

# AGENDA

## **NORTHERN BEACHES LOCAL PLANNING PANEL MEETING**

Notice is hereby given that a Meeting of the Northern Beaches Local Planning Panel will be held in the Council Chambers, Civic Centre, Dee Why on

**WEDNESDAY 8 MAY 2019**

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.



**Peter Robinson**  
**Executive Manager Development Assessment**

**Panel Members**

Lesley Finn	Chair
Annelise Tuor	Town Planner
Graham Brown	Town Planner
Lloyd Graham	Community Representative

**Quorum**

A quorum is three Panel members

**Conflict of Interest**

Any Panel Member who has a conflict of Interest must not be present at the site inspection and leave the Chamber during any discussion of the relevant Item and must not take part in any discussion or voting of this Item.

**Agenda for a Meeting of the Northern Beaches Local Planning Panel  
to be held on Wednesday 8 May 2019  
in the Council Chambers, Civic Centre, Dee Why  
Commencing at 6:00pm**

<b>1.0</b>	<b>APOLOGIES &amp; DECLARATIONS OF INTEREST</b>	
<b>2.0</b>	<b>MINUTES OF PREVIOUS MEETING</b>	
2.1	Minutes of Northern Beaches Local Planning Panel held 1 May 2019	
<b>3.0</b>	<b>DEVELOPMENT APPLICATIONS .....</b>	<b>5</b>
3.1	MOD2018/0703 - 57 Smith Street, Manly - Modification of Development Consent DA251/2017 granted for alterations and additions to the existing semi-detached dwelling .....	5
3.2	DA2018/1069 - 5 Dalley Street, Queenscliff - Demolition works and the construction of a residential flat building .....	28
3.3	DA2018/1663 - 12 Darley Street, Forestville - Construction of a boarding house.....	117

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 1 MAY 2019**

---

#### **RECOMMENDATION**

That the Panel note that the Minutes of the Northern Beaches Local Planning Panel held 1 May 2019 were adopted by the Chairperson and have been posted on Council's website.

---



### 3.0 DEVELOPMENT APPLICATIONS

**ITEM 3.1** MOD2018/0703 - 57 SMITH STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA251/2017 GRANTED FOR ALTERATIONS AND ADDITIONS TO THE EXISTING SEMI-DETACHED DWELLING

**REPORTING OFFICER** MATTHEW EDMONDS

**TRIM FILE REF** 2019/236675

**ATTACHMENTS** 1 [↓](#) Assessment Report  
2 [↓](#) Plans

#### PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as an independent panel determined the original application.

---

#### RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2018/0703 for modification of Development Consent DA251/2017 granted for alterations and additions to the existing semi-detached dwelling at Lot 131 DP 603177, 57 Smith Street, Manly subject to the conditions and for the reasons set out in the Assessment Report.

---

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2018/0703
<b>Responsible Officer:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 131 DP 603177, 57 Smith Street MANLY NSW 2095
<b>Proposed Development:</b>	Modification of Development Consent DA251/2017 granted for Alterations and additions to the existing semi-detached dwelling
<b>Zoning:</b>	Manly LEP2013 - Land zoned R1 General Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Paul Rybicki Olivia Dix Rybicki
<b>Applicant:</b>	Paul Rybicki Olivia Dix Rybicki
<b>Application lodged:</b>	20/12/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	08/01/2019 to 29/01/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Recommendation:</b>	Approval

### 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**

Manly Local Environmental Plan 2013 - 4.6 Exceptions to development standards  
 Manly Development Control Plan - 3.2 Heritage Considerations  
 Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)  
 Manly Development Control Plan - 4.1.3 Floor Space Ratio (FSR)  
 Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation  
 Manly Development Control Plan - 5.2 Pittwater Road Conservation Area

