported Subject to conditions</p> <p>The application proposes excavation works, tree removal and the construction of a mixed-use development for 59 self-storage units and 24 light industrial units.</p> <p>The proposed building/s consists a two-level warehouse and strata storage facility and three-level self-storage facility. A BCA report has been submitted with the application which addresses key issues satisfactorily.</p> <p>No objections subject to conditions.</p> |
| <p>Environmental Health (Contaminated Lands)</p> | <p>Recommendation - Supported subject to conditions</p> <p>Detailed Site Investigation report demonstrates a low likelihood of site contamination. Environmental Health are satisfied that the land is suitable for the proposed use.</p> |
| <p>Environmental Health (Industrial)</p> | <p>Recommendation - Supported subject to conditions</p> <p>Environmental Health has reviewed the amended Acoustic Report prepared by Acoustic Dynamics dated 3 June 2021. The report has included operational noise associated with the 24 storage units. Suitable conditions will be applied based on recommendations made within the report to ensure the amenity of the sensitive receivers is protected to reduce noise impacts.</p> |
| <p>Landscape Officer</p> | <p>Recommendation - Supported subject to conditions</p> <p>The development application is for construction of a mixed-use development containing self-storage units and light industrial units.</p> <p>Council's Landscape Referral staff have assessed the proposal against Pittwater Local Environment Plan zone B7 Business Park and the following Pittwater 21 DCP Controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C2.1 Landscaping |

| Internal Referral Body | Comments |
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| | <ul style="list-style-type: none"> • C2.20 Public Road Reserve - Landscaping and Infrastructure • D16 Warriewood Valley Locality, in particular D16.1 Character as viewed from a public place <p>A Landscape Plan and a Arboricultural Impact Assessment is provided in accordance with Northern Beaches Council's DA Lodgement requirements.</p> <p>Clause C2.1 control requires that any canopy trees are to be located a minimum of five metres from any footing walls of the built structure of the development. A range of ground covers shrubs and trees shall be provided to soften the built form from the street. The Landscape Plan proposal generally achieves the requirement of the control. The Landscape Plan provides for mass planting of the front setback including tree and understory shrub and groundcover planting, as well as street tree planting. The Landscape Plan adequately addresses pedestrian and driver visibility at site entrances with low groundcovers selected that will be a condition of consent to ensure vegetation does not exceed one metre in height within a splay of the driveway as determined by Traffic Engineers.</p> <p>Clause C2.20 control requires landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres. The Landscape Plan proposes street tree planting and this is acceptable subject to conditions.</p> <p>Clause D16.1 control requires development to be softened by landscaping, and the Landscape Plan proposal achieves this adequately, subject to conditions of consent.</p> <p>The Arboricultural Impact Assessment includes reference to the requirement to remove vegetation within adjoining property. A signed owners consent has been provided by the owner of property 185 Warriewood Rd Warriewood agreeing to this and Council raise no objections to this based on the recommendations of the Arboricultural Impact Assessment.</p> <p>Signed owners consent from adjoining property at 10 Apollo St Warriewood is also provided for arboricultural pruning works to the existing Phoenix Palm identified as T27 in the Arboricultural Impact Assessment agreeing to the required pruning works and Council raise no objections to this based on the recommendations of the Arboricultural Impact Assessment.</p> <p>The Arboricultural Impact Assessment proposes the retention of street trees identified as T8, T9, and T10 (all Swamp Mahogany), and retention of T11 and T11b (both Cheese Trees) within the site. All other existing trees within the site are proposed for removal including native trees and Exempt Species that are not retainable based on the development footprint. The Landscape Plan adequately provides for the replacement of native trees and these are located within the front setback.</p> |

| Internal Referral Body | Comments |
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| | <p>Subject to Planning merit approval, Landscape Referral raise no objections to the development proposal.</p> <p>RECOMMENDATION</p> <p>Approval</p> |
| NECC (Development Engineering) | <p>Recommendation - Supported subject to conditions</p> <p>The stormwater plan proposing to discharge to the existing channel along the western boundary of the site via and OSD system is satisfactory. No objections to approval subject to conditions as recommended.</p> |
| NECC (Stormwater and Floodplain Engineering – Flood risk) | <p>Recommendation - Supported subject to conditions</p> <p>The application is for the construction of a mixed use development of self-storage and light industrial units. The subject site is identified as flood prone in the Ingleside, Elanora and Warriewood Overland Flow Flood Study, 2019. The application is supported by a Flood Risk Management & Evacuation Strategy Report prepared by Lindsay Dynan dated 7 May 2021. This includes a number of proposed measures to ensure that there is no net loss of flood storage and that the development including piers is located outside the floodway. The minimum floor level of the development is also set at the Flood Planning Level. The application is considered compliant with Council's requirements for developing flood prone land, subject to conditions.</p> |
| NECC (Water Management) | <p>Recommendation - Supported subject to conditions</p> <p>The applicant has provided adequately for stormwater treatment. Please note that a cap must be added to the flushing point for the bio-retention basin. The landscape plan needs to be updated to show the location and landscaping of the bio-retention basin. Conditions apply.</p> |
| Strategic and Place Planning (Urban Design) | <p>Recommendation - Supported</p> <p>The development application seeks consent for excavation works, tree removal and the construction of a mixed-use development for 59 self-storage units and 24 light industrial units. The proposal can be supported for the following reasons:</p> <ol style="list-style-type: none"> 1. The eastern side of the building sits comfortably below the 11-metre maximum building height permitted where it adjoins the residential neighbour. The extent of height breach ranges up to about 1.8m above the 11-metre height limit but considering the 10.5m height limit permissible above the flood planning level, the breach is about 1m. The minor variation (9.5% variation) to the height of buildings standard will not result in any adverse impact on the character of the locality. 2. The proposed front setback is consistent with the 6m (6.5m required D1.8 PDCCP) setback of the adjoining commercial/industrial building to the west. The proposed front |

| Internal Referral Body | Comments |
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| | <p>setback landscape buffer which consists of trees, shrubs and groundcovers integrated with existing vegetation will soften the street frontage impact.</p> <p>3. The proposal has addressed the potential visual and acoustic impacts on the neighbouring residential dwellings with the following features:</p> <ul style="list-style-type: none"> • The proposed development is setback 3m from the eastern boundary (with the exception of a pedestrian ramp) to provide a landscape buffer to soften and screen views of the building from the adjoining property. • A 2.4m high acoustic barrier will be provided along the eastern side of the car park area and part of the pedestrian ramp to minimise potential acoustic impacts from Level 1 on the residential dwelling at 19 Jubilee Avenue. • The development height is below the 11-metre height limit on the eastern side which will minimize the visual and shadow impact of the building on the adjoining dwelling. The shadow diagrams show that the development will not shadow the adjoining dwelling at any time between 9am and 3pm on 21 June and majority of the open space of the adjoining dwelling will receive over 3 hours of solar access. <p>4. The proposed signages are appropriate to the existing character of the area. The size and location of the building signage is appropriate to the size and scale of the building façades. The flush mounted signs will not be illuminated so there will be no impact on the adjoining residential property.</p> |
| Strategic and Place Planning (S94 Warriewood Valley) | <p>Supported subject to conditions</p> <p>The proposed development comprises:</p> <ul style="list-style-type: none"> • Excavation; • Tree removal; and • Construction of a mixed-use development comprising 59 self-storage units and 24 light industrial units. <p>The development site is Lot 202 DP1019363 and is identified as 15 Jubilee Avenue, Warriewood.</p> <p>The Warriewood Valley Development Contributions Plan (Amendment 16 Revision 3) 2018 applies to the land and the development. The Contributions Plan provides the mechanism by which development contributions can be levied on developments within the catchment area to fund the provision of public services and facilities that will be required to meet the needs of the future residents and workers of the Warriewood Valley Release Area.</p> <p>The development site is zoned B7 Business Park and is identified as Sector 105 in the Contributions Plan. The proposed development will increase demand for the public infrastructure in the Contributions Plan. A development contribution will be levied in accordance with the</p> |