## **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 131 DP 603177 , 57 Smith Street MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject property is commonly known as 57 Smith Street, Manly and legally known as Lot 131 in DP 603177. The site is located on the western side of Smith Street. The property is irregular in shape, has a frontage of 8.815m to Smith Street, 34.46m to Alexander Street and 5.88m to Collingwood Street, an average depth of 34.46m and an overall site area of 231.9m<sup>2</sup>. The property currently contains a single-storey semi-detached dwelling with vehicular access via an existing driveway from Alexander Street to an existing hardstand area to the rear of the existing dwelling. The property is level.</p> <p>The adjacent property to the south, at 55 Smith Street, is developed with a two-storey semi-detached dwelling. nos. 55 and 57 Smith Street share a common wall. Development in this area consists of one- and two-storey detached and semi-detached dwellings.</p>

Map:



## **SITE HISTORY**

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

- DA85/2013 for Alterations and additions to an existing dwelling including changes to windows, bi-fold doors, raise the height of the existing deck, planter boxes and front fence was approved on 12 July 2013 under staff delegation.
- DA85/2013 Part 2 for Section 96 to modify approved Alterations and additions to an existing dwelling including changes to the windows, bi-fold doors, raise the heights of the existing deck, planter boxes and front fence – involving modifications to convert front fence to a solid fence was approved on 5 November 2014 by the former Development Assessment Unit.
- DA251/2017 for Alterations and additions to the existing semi-detached dwelling was approved on 4 April 2018 by the Northern Beaches Local Planning Panel.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks to modify Development Consent DA251/2017 as follows:

- Reduction in the depth of the approved first floor rear balcony (in accordance with condition of consent ANS01A, to allow for deletion of the condition);
- Internal reconfiguration of the first floor;
- Changes to approved windows;
- Alteration of the upper roof from pitched to flat with parapet;
- Alteration of the lower roof from pitched apron to flat;
- Amendment of the first floor rear balcony privacy screen (in accordance with condition of consent ANS01B, to allow for deletion of the condition); and
- Changes to materials and finishes.



## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA251/2017, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA251/2017.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA251/2017 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Manly Environmental Plan 2013 and Manly Development Control Plan 2013.
(i) the regulations, if the regulations so require,  or	
(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a	

<b>Section 4.55 (2) - Other Modifications</b>	<b>Comments</b>
development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

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

<b>Section 4.15 'Matters for Consideration'</b>	<b>Comments</b>
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan 2013 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>Division 8A of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p>Clause 143A of the EP&amp;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.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan 2013 section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

#### EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

#### BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

#### NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Brendan Paul Green	65 Headland Road DEE WHY NSW 2099

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

- New parapet height sits above the gutter of No. 55 Smith Street - This will impact on maintenance of the gutter, water flows and waterproofing.
- The parapet will create a space that collects tree debris etc. on the roof.
- New window to western elevation overlooks No. 55 Smith Street.
- Privacy screen on first floor rear deck should be reduced to 1500mm in height.
- Condition requiring sound insulation between Nos. 55 and 57 Smith Street should be included.

The matters raised within the submissions are addressed as follows:

- Parapet - Impacts on Gutter  
Comment:  
The proposed modifications include an increase to the maximum wall height of the resulting development. However, this maximum wall height is compliant with the requirement of the MDCP 2013, and is proposed wholly on the subject site. In this way, the development does not block or cover the gutter at No. 55 Smith Street.
- Roof Debris  
Comment:  
The proposed change to the roof is not unreasonable for the reasons detailed throughout this report. The original approved roof would also result in a certain level of debris collection on the roofs of Nos. 57 and 55 Smith Street, in that the roof pitches of the two dwellings angled towards each other (as tends to occur for semi-detached dwellings with first floor additions). Roof maintenance is the responsibility of the landowner.
- Western Window  
Comment:  
The western window referred to was approved via the original application, and is now proposed to be recessed into the western elevation. Viewing from the window to No. 55 Smith Street is thereby further restricted from the approval by the blade wall.
- Privacy Screen  
Comment:  
The proposed modifications to the first floor rear deck privacy screen are in accordance with the determination of the original development application and do not result in unreasonable bulk or overshadowing.
- Sound Insulation  
Comment:  
The proposed modifications do not increase the density of the subject site, and therefore do not



increase anticipated noise levels above the average semi-detached dwelling.