| Internal Referral Body | Comments |
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| | <p>Contributions Plan.</p> <p>The Contributions Plan levies contributions for commercial/industrial development on a square metre basis, utilising the total developable area of the site (being the total site area minus any creek line corridor). The submitted Survey Plan identifies that the site is 4,554sqm in size. The site does not contain any creekline corridor.</p> <p>Figure 9 in the Contributions Plan identifies that the site is also subject to the Ponderosa Parade Drainage Strategy. The contributions levied on this development will include the apportioned costs associated with the forward funding of drainage infrastructure identified in this strategy.</p> <p>The current contribution rate for commercial/industrial development within the Ponderosa Parade Drainage Strategy is \$218/sqm.</p> <p>It is noted that the DA proposes planting of street trees within the Council road reserve. Council's Landscape Architect supports the proposal. Council's Traffic Engineer supports the proposal subject to conditions including the provision of indented parallel parking in Jubilee Ave for the length of the subject site.</p> <p>The Contributions Plan and the Warriewood Valley Landscape Masterplan identify that a 2.5m wide shared path will be provided in the Jubilee Avenue road reserve, fronting the development site. It is unlikely that the road reserve will have adequate width to support indented parallel parking, landscaping and the future shared path. This conflict should be discussed with Council's Landscape Architect and Traffic Engineer and resolved prior to determining the DA.</p> <p>Following resolution of the issue identified above, the application can be supported with conditions of consent.</p> <p><i>*Planner Comment: The issue regarding the future shared pathway has been discussed with Council's traffic engineer and landscape officer. Council's traffic engineer has agreed that indented parking across the full width of the site is unnecessary in the context of the shared pathway to be provided. Therefore, this requirement has been removed from the recommended conditions and only signposting/linemarking of the existing indent parking is required. Council's landscape officer is satisfied with this outcome, given it will not result in additional reduction of the road reserve for the remainder of the site frontage.</i></p> |
| Traffic Engineer | <p>Recommendation - Supported subject to conditions</p> <p>The proposed development involves the construction of a multi-unit industrial development with ancillary offices as well as a "ranch style" self-storage facility on an existing vacant site. A total of 24 units are proposed over two levels comprising a cumulative industrial floor area of 1,491m², and a cumulative office floor area of 956m². A "ranch</p> |

| Internal Referral Body | Comments |
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| | <p>style” self-storage facility is also proposed on the lower level comprising a total of 59 units with a cumulative floor area of 1,551m², which allows vehicles to park adjacent to their storage unit.</p> <p>Off-street car parking is proposed for a total of 40 cars in car parking areas throughout the site.</p> <p>Loading / servicing for the proposed development is proposed to be undertaken by a variety of commercial vehicles up to and including 6.4m long Small Rigid Vehicles (SRV trucks) and 8.8m long Medium Rigid Vehicles (MRV trucks).</p> <p>Vehicular access to the lower level is proposed to be provided via the existing combined entry and exit driveway located towards the western end of the Jubilee Avenue site frontage.</p> <p>Vehicular access to the upper level is proposed to be provided via a new combined entry and exit vehicular access driveway located at the eastern end of the Jubilee Avenue site frontage.</p> <p>Parking: The proposal includes the parking provision of 40 parking spaces which satisfies the parking requirements as follows: Industrial (1,491m²): 19.4 spaces Ancillary office ≤ 20% of total floor area (489.4m²): 6.4 spaces Ancillary office > 20% of total floor area (466.6m²): 11.7 spaces Self-storage (1,551m²): 0 spaces Total: 37.5 spaces</p> <p>The proposed development makes provision for a total of 4 motorcycle spaces on the lower level parking area, thereby satisfying Pittwater DCP motorcycle parking requirements.</p> <p>Traffic Impact: The Traffic generation of the development proposal is projected to be 40 vehicles per peak hour. The proposed traffic generation is considered acceptable in the context of the land zoning objectives of the site and is not considered to have significant traffic implications on the road network.</p> <p>Vehicular Access: The manoeuvring areas and driveway have been designed to accommodate the swept turning path of 6.4m SRV trucks and 8.8m MRV trucks. However, the driveways do not accommodate two vehicles to enter and exit at the same time. Given the proposed use and projected traffic generation, the western driveway is to be modified to accommodate the simultaneous ingress and egress of a B99 vehicle and small rigid truck (SRV), and the eastern driveway to accommodate the simultaneous ingress and egress of two small rigid trucks (SRVs).</p> <p>Conclusion: The proposed application can be supported subject to conditions.</p> |

| External Referral Body | Comments |
|------------------------|--|
| Ausgrid: (SEPP Infra.) | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |

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.

In response to the above requirements of the SEPP, the applicant has submitted a Detailed Environmental Site Investigation dated 7 May 2021 and prepared by EI Australia. In its conclusion, the investigation states:

- *The site has no history of contaminating land uses.*
- *The site is free of statutory notices and licencing agreements issued under the Contaminated Land Management Act 1997 and Protection of the Environmental Operations Act 1997. The site is not included on the list of NSW contaminated sites notified to the EPA.*
- *A visual site inspection revealed not evidence of gross contamination, including fragments of fibre cement sheeting. No suspicious odour was present at the inspection , or an of the field (sampling) works.*
- *No evidence of underground storage tanks or above ground storage tanks on the site.*
- *Contaminant concentrations in the representative soil samples were all below the adopted ecological and human health criteria applicalbe to commercial land use scenarios.*
- *No evidence of contamination of ground water above suitable commercial levels in the representative samples, or presence of heavy metals above what is considered to be natural (background) concentrations for a urbanised area and not as a result of on-site impacts.*

Conclusion - Based on the finds of this DSI and with due consideration of EI's Statement of Limitations, it was concluded the potential for site contamination low. Both soils and groundwater were considered to be suitable for the proposed commercial development, in accordance with SEPP 55 - Remediation of Contaminated Land.

Council is satisfied that the land is suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as recommended conditions at the end of this report.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

| Matters for Consideration | Comment | Complies |
|--|--|-----------------|
| 1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | Yes, building identification / street address sign is consistent with surrounds. | YES |
| Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | Yes, simple nature signage is consistent. | YES |
| 2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | No, not a heritage area of environmentally sensitive area. | YES |
| 3. Views and vistas Does the proposal obscure or compromise important views? | No view impact. | YES |
| Does the proposal dominate the skyline and reduce the quality of vistas? | Does not protrude above buildings. | YES |
| Does the proposal respect the viewing rights of other advertisers? | Does not obscure other signs. | YES |
| 4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | Yes, recessive in scale. | YES |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | Yes, simple signage which does not detract from the facade. | YES |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising? | Yes, simple scheme proposed. | YES |
| Does the proposal screen | Not required to. | YES |

| | | |
|--|--|-----|
| unsightliness? | | |
| Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | Does not protrude. | YES |
| 5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | Yes, compatible with the scale of the building and compatible with scale of surrounding signs. | YES |
| Does the proposal respect important features of the site or building, or both? | No particular aspects to be respected/retained. | YES |
| Does the proposal show innovation and imagination in its relationship to the site or building, or both? | It is a simple direction/identification sign, which is appropriate. | YES |
| 6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | No, not required. | YES |
| 7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation? | Is not illuminated, condition applied to limit illumination. | YES |
| Can the intensity of the illumination be adjusted, if necessary? | Not required, not illuminated. | YES |
| Is the illumination subject to a curfew? | Not required, not illuminated. | YES |
| 8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists? | No impact to road safety. | YES |
| Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | Does not obscure sight lines | YES |

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

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. Ausgrid raised no objections and provided no conditions.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|----------------------|--|---|--------------|----------|
| Height of Buildings: | 11m Clause 4.3(2B) allows 10.5m above the FPL | 7.3m - 13.7m from NGL 11.5m above FPL (Western portion of site only) | Up to 24.55% | No |
| Floor Space Ratio | FSR: 1:1 (4554sqm) | FSR: 0.9:1 (4095.2sqm) | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes |
| 4.3 Height of buildings | No |
| 4.4 Floor space ratio | Yes |
| 4.6 Exceptions to development standards | Yes |
| 6.1 Warriewood Valley Release Area | Yes |
| 7.2 Earthworks | Yes |
| 7.3 Flood planning | Yes |
| 7.10 Essential services | Yes |

Detailed Assessment

4.6 Exceptions to development standards

Description of non-compliance:

| | |
|--------------------------------------|---------------------|
| Development standard: | Height of buildings |
| Requirement: | 11m |
| Proposed: | 7.3m - 13.7m |
| Percentage variation to requirement: | 24.55% |

The non-compliant portion of building is concentrated at the western edge of the site, as shown in the below figures provided by the Architect showing the height plane from both the natural ground level and the flood planning level. The vast majority of the building (as shown in figure 1) is below the 11m height plane, with the non-compliance at the western end of the site the portion of the site which is impacted by flooding. Clause 4.3(2B) provides that development on land at or below the flood planning level and has a maximum 11m building height, may exceed 11m, but not more than 10.5m above the flood planning level (FPL). The western portion of the site is flood affected and the nominated floor planning level is RL 18.4 which is the adopted minimum ground floor level throughout the development.

The departure from the development standard is measured from the 11m height plane from Natural Ground Level (NGL) in the circumstances the building exceeds a height of 10.5m above the FPL as prescribed by Clause 4.3(2B). Therefore, whilst a portion of the building is up to 11.5m above the FPL (grid line B in Figure 2) and considered a more minor departure as measured from the FPL (9.5%), because this exceeds 10.5m from FPL the development must be considered against the 11m development standard from NGL. This results the western portion of the building being up to 13.7m from the natural ground level (grid line C in Figure 2) or a departure of 24.55% from the 11m development standard. The non-compliance is exacerbated in this portion of the site due to a depression in the land which forms part of a drainage easement running along the western boundary of the site.

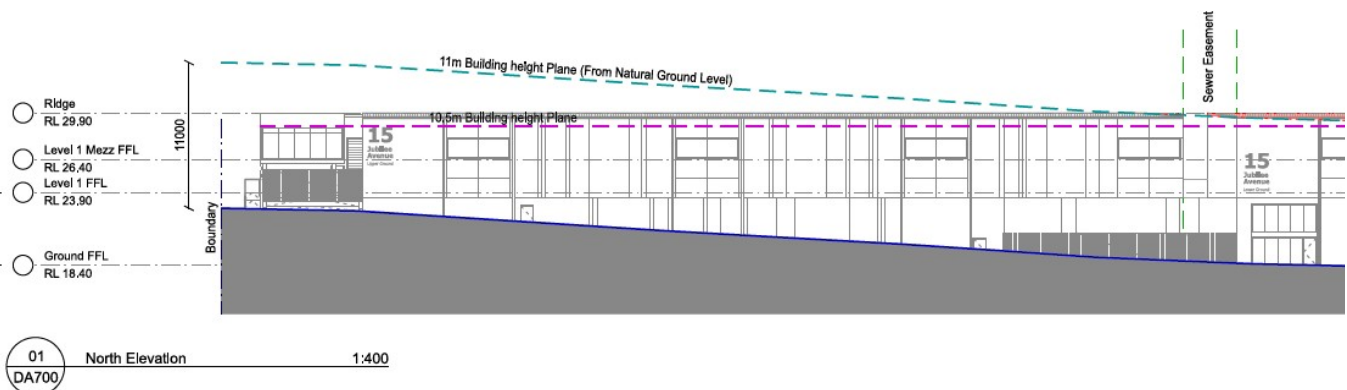


Figure 1 - Jubilee Avenue (north) elevation shown with the height plan above natural ground level and flood planning level. SBA Architecture.

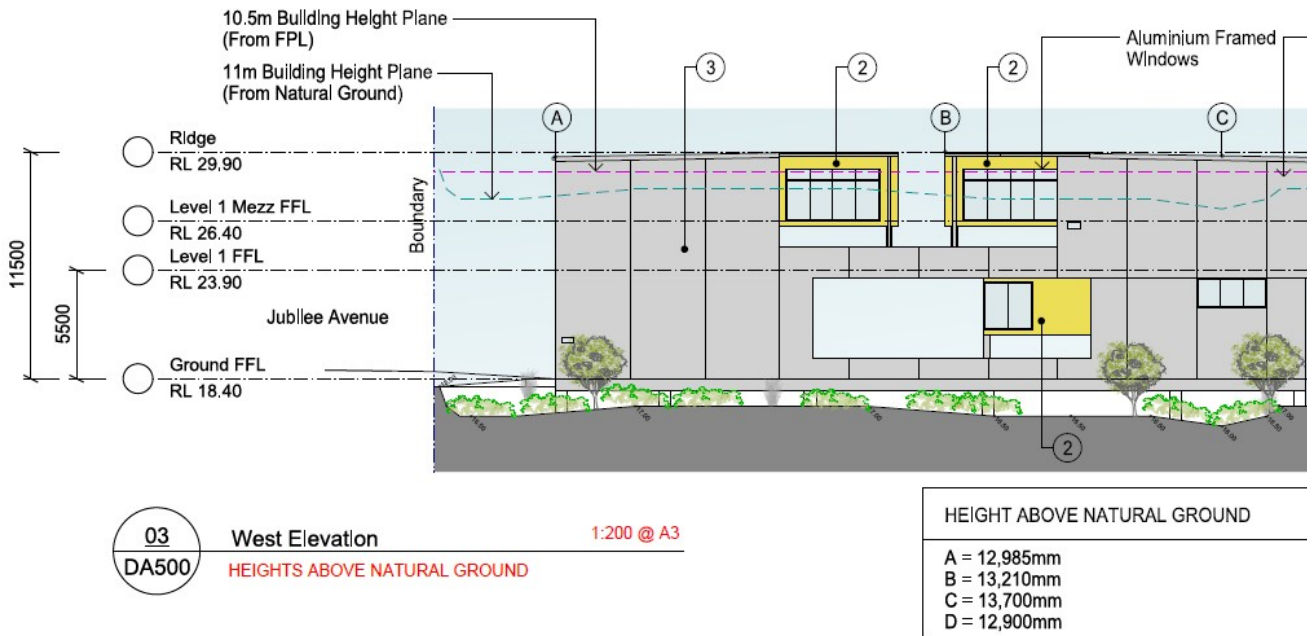


Figure 2 - Western elevation height plan, showing natural ground level and flood planning level heights. SBA Architecture.

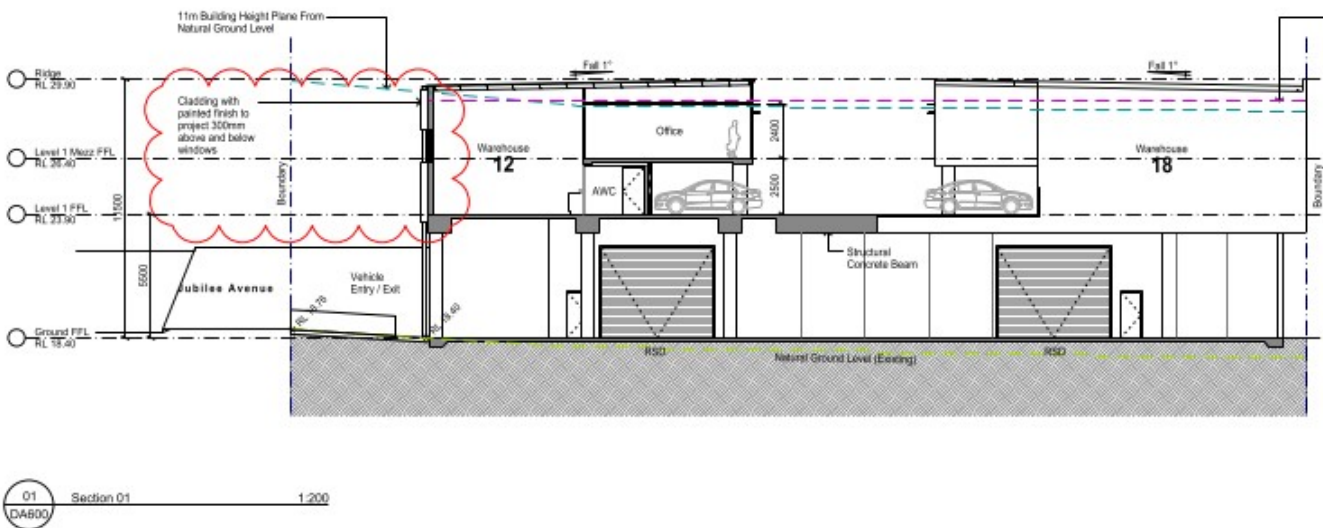


Figure 3 - Section 01 showing extent of variation centrally through western portion of the site. SBA Architecture.