## **MEDIATION**

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

## **REFERRALS**

<b>Internal Referral Body</b>	<b>Comments</b>
Strategic and Place Planning (Heritage Officer)	<p>Further to a repeated site visit, in my opinion the proposal is a major step back in the design process, and will have a notable adverse impact on the heritage values of the surrounding conservation area and the subject site. The house is one of a pair of semi-detached houses, and thus any changes should be (as far as practical) closely matched with those on the adjoining (conjoined) semi. The proposal appears to achieve the opposite, utilising different form, roof shape, fenestration, materials and finishes (presumably also colours?). The proposal cannot be supported, and it is deemed futile to amend it as the proposal is mainly designed for these externally visible changes.</p> <p><u>Assessing Officer Comments:</u> An assessment of the proposal in relation to heritage is provided in the section of this report relating to Clause 3.2 Heritage Considerations of the MDCP 2013.</p>
<b>External Referral Body</b>	<b>Comments</b>
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## **ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)\***

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

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

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

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

#### **SEPP 55 - Remediation of Land**

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated.

Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

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

A BASIX certificate has been submitted with the application (see Certificate No. A296936\_02 dated 19 December 2018). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

#### **SEPP (Infrastructure) 2007**

##### Ausgrid

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

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

##### Comment:

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

#### **Manly Local Environmental Plan 2013**

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	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.76m	7.1m	N/A	Yes
Floor Space Ratio	0.6:1 139.1sqm	0.696:1 161.5sqm	0.694:1 161sqm	15.7%	No

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	No
4.5 Calculation of floor space ratio and site area	Yes
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
6.4 Stormwater management	Yes

#### Detailed Assessment

#### 4.6 Exceptions to development standards

##### Description of non-compliance:

Whilst the modification application will result in a floor space ratio that exceeds the maximum permitted by Clause 4.4 of the MLEP 2013, the application does not strictly need to address the requirements of Clause 4.6. This application has been made under Section 4.55 the Environmental Planning and Assessment (EP&A) Act 1979, which is a free-standing provision that in itself authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is subject to its own stand-alone tests (such as substantially the same test and consideration of all relevant s.79C matters) and does not rely upon having a Clause 4.6 variation in order to determine the modification application. Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 96 modification applications. In accordance with this, the Applicant has not provided a written request to vary the floor space ratio development standard. Nevertheless, an assessment of the variation is as follows:

Development standard:	Floor Space Ratio
Requirement:	0.6:1 (139.1sqm)
Approved	0.696:1 (161.5sqm)
Proposed:	0.694:1 (161sqm)
Percentage variation to requirement:	15.7%

##### Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.4 Floor Space Ratio development standard, has taken into consideration the recent judgement contained within Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

##### 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 4.4 Floor Space Ratio 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 clause 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*

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

Comment::

As detailed, a written request is not required in this case.

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

Clause 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 Floor Space Ratio development standard and the objectives of the R1 General Residential zone. An assessment against these objectives is provided below.

**Objectives of development standard**

The underlying objectives of the standard, pursuant to Clause 4.4 – 'Floor space ratio' of the MLEP 2013 are addressed as follows:



*a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*

Comment:

The proposed modifications retain a bulk and scale comparable to existing developments in the streetscape. The modified first floor addition is adequately set back from each boundary, in order to reduce the visual impact of the development on the streetscape, as detailed in the section of this report relating to Clause 4.1.4.2 of the MDCP 2013.

*b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*

Comment:

The proposed modified development does not unreasonably obscure any important landscape or townscape features.

*c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*

Comment:

The proposed modifications retain an appropriate visual relationship between the new development and the existing character and landscape of the area. The proposed first floor addition is set generally behind the ridge line of the existing roof when viewed from the primary street frontage, and is also adequately set back and articulated from the side boundary along Alexander Street, in order to be more subservient to the existing ground floor. The proposed contemporary modifications do not attempt to replicate the heritage style of the existing ground floor, in accordance with Clauses 3.2.1.1 and 3.2.2.1 of the MDCP 2013.

*d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*

Comment:

The proposed modifications do not unreasonably impact on the use or enjoyment of adjoining land and the public domain.

*e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

Comment:

Not applicable. The subject site is zoned R1 General Residential.

## Zone objectives

The underlying objectives of the R1 General Residential zone are addressed as follows:

- To provide for the housing needs of the community.  
Comment:  
The proposed modifications retain the residential use of the site.
- To provide for a variety of housing types and densities.  
Comment:  
The proposed modifications maintain the existing variety of housing types and densities in the locality.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.  
Comment:  
Not applicable. The proposed development retains the residential use of the site.

#### Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R1 General Residential zone.

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

Clause 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 Floor Space Ratio development standard is assumed by the Local Planning Panel.

#### **Manly Development Control Plan**

##### Built Form Controls

<b>Built Form Controls - Site Area: 231.9sqm</b>	<b>Requirement</b>	<b>Approved</b>	<b>Proposed</b>	<b>Complies</b>
4.1.1.1 Residential Density and Dwelling Size	Density: 1 dwelling per 250sqm	1 dwelling on 231.9sqm site	Unchanged	No - Existing
	Dwelling Size: 117sqm	161.9sqm	161sqm	Yes
4.1.2.1 Wall Height	N: 6.5m (based on flat site)	6.42m	6.5m	Yes
4.1.2.3 Roof Height	Parapet Height: 0.6m	No parapet	650mm	No
4.1.4.2 Side Setbacks and Secondary Street Frontages	First Floor: 2.16m (based on wall height)	First Floor: 890mm-1.5m	800mm-1.4m	No
	Windows: 3m	First Floor: 890mm-1.5m	800mm-1.4m	No

##### Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.7 Stormwater Management	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Storeys & Roof Height)		
4.1.3 Floor Space Ratio (FSR)	No	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.7 First Floor and Roof Additions	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.2 Pittwater Road Conservation Area	Yes	Yes

#### Detailed Assessment

### 3.2 Heritage Considerations

The proposed modifications are not supported by Council's Heritage Advisor, as detailed in the section of this report relating to Internal Referrals. An assessment of the proposal against the relevant objectives of this clause is as follows:

*Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:*

- *significant fabric, setting, relics and view associated with heritage items and conservation areas;*
- *the foreshore, including its setting and associated views; and*
- *potential archaeological sites, places of Aboriginal significance and places of natural significance.*

#### Comment:

The proposed modifications adequately maintain the heritage significance of the site, including important elements of its fabric. The proposed works do not impact upon the setting of the site, or views associated with the site and area. The subject site is not in the vicinity of the foreshore, and does not contain any potential archaeological sites, places of Aboriginal significance, or places of natural significance.

*Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.*

#### Comment:

In accordance with Clause 3.2.1.1 of the MDCP 2013, the alterations and additions are a modern architectural style that do not seek to replicate heritage architectural features. Instead, the proposal retains the existing ground floor and materials, the existing pitched roof form and tiling, and the existing chimney. Additionally, while the proposal includes minor additional scale, the works are complemented by appropriate articulation. The visual impact of the works is broken up by varied (yet complementary) colours and materials. Finally, the proposal is not inconsistent with other first floor addition styles visible along the northern ends of Smith Street and Collingwood Street, which include skillion-style roof forms.

*Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.*

#### Comment:

Given the above, the proposal does not detract or significantly alter the heritage significance of the Pittwater Road Conservation Area, and the values of that area are retained.

*Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.*

Comment:

Not applicable. The proposed modifications do not involve infrastructure.

*Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.*

Comment:

The heritage significance of the site has been considered throughout the planning process for this application, which adequately conserves the heritage value of the subject site and surrounds.

#### **4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)**

The proposed development includes a parapet 650mm in height, where Clause 4.1.2.3 Roof Height of the MDCP 2013 allows for parapets 600mm in height. Clause 4.1.2.3 relies on the objectives of Clause 4.3 Height of Buildings of the MLEP 2013. The proposed development is acceptable in relation to the relevant objectives of this clause, as follows:

*(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

Comment:

The development as modified by this application remains compliant with the maximum building height set by the Clause 4.3 Height of Buildings development standard of the MLEP 2013. In fact, the proposed roof reduces the overall maximum height of the development in that the approved pitched roof is lowered to a flat form with a parapet. The resulting height and roof form are consistent with existing development in the locality, which includes first floor additions with flat/skillion roofs. The proposed modifications to the approved first floor addition remain consistent with the streetscape character surrounding the site.

*(b) to control the bulk and scale of buildings,*

Comment:

As above, the proposed roof form reduces the overall maximum height of the development, in that the pitched roof is replaced with a flat roof with parapet. The proposed modifications to the approved first floor addition include suitable and generous articulation and varied (though complementary) colours and materials, thereby providing visual relief and reducing the visual impact of the bulk and scale of the development. Further, while the proposal includes a non-compliance with the development standard at Clause 4.4 Floor Space Ratio of the MLEP 2013 (which controls bulk), the proposal is acceptable for the reasons detailed in the section of this report relating to Clause 4.6 Exceptions to Development Standards of the MLEP 2013. As such, the proposed modifications ensure that the bulk and scale of the resulting development is adequately controlled.

*(c) to minimise disruption to the following:*

*(i) views to nearby residential development from public spaces (including the harbour and foreshores),*

*(ii) views from nearby residential development to public spaces (including the harbour and foreshores),*

*(iii) views between public spaces (including the harbour and foreshores),*

Comment:

The proposed non-compliant height of the parapet does not impact upon views to, from, or between public or private spaces.



*(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

Comment:

The proposed modifications reduce the maximum building height and reduce the bulk of the roof form, thereby reducing the solar access impact of the overall development, which was acceptable as approved.

*(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

Comment:

Not applicable. The subject site is zoned R1 General Residential.

#### **4.1.3 Floor Space Ratio (FSR)**

The non-compliance with the floor space ratio development standard is address in the section of this report relating to Clause 4.6 of the MLEP 2013.

#### **4.1.4 Setbacks (front, side and rear) and Building Separation**

The proposed development includes minor decreases to the approved side setbacks (being 890mm-1.5m) to 800mm-1.4m, where Clause 4.1.4.2 of the MDCP 2013 requires a setback of 2.16m (being one third of the wall height). The proposed development is acceptable in relation to the relevant objectives of this clause, as follows:

*Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.*

The proposed modifications provide setbacks consistent with comparable existing and recently approved developments in the locality. Further, the proposed modifications retain appropriate articulation and building materials to soften the visual impact of the new works. As such, the proposed modifications retain the existing spatial portions of the street, the street edge and the landscape character of the street.

*Objective 2) To ensure and enhance local amenity by:*

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

The proposed development is adequately designed so as not to result in any unreasonable impacts on sunlight access, privacy, maintenance of views and streetscape character, for the reasons detailed throughout this report. The proposed development does not impact upon traffic conditions.

*Objective 3) To promote flexibility in the siting of buildings.*

The proposed modifications retain adequately siting and design in order to provide an appropriate level of amenity to the subject site, as well as adjacent sites.