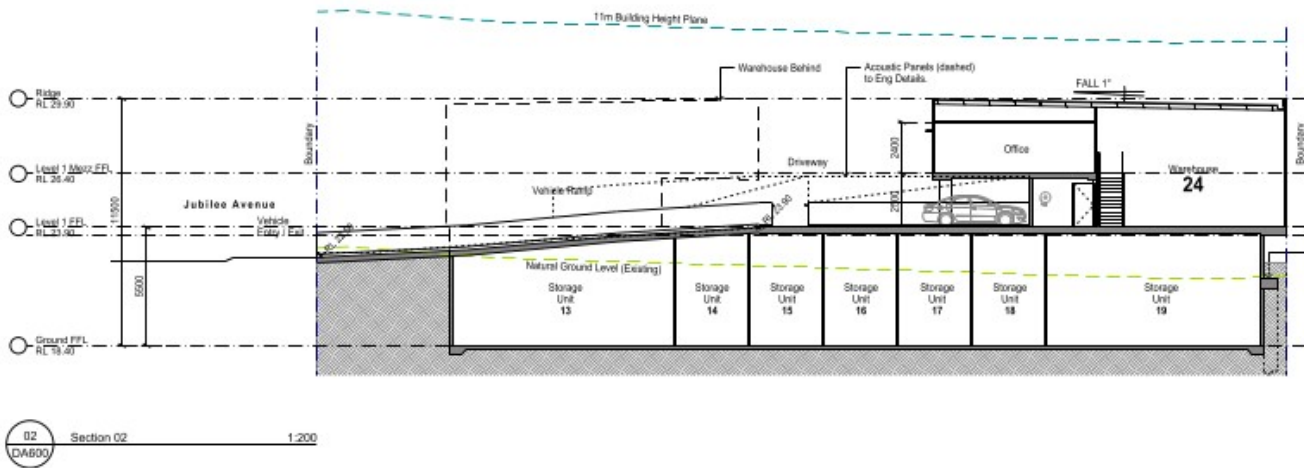


Figure 4 - Section 02 showing compliant building height centrally through eastern portion of the site. SBA Architecture.

Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards:

(1) The objectives of this clause are as follows:

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

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

Comment:

Clause 4.3 - Height of Buildings development standard is not expressly excluded from the operation of this clause.

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

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

(4) Development consent must not be granted for development that contravenes a development

standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) assessment:

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

The Applicant's written request (attached to this report as an Appendix) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The applicants written request argues, in part:

The Land & Environment Court matter of Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- *in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and*
- *there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.*

Section 1.6 of this clause 4.6 request details the proposal's consistency with the objectives of the standard. This discussion addresses key environmental planning grounds being the proposed development's consistency with the desired future character of the locality (in terms of the height and scale of the building) (which relates to objects (c) and (g) of the EP& Act), the impact of the development on the amenity of the adjoining properties (object (g) of the Act) and the impact of the development on the natural environment (object (e) of the Act).

In addition to these environmental planning grounds allowing the variation to the standard ensures that adequate ceiling heights can be provided to the tenancies on the western side of the building. The ceiling heights proposed will allow for the flexible of use of these tenancies. Requiring strict compliance with the standard in this instance would reduce the usability of the tenancies on the western side of the building without delivering a noticeable improvement to the streetscape or any necessary improvement to the amenity of the adjoining properties.

The proposed variation to the height of buildings standard is not associated with any inconsistencies with the objects of the Act. The absence of any inconsistencies with the objects of the Act demonstrates that the proposed development as a whole is an acceptable outcome on the site, despite the variation to one aspect of the development. The proposal's consistency with the objects of the Act (other than those detailed above) is as follows:

- *The development provides an employment generating use on land that has been zoned for such a use. As such the development is consistent with object (c) of the EP&A Act which seeks to promote the orderly and economic use and development of land and object (a) of the act which promotes the social and economic welfare of the community.*
- *The required services and utilities are available to the site (object c of the EP&A Act).*
- *The site has not been identified as having built or cultural heritage significance and as such the*

development is compatible with object (f) of the EP&A Act.

- The pattern and form of the development is compatible with the character of the local area as detailed in the Statement of Environmental Effects that accompanies the application. The development is therefore consistent with object (g) of the EP&A Act despite the variation proposed.*
- The development has been designed to retain existing trees where reasonable and appropriate and provide replacement plantings. Consideration has been given to the vulnerability, position and condition of the existing trees in the design of the development. The development will not impact on any threatened species, ecological communities and their habitats. In this regard the development is consistent with object (e) of the EP&A Act which seeks to protect the environment including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.*
- The floor levels of the building are consistent with the Flood Planning Level of the site to protect the health and safety of occupants (object (h) of the EP&A Act).*
- The development has been designed so that flood storage is not reduced and to ensure that the development does not result in any increased flood risk to other properties (object g and h).*

The specific environmental planning grounds that support the variation are as follows:

- The variation does not result in any unreasonable environmental impacts.*
- The variation does not hinder the attainment of the objects of the Environmental Planning and Assessment Act 1979.*
- The ridge of the building has a maximum height of RL 29.90. This height is generally consistent with the height of the adjoining building to the west which has a height of around RL28.2. The building height is significantly lower than the maximum permitted on the eastern side of the building to provide an appropriate transition to the lower scale development to the east. As the building height is consistent with the height of the adjoining property the proposed built form is compatible with the scale of buildings in the streetscape despite the variation proposed. In this regard the development is consistent with object (g) of the Act which is to promote good design and amenity of the built environment.*
- The variation on the western side of the building is predominately related to the provision of floor levels that meet the flood planning requirements. Drawing 700 prepared by SBA Architects shows the variation is 0.747 metres above the 10.5 metre height limit on the northern side of the western elevation and 1 metre above the 10.5 metre height limit the southern side of the western elevation (being a maximum 9.5% variation when measured from the flood planning level). The variation is in part required to achieve object (h) of the Act which is to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.*

Council Comment

Council generally agrees with the assertions made by the applicant in the written request. Council concurs with the applicants proposition that the building will not have an detrimental visual impact upon the streetscape and will not be out of character in the context of the surrounding buildings. Furthermore, Council agrees there will be no unreasonable impacts upon the surrounding properties and the building has been designed to be compatible with the flood hazard of the land and to not impact adjoining properties by dispersion of flood waters onto adjoining lands. There is considered to be little utility in requiring strict compliance with the development standard in this portion of the site, which would result in reduced floor levels and impact to the functionality of the building which is considered to generate and promote employment opportunities for the Northern Beaches.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) assessment:

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the B7 Business Park zone. An assessment against these objectives is provided below.