*Objective 4) To enhance and maintain natural features by:*

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

The proposed modifications are contained wholly within the approved building footprint and do not impact further upon landscaping and vegetation beyond the approved development. The subject site does not contain urban bushland.

*Objective 5) To assist in appropriate bush fire asset protection zones.*  
The subject site is not located within a bush fire asset protection zone.

## **5.2 Pittwater Road Conservation Area**

The proposed modifications are not supported by Council's Heritage Advisor, as detailed in the section of this report relating to Internal Referrals. An assessment of the proposal against the relevant objectives of this clause is as follows:

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Manly Section 94 Development Contributions Plan**

S94 Contributions are not applicable to this application.

## **CONCLUSION**

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2018/0703 for Modification of Development Consent DA251/2017 granted for Alterations and additions to the existing semi-detached dwelling on land at Lot 131 DP 603177,57 Smith Street, MANLY, subject to the conditions printed below:

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

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

#### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A.01 Site Plan	Issue E 3 December 2018	Du Plessis + Du Plessis Architects
A.04 Proposed Ground Floor Plan	Issue E 3 December 2018	Du Plessis + Du Plessis Architects
A.05 Proposed First Floor Plan	Issue E 3 December 2018	Du Plessis + Du Plessis Architects
A.06 Proposed Roof Plan	Issue E 3 December 2018	Du Plessis + Du Plessis Architects
A.07 Proposed Section XX & YY	Issue E 3 December 2018	Du Plessis + Du Plessis Architects
A.08 Semi Elevations	Issue E 3 December 2018	Du Plessis + Du Plessis Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A296936_02	19 December 2018	Du Plessis + Du Plessis Architects