Objectives of development standard

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the PLEP 2014 are:

(1) The objectives of this clause are as follows:

a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment:

A review of the surrounding development in the vicinity of the site reveals there to be development of similar size and scale. The immediately adjoining development to the west has a consistent height across the whole Jubilee Road frontage of RL 28.2. Whilst the proposed development is higher than this at 29.9 to the central ridge, the height from the street level is reduced with the slope of the street to the east and therefore on balance, has a scale that is appropriate and provides a transition to the site to the east. Furthermore, the proposed development retains three canopy trees in the north-western corner of the site which assists in softening the corner of the building presenting to Jubilee Avenue. The development to the north-west of the site has a height of up to 13.4m and is within the visual catchment of the site. The proposed development overall has a lesser scale than this building, with the majority of the proposed development being under the 11m height limit.

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

See above, which makes a comparison of nearby development. The height of the development in the context of the surrounding building is compatible, with the majority of the building below the height limit and the portion of building that exceeds the height consisting of a minor portion along

the western edge that is not dissimilar to the scale of buildings within the visual catchment of the site.

c) to minimise any overshadowing of neighbouring properties,

Comment:

The southern property has a blank wall and therefore, will not cause loss of solar amenity for the southern properties. The adjoining development to the west will retain reasonable solar access with north facing windows maintaining solar access. The adjoining building to the east will not be overshadowed, as shown in the submitted shadow diagrams and this is partially due to the level change of the site.

d) to allow for the reasonable sharing of views,

Comment:

No view impacts result from the development.

e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The site is impacted by flooding which must be respected in setting the ground floor levels above the FPL. The building has been designed to allow free flow of flood waters beneath and to not reduce flood storage for the site. The building is partially excavated into the land at the eastern end of the site to reduce the overall height of the building adjoining the eastern site. The building does not change the drainage easement at the western side in order to maintain the existing flood drainage and flood behavior of the land and surrounding properties.

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment:

The proposal provides an adequate landscape buffer along the street elevation and maintains three canopy trees in the north-western corner of the site to assist in softening development as viewed from the public domain for the non-compliant portion of the building. The site is not adjacent to a heritage item or in a heritage conservation area.

Zone objectives

The underlying objectives of the B7 Business Park zone are:

- *To provide a range of office and light industrial uses.*

Comment: The proposal provides a variety light industrial units of differing size along with storage units, both permissible in the zone.

- *To encourage employment opportunities.*

Comment: The proposal will generate employment by providing additional space for light industrial uses and storage facilities which could be used by surrounding businesses on the Northern Beaches.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Comment: The storage units can be used by other businesses as necessary for the surrounding areas. The light industrial units are capable of providing service based uses (such as repair and maintenance) which support surrounding businesses and workers.

- *To provide healthy, attractive, functional and safe business areas.*

Comment: The proposal whilst utilitarian in nature, provides some articulation to the facade via projecting colored panels and two building entrances providing breaks in the building. A 6m wide deep soil landscaping area is provided at the site frontage to provide an attractive facade. The driveway and aisle widths within the development are safe and functional.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the B7 Business Park zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Local Planning Panel.

6.1 Warriewood Valley Release Area

The land is mapped as being within the 'Warriewood Valley Release Area'. The land is not within a 'buffer area' or 'sector' which requires a particular dwelling density to be met, as required by the table shown in subclause (3).

However, subclause (4) applies to all development within the Warriewood Valley Release Area, including the subject land. This requires the following:

(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following—

(a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors

(b) the water quality and flows within creek line corridors,

(c) the stability of the bed, shore, and banks of any watercourse within creek line corridors.

Comment: The application has been referred to Council's Water Management Team who provide

referral advice on proposed developments within Warriewood Valley, including water quality treatment for developments. The application is accompanied by a Water Management report which has been reviewed by Council's Water Management team who are supportive of the proposal, subject to consent conditions outlined in their referral response and included at the end of this assessment report.

Council is therefore satisfied the matters listed in subclause (4) have been adequately addressed.

7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

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

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

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

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

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

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

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

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

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

Comment: The excavated material will be processed according to the Waste Management Plan for the development.

(f) the likelihood of disturbing relics

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

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

Comment: The proposed development is accompanied by a water management report and has been reviewed by Council's Water Quality Team, who is supportive of the application subject to conditions.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

7.3 Flood planning

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is compatible with the flood hazard of the land.

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

(c) incorporates appropriate measures to manage risk to life from flood, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development incorporates appropriate measures to manage risk to life from flood.

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Comment: The development has been assessed by Council's Flood Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the

development is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Pittwater 21 Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---------------------|---------------------------------------|---|--------------|-----------|
| Front building line | 6.5m | 6m | 7.6% | No |
| Rear building line | 3m - South | 0m | 100% | No |
| Side building line | 3m - East | 1.8m access ramp 3m building | 40% N/A | No Yes |
| | 3m -West | 3m building | N/A | Yes |
| Landscaped area | 25% Min 3m dimensions (1138sqm) | 15% min 3m dimensions (676.5sqm) All dimensions (719.4sqm) | 40% | No |

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted | Yes | Yes |
| A4.16 Warriewood Valley Locality | Yes | Yes |
| B1.4 Aboriginal Heritage Significance | Yes | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | Yes | Yes |
| B3.11 Flood Prone Land | Yes | Yes |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land | Yes | Yes |
| B5.15 Stormwater | Yes | Yes |
| B6.3 Off-Street Vehicle Parking Requirements | Yes | Yes |
| B8.1 Construction and Demolition - Excavation and Landfill | Yes | Yes |
| B8.3 Construction and Demolition - Waste Minimisation | Yes | Yes |
| B8.4 Construction and Demolition - Site Fencing and Security | Yes | Yes |
| B8.5 Construction and Demolition - Works in the Public Domain | Yes | Yes |
| B8.6 Construction and Demolition - Traffic Management Plan | Yes | Yes |
| C3.3 View Sharing | Yes | Yes |
| C3.7 Pollution Control | Yes | Yes |
| C3.10 Waste and Recycling Facilities | Yes | Yes |
| C5.9 Signage | Yes | Yes |
| C6.1 Integrated Water Cycle Management | Yes | Yes |
| C6.2 Natural Environment and Landscaping Principles | Yes | Yes |
| | | |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| C6.3 Ecologically Sustainable Development, Safety and Social Inclusion | Yes | Yes |
| C6.5 Utilities, Services and Infrastructure Provision | Yes | Yes |
| D16.1 Character as viewed from a public place | Yes | Yes |
| D16.5 Landscaped Area for Newly Created Individual Allotments | No | Yes |
| D16.6 Front building lines | No | Yes |
| D16.7 Side and rear building lines | No | Yes |
| D16.9 Solar access | Yes | Yes |
| D16.11 Form of construction including retaining walls, terracing and undercroft areas | Yes | Yes |
| D16.12 Fences | Yes | Yes |
| D16.13 Building colours and materials | Yes | Yes |

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The proposal includes the parking provision of 40 parking spaces which satisfies the parking requirements based on the rates applicable to the proposed floor area as follows:

Industrial (1,491m²): 19.4 spaces

Ancillary office ≤ 20% of total floor area (489.4m²): 6.4 spaces

Ancillary office > 20% of total floor area (466.6m²): 11.7 spaces

Self-storage (1,551m²): 0 spaces

Total Required : 37.5 spaces required

Total Provided : 40 Spaces (Surplus of 2 spaces)

The proposed development makes provision for a total of 4 motorcycle spaces on the lower level parking area, thereby satisfying Pittwater DCP motorcycle parking requirements.

The above assessment has been provided by Council's Traffic Engineer who is satisfied with the parking provided for the site, noting, the 'ranch style' self storage units allow parking adjacent to each storage unit for unloading/loading of goods and therefore are not considered to generate the requirement for any additional car parking spaces within the site given the nature of the use, as justified in the traffic report. This is concurred with by Council's Traffic engineer who supports the proposal.

D16.5 Landscaped Area for Newly Created Individual Allotments

DCP Control

The DCP requires that 25% of the site area is landscaped and these areas have a minimum 3m dimension.

The proposed development provides 15% landscaping of the site area with a 3m dimension.

Merit Consideration

It is noted that the nil rear setback is supported for other reasons outlined under Clause D16.7 of this assessment report, rather than the required 3m rear setback under the DCP. These reasons pertain to the limited utility a 3m wide landscape strip at the rear of the site would offer in the context of the adjoining sites to the south also having a nil setback. Should the site have provided a 3m wide landscape strip an additional 284sqm of landscaping or an additional 6% landscaping would be added to the site.

The application is accompanied by a landscape plan which demonstrates a good quality of landscaping to the front setback area, supported by Council's landscape officer.

In consideration the variation to the control, the proposal is assessed against the outcomes as follows:

Conservation of significant natural features of the site and contribution to the effective management of biodiversity.

Comment: Some tree removal is required within the south-western corner of the site which sits within the building footprint. Removal of these trees would be reasonably expected in any redevelopment of this site. The significant canopy trees at the front north-western corner of the site are retained to assist in retaining street character. Council's landscape officer raises no objection to removal of the trees in the centre of the site and the land is not in an identified biodiversity area.

Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.

Comment: The front setback area is provided with landscape planting and medium and tall canopy trees which will assist in contributing to the landscape street character of the street. An adequate landscape buffer is provided along the front and side boundaries to achieve the character of the area.

Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.

Comment: The landscaping within the front setback area is satisfactory in providing a landscape setting for the street frontage. The site is not within an identified wildlife or biodiversity corridor. Council's water management team have reviewed the water quality and quantity measures for the development in the context of Warriewood Valley and the proposal is satisfactory subject to conditions of consent.

The area of site disturbance is minimised.

Comment: The side, front and rear boundaries have sufficient deep soil area to provide meaningful landscape planting for the site. The development has been designed to respond to the flood affectation of the site by allowing flood waters to flow beneath the buildings, not altering the flood conditions of the land or adjoining land.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Comment: Council's flood engineers and water management team have reviewed the proposal and are satisfied subject to conditions of consent.

Landscaped areas should be predominately areas of deep soil.

Comment: The areas of landscaping within the site are deep soil areas capable of accomodating landscape planting and medium/tall canopy trees.

New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.

Comment: The existing canopy trees at the north-western corner of the site are maintained the blend this corner of the building into the existing street context, with additional landscape planting provided along the front boundary within the 6m deep soil zone.

To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.

Comment: The pathway is not considered to result in unreasonable overlooking of the adjoining site and landscape screening with species capable of reaching 6m in height are proposed along the eastern boundary. The rear of the building does not present overlooking or unreasonable overshadowing of the adjoining rear industrial and commercial developments. Overall, the development does not result in unreasonable amenity impacts.

The proposed development is considered to achieve the outcomes of the control and the PDCP/PLEP and therefore, a variation to the control is supported in this particular circumstance.

D16.6 Front building lines

DCP Control

The DCP requires a front setback of 6.5m be provided. The subject development provides a setback of 6m to the Jubilee Avenue Frontage

Merit Assessment

In considering the merits of the variation, the proposal is assessed against the outcomes of the control as follows:

To achieve the desired future character of the Locality.

Comment: It is noted that the immediately adjoining mixed use development to the west of the site provides a 6m setback for the entirety of the Jubilee Road Frontage. Therefore, when viewed in context of the adjoining development the proposed development will align with this site and provide a consistent visual character for the locality. The 6m setback area will be landscaped to be consistent with the surrounding locality.

The area of site disturbance is minimised and soft surface is maximised.

Comment: The proposed development provides a 6m wide landscape area along the frontage and it is confirmed by Council's landscape officer this is sufficient to allow the establishment of medium and tall canopy trees required to meet the required landscape character of the street, with soft landscaping to treat the development frontage.

The bulk and scale of the built form is minimised.

Comment: The building provides a consistent RL across the site, with the height of the building diminishing relative to the natural ground level at the eastern end of the site providing a transition to the adjoining land to the east. The highest point of the building is screened by established landscape planting in the north-western corner.

To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.

Comment: As described above, the immediately adjoining mixed use development to the west of the site provides a 6m setback for the entirety of the Jubilee Road Frontage. Therefore, when viewed in context of the adjoining development the proposed development will align with this site and provide a consistent visual character for the locality. The 6m setback area will be landscaped to be consistent with the surrounding locality.

Equitable preservation of views and vistas to and/or from public/private places.

Comment: The proposal will not result in a view impact.

Vegetation and natural features of the site are retained and enhanced within the site design to screen the visual impact of the built form.

Comment: The non-compliant front setback does not result in the removal of additional trees. Trees in the road reserve and north-western corner of the site are able to be maintained.

Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.

Comment: Not applicable for this development.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Comment: Reasonable amenity is maintained including solar access and privacy for adjoining properties. The adjoining land to the east is not unreasonably overshadowed.

The proposed development is considered to achieve the outcomes of the control and the PDCP/PLEP and therefore, a variation to the control is supported in this particular circumstance.

D16.7 Side and rear building lines

DCP Control

The DCP requires a 3m side setback to the side boundaries and rear boundaries.

The proposed development provides a 3m setback to the western boundary at the building facade and a 3m setback to the eastern boundary at the building facade. There is a raised pedestrian pathway along the eastern boundary which encroaches into the 3m side setback for a portion of the setback area and is setback 1.8m.

The proposal provides a 1m setback to the ground floor and nil setback to the upper floor at the southern rear boundary. The 1m setback to the ground floor is to allow access to the drainage easement running along the rear boundary.

Merit Consideration

The proposed development provides sufficient visual separation to the side boundaries, being 3m to the facade, to respect the spatial proportions required by the DCP and allow landscaping along the side

boundaries. The encroachment of the pedestrian ramp and pathway along the eastern boundary is considered a minor encroachment which will not add visual bulk and scale to the building as viewed from the road or adjoining properties. There still remains sufficient room for landscaping along the boundary as shown on the landscape plan, with landscape planting capable of reaching 6m in height along the eastern edge of the site.

The two adjoining developments to the rear (south) of the site provide a nil setback and present a blank wall to the site. There is considered little utility in providing a 3m rear setback as there would be little opportunity for the establishment of landscaping do to solar access and the area serving no real purpose with regards to softening the development as viewed from the adjoining properties at the rear, as they consist of a blank wall. Furthermore, a 3m wide corridor could attract collection of rubbish and unwanted storage of goods for businesses, therefore posing potential maintenance and health issues. It has been commented at the Prelodgement meeting by Council's Urban Designer that a narrow corridor at the rear of the building could present issues with regards to Crime Prevention Through Environmental Design (CPTED) and become an undesirable, unusable space with limited surveillance. Therefore, the reduced rear setback is not considered to result in a poor outcome for the site.

The proposal is considered against the outcomes of the control as follows:

To achieve the desired future character of the Locality.

Comment: The area is characterised by light industrial/commercial developments with landscaped front and side setbacks. The proposal is consistent with this, providing a compliant facade separation and opportunity for landscaping along the side and front boundaries, notwithstanding the slight encroachment of the pedestrian ramp on the eastern side. The immediate sites to the rear have a nil rear setback, and therefore, the proposal is not considered inconsistent with other developments in the area.

The area of site disturbance is minimised and soft surface is maximised.

Comment: The proposed development provides 3m wide landscape buffer to the western boundary, and a 3m buffer to at least 50% of the eastern boundary with the remainder occupied by a pedestrian pathway with landscaping within the remaining area between the eastern boundary. Council's landscape officer supports the landscape concept for the site and considers there to be sufficient room to allow the establishment screen planting to soften the eastern elevation.

The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised.

Comment: The building facade is setback a compliant 3m on both side elevations, with the pathway a minor feature not adding noticeable visual bulk and scale for the development. Sufficient width is provided to allow landscape treatment along the side boundaries and this is demonstrated in the submitted landscape plan. The rear setback area will not be seen from the adjoining sites to the rear, as these sites also have a nil setback with no window openings to view the rear of the subject site.

To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places.

Comment: The facade setback is consistent with the 3m requirement, which is the desired visual pattern of development as prescribed by the DCP.

To create usable curtilage areas around buildings for viable access, landscaping and open space.

Comment: The side boundaries can be accessed for maintenance and landscaping treatment. As discussed above, there is considered little utility in providing a 3m wide corridor at the rear of the building as this would not be a desirable or particularly usable space for the site.

Equitable preservation of views and vistas to and/or from public/private places.

Comment: The proposed development does not result in a view impact.

Vegetation and natural features of the site is retained and enhanced within the development site design to screen the visual impact of the built form.

Comment: The non-compliant setback does not result in additional tree removal and should a 3m compliant setback to the rear boundary be provided, the same trees would be impacted. The trees in the south-western corner of the site are within the main building footprint and their removal is considered reasonable with the site redevelopment. Conditions have been recommended for landscape planting and replacement in the front setback.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Comment: The pathway is not considered to result in unreasonable overlooking of the adjoining site and landscape screening with species capable of reaching 6m in height are proposed along the eastern boundary. The rear of the building does not present overlooking or unreasonable overshadowing of the adjoining rear industrial and commercial developments.

The proposed development is considered to achieve the outcomes of the control and the PDCP/PLEP and therefore, a variation to the control is supported in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

CONCLUSION

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

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

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

conditions contained within the recommendation.

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

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

Council is satisfied that:

1) The Applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- b) There are sufficient environmental planning grounds to justify the contravention.

2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

The assessment has considered the key issues of building height, setback controls within the DCP, landscape treatment and the public submissions for the proposal. Each issues is considered to be satisfied as outlined in this assessment report. The application was referred to the DSAP where their general support for the scheme was indicated, subject to landscape refinement. Council's landscape officer has reviewed the landscape scheme for the site and is satisfied subject to conditions.

Therefore, the proposal is considered a suitable outcome for the site, offering additional employment space for the Warriewood Locality whilst being in keeping with the general character of the B7 Zone and surrounding area.

Warriewood Valley Development Contributions Plans

The Warriewood Valley Development Contributions Plan (Amendment 16 Revision 3) 2018 applies to the land and the development. The Contributions Plan provides the mechanism by which development contributions can be levied on developments within the catchment area to fund the provision of public services and facilities that will be required to meet the needs of the future residents and workers of the Warriewood Valley Release Area. The proposed development generates a total development contribution to Council of \$992,772. Council's Development Contributions Planner has provided a response earlier in this report and a recommended condition of consent.

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

RECOMMENDATION

That Northern Beaches Council as the consent authority vary clause 4.3 Height of Building development standard pursuant to clause 4.6 of the PLEP 2014 as the applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/0619 for Construction of a mixed use development comprising 59 self-storage units and 24 light industrial units on land at Lot 202 DP 1019363, 15 Jubilee Avenue, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **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 |
| DA100, Rev E | 16/07/2021 | SBA Architects |
| DA200, Rev E | 13/05/2021 | SBA Architects |
| DA201, Rev C | 11/05/2021 | SBA Architects |
| DA300, Rev E | 15/07/2021 | SBA Architects |
| DA301, Rev C | 11/05/2021 | SBA Architects |
| DA500, Rev D | 15/05/2021 | SBA Architects |
| DA600, Rev D | 16/07/2021 | SBA Architects |

| Engineering Plans | | |
|--------------------------|--------------|--------------------|
| Drawing No. | Dated | Prepared By |
| C0000, P01 | 7/05/2021 | Lindsay Dynan |
| C0010, P01 | 7/05/2021 | Lindsay Dynan |
| C0011, P01 | 7/05/2021 | Lindsay Dynan |
| C0020, P01 | 7/05/2021 | Lindsay Dynan |
| C0021, P01 | 7/05/2021 | Lindsay Dynan |
| C0030, P01 | 7/05/2021 | Lindsay Dynan |
| C0031, P01 | 7/05/2021 | Lindsay Dynan |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|--------------|--------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| Noise Emission Assessment, Rev 1 | 3 June 2021 | Acoustic Dynamics |

| | | |
|---|-------------|------------------------|
| Water Management Report | 7 may 2021 | Lindsay Dynan |
| Geotechnical Report, Rev 3 | 7 May 2021 | EI Australia |
| Arboricultural Impact Assessment Ref 3521 | 5 May 2021 | RainTree Consulting |
| BCA Assessment Report, Rev 01 | 12 May 2021 | Building Control Group |
| Detailed Site Investigation, Rev 2 | 7 May 2021 | EI Australia |
| Flood Risk Management Report, Rev A | 7 May 2021 | Lindsay Dynan |
| Accessibility Report, Ref 210059 | 12 May 2021 | Building Control Group |

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

c) 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 |
| Cover Sheet, Revision A | 6/05/2021 | A Total Concept |
| Landscape Plan, Revision A | 6/05/2021 | A Total Concept |

| Waste Management Plan | | |
|------------------------------|--------------|--------------------|
| Drawing No/Title. | Dated | Prepared By |
| Waste Management Plan | 3 April 2021 | SLR |

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.

2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a 'self-storage unit' and a 'light industry'.

A Self Storage Units is defined as:

“means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).”

A 'light industry' is defined as:

“means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

(a) *high technology industry,*

(b) *home industry,*

(c) artisan food and drink industry.”

(development is defined by the Pittwater Local Environment Plan 2014 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

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.

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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 2018
 - (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.

FEES / CHARGES / CONTRIBUTIONS

5. **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 are required 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, and 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.

6. **Warriewood Valley Contributions Plan - Creekline corridor**

Before the issue of a construction certificate, the applicant must pay a total development contribution to Council of \$992,772 in accordance with the Warriewood Valley Contributions Plan (Amendment 16 Revision 3) 2018. The monetary contribution is based on a total site area of 4,554 square metres.

The monetary contribution payable will be adjusted at the time the payment is made, in accordance with the provisions of the Warriewood Valley Contributions Plan (Amendment 16 Revision 3) 2018.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the

monetary contribution.

A copy of the development contributions plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

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

7. **Public Road Reserve Landscaping and Infrastructure**

A Roads Act application shall be submitted to Council for any works within the road reserve including landscape works.

Street trees as nominated in the Landscape Plan are to be planted at 6 metre centres, pre-ordered for delivery at a 400 litre container size, with a 1m x 1m x 700mm depth tree pit, backfilled with suitable planting medium. Street trees are to be appropriately supported by four post tree guard (minimum 50mm x 50mm) with top and mid rail, and with hessian ties for tree trunks. Root barriers shall be installed to each street tree along the back of kerb and the path, and at a distance of 1 metre from the tree trunk within the turf area, and shall consist of recycled, non-ribbed, high density polyethylene to 450mm depth.

Street trees shall be located following consideration of other existing trees, existing underground utilities and street lighting. The street trees must be maintained for a period of 12 months following the issue of an Occupation Certificate. Any failure due to lack of maintenance will require replacement.

Grassed areas are to be turfed with Couch species (weed free), unless otherwise advised, and even grade to a maximum 4% grade.

All work is subject to a Roads Acts application and approval from Council.

Reason: To enable the long term retention of the desired streetscape character.

8. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by EI AUstralia dated 22/7/2020 are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level of 17.9m AHD

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level of shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – B2

All new development must be designed to ensure structural integrity up to the Flood Planning Level of 18.4m AHD taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level.

Floor Levels – C1

New floor levels within the development shall be set at or above the Flood Planning Level of 18.4m AHD.

Floor Levels – C3

The underfloor area of the dwelling below the 1% AEP flood level is to be designed to allow clear passage of floodwaters. At least 50% of the perimeter of the underfloor area must be of an open design from the natural ground level up to the 1% AEP flood level.

Fencing – F1

New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level. Openings should be a minimum of 75mm x 75mm.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

10. **Detailed Design of Stormwater Treatment and Reuse Measures - Major**

A certificate from a Civil Engineer, stating that the stormwater treatment and reuse measures have been designed in accordance with the approved plans by Lindsay Dynan and the Warriewood Valley Water Management Specification and Council's Water Management for Development Policy.

The certificate shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

11. **Car Parking Standards**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

12. **Car Parking Finishes**

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

13. **Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- Ensure all construction vehicles and workers are instructed to not park within the Pittwater RSL car park.
- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available

- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

14. **Fencing Height / Vegetation**

All fencing and/or vegetation along the road frontage shall not impede pedestrian or driver visibility. This requires that vegetation does not exceed one (1) metre in height within the visibility splay. Appropriate plants shall be selected within the 2.0 x 2.5m splay to ensure this condition is met.

Details shall be provided to the principal certifying authority prior to the issue of the construction certificate.

Reason: To ensure maximum vehicular and pedestrian visibility.

15. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

16. Building Code of Australia requirements and Fire Safety Upgrade

The Building Code of Australia works and recommendations as detailed in the Building Code of Australia Assessment Report prepared by the Building Control Group, dated 12/5/2021, Report Ref No. 210059 are to be considered as part of the assessment of the Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for access and Fire safety for the building occupant.

17. Access and Facilities for persons with a Disability

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. The recommendations contained in the Access Assessment Report prepared by the Building Control Group, reference 210059, dated 12/5/2021 are to be taken into consideration as part of the assessment of the Construction Certificate.

Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

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

18. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Lindsay Dynan Consulting Engineers, drawing number C-0020, C-0021, C-0030, C-0031, dated 7/5/2021. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. Stormwater discharge to the existing channel along the western boundary to be in accordance

with Council standards.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

19. **Tanking of Ground Level**

The Ground level area on the western side is to be permanently tanked to above the ground water level. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

20. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

21. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

22. **Updated landscape plan**

The landscape plan must be updated to show the location and landscaping for the approved stormwater bio-retention basin located on the Jubilee Avenue frontage.

Plans shall be submitted to the Certifying Authority prior to the release of the Construction

Certificate.

Reason: To ensure the landscape plan matches the civil plans

23. **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.

24. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

25. **Widening of driveways**

The western driveway shall be widened to accommodate the simultaneous ingress and egress of a B99 vehicle and small rigid truck (SRV), and the eastern driveway to accommodate the simultaneous ingress and egress of two small rigid trucks (SRVs).

The driveway crossings are to be redesigned taking into consideration the condition of consent requiring the provision of indented parallel parking spaces along the full frontage of the development site.

Plans demonstrating the above accompanied with swept path analysis are to be prepared and submitted to Council for approval.

Reason: To minimise reversing and adverse impact on public road (DACTRCPC1)

26. **Indented parallel parking**

A plan demonstrating signage and linemarking for the existing indented parallel parking at the site frontage shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of any Construction Certificate.

Any works associated with the above requirement shall be implemented by the applicant at no cost to Council.

Reason: To improve parking amenities

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

27. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection, for the following existing trees identified in the Arboricultural Impact Assessment: T8, T9, and T10 (Swamp Mahogany) and T11 and T11b (Cheese Tree).

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

i) section 2. Conclusions & Recommendations, part 2.2 and 2.3, figure 3 and table 1.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

28. **Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment) without a design alternative:

i) T1 Black Peppermint; T2 Coast Banksia; T3 Flooded Gum; T13 and T18 She Oak; T14 and T16 Swamp Mahogany; T15, T20, T22, T23, T24 and T25 Sydney Peppermint; T19 Cheese Tree; and T21 Grey Gum.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal, as these include:

i) T4, T5, T6 and T7 Cottonwood; and T12 Swamp Mahogany.

Reason: To enable authorised building works.

29. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

30. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development site shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites, and in accordance with the Arboricultural Impact Assessment.

As a minimum, the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant.

Reason: Street tree protection.

31. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an

Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

32. **Road Reserve**

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

Reason: Public safety.

33. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction (2004)'.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

34. **Substitution of Stormwater Treatment Measures**

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must submitted to the Principal Certifying Authority for approval prior to installation.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

35. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

36. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

37. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing on the eastern side of the Jubilee Avenue frontage 7.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/2NH and the driveway levels application approval. 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. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

38. Requirement to notify about new contamination evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To prevent harm to human and environmental health via exposure and disposal of contaminants during excavation.

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

39. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, and inclusive of the following conditions:

- i) street tree planting shall be in accordance with the approved works within the road reserve under the Roads Act application and approval,
- ii) proposed *Lomandra longifolia* species within the driveway 2.0m x 2.5m splay shall be substituted for a dwarf *Lomandra* species limited in mature height at 1 metre or less,
- iii) all planting within the site shall consist of the following minimum container sizes: trees - 75 litre container size, shrubs - 200mm pot, and groundcovers and native grasses - 140mm pot,
- iv) all tree planting within the site shall be located at least 5 metres from buildings,
- v) all garden areas shall include a drip irrigation system based on station timer and be maintained by the proposed strata body of the subject building,
- vi) the eastern boundary proposed screen shrub planting shall be at a minimum 1 metre centres,
- vii) the western boundary easement area shall be landscaped within low native grasses at a minimum 4 per square metre density.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

<https://5milliontrees.nsw.gov.au/>

40. Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection.

41. **Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact of the Flood Planning Level design flood depths and velocities.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

42. **Certification for the Installation of Stormwater Treatment Measures**

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment and reuse measures have been installed in accordance with the plans prepared by Lindsay Dynan. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Vegetated measures must exhibit an 80 percent survival rate of plantings.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

43. **Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater treatment measures in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Treatment Measures Operation and Maintenance Plan.

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the 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.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

44. **Stormwater Treatment Measures Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management

statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information
2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visitsAdditionally for vegetated devices:
 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure
3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

45. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

46. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge a Legal Documents Authorisation Application with Council. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor) and Hydraulic Engineers' certification for the completed on-site stormwater detention system works. A guide to the

process can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/guide-submitting-ldaa-nov19.pdf>

The form for the application can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/legal-documents-authorisation-on-site-stormwater-detention-systems/4023-legal-documents-authorisation-oct19.pdf>

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent. The terms of the positive covenant and restriction 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 NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure the on-site stormwater detention system is maintained to an appropriate operational standard and not altered.

47. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

48. Acoustic Barrier

A permanent acoustic barrier must be implemented to extend along the eastern boundary of 15 Jubilee Avenue, Warriewood. The acoustic barrier is to be constructed according to requirements contained within Section 5.1 Acoustic Barriers of the acoustic report dated 3 June 2021, reference number: 5154R001.JC.210603 prepared by Acoustic Dynamics. The Principal Certifying Authority is to be provided with a report/certificate identifying that the acoustic barrier has been constructed in accordance with Section 5.1 of the Acoustic Report detailed above.

Reason: To protect the noise amenity of the neighboring residential receivers. (DACHPFPOC8)

49. 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 Occupation Certificate (or where applicable, relating to the part of the building, being the subject of this Consent).

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.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

50. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent. The landscape areas shall be maintained by the proposed strata body of the subject building.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

51. Maintenance of Stormwater Treatment Measures - Major

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Vegetated stormwater treatment measures must maintain an 80 percent survival rate of plantings and limit weed cover to no more than 10 percent of the total area of the stormwater treatment measure.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

52. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times.

The spaces shall be allocated as follows:

- 40 Spaces - Light Industrial

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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 that adequate parking facilities to service the development are provided on site.

53. **Hours of Operation**

The hours of operation are to be restricted to:

Light Industry

- Monday to Saturday – 7am to 6pm
- Sunday and Public Holidays – Closed

Self Storage Units

- 24 Hours a Day, 7 Days per week.

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

54. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

55. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)