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

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

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

### B. Delete Condition ANS01A:

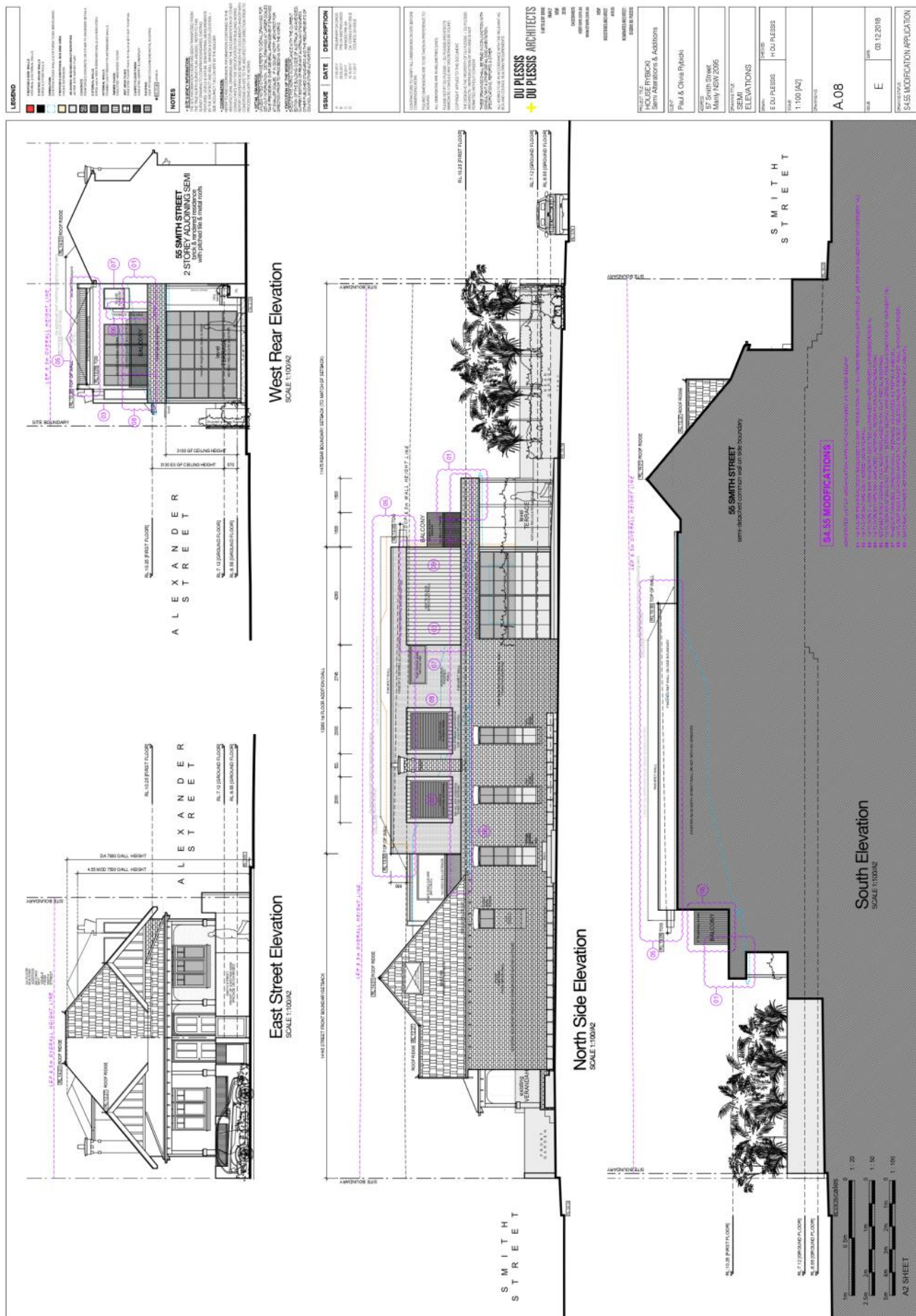
**ANS01A**  
DELETED

**C. Delete Condition ANS01B:**

**ANS01B**  
DELETED



[illegible]



**ITEM 3.2**                      **DA2018/1069 - 5 DALLEY STREET, QUEENSCLIFF -  
DEMOLITION WORKS AND THE CONSTRUCTION OF A  
RESIDENTIAL FLAT BUILDING**

**REPORTING OFFICER**      **ANNA WILLIAMS**

**TRIM FILE REF**            **2019/236686**

**ATTACHMENTS**            1 [↓](#) **Assessment Report**  
                                     2 [↓](#) **Plans**  
                                     3 [↓](#) **Clause 4.6**

**PURPOSE**

This application has been referred to the Northern Beaches Local Planning Panel as it is the subject of 10 or more unique submissions by way of objection.

---

**RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/1069 for demolition works and the construction of a residential flat building at Part Lot 1 DP 302634, 5 Dalley Street, Queenscliff subject to the conditions and for the reasons set out in the Assessment Report.

---



## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1069
<b>Responsible Officer:</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot 1 DP 302634, 5 Dalley Street QUEENSCLIFF NSW 2096
<b>Proposed Development:</b>	Demolition works and the construction of a residential flat building
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R3 Medium Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Golden Beaches Pty Ltd
<b>Applicant:</b>	Golden Beaches Pty Ltd
<b>Application lodged:</b>	22/06/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - New multi unit
<b>Notified:</b>	04/07/2018 to 22/07/2018
<b>Advertised:</b>	07/07/2018
<b>Submissions Received:</b>	21
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 2,320,593.00

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest

- groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings  
 Warringah Development Control Plan - B2 Number of Storeys  
 Warringah Development Control Plan - B3 Side Boundary Envelope  
 Warringah Development Control Plan - B5 Side Boundary Setbacks  
 Warringah Development Control Plan - C3 Parking Facilities  
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
 Warringah Development Control Plan - D6 Access to Sunlight  
 Warringah Development Control Plan - D7 Views  
 Warringah Development Control Plan - D8 Privacy

## **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 1 DP 302634 , 5 Dalley Street QUEENSCLIFF NSW 2096
<b>Detailed Site Description:</b>	<p>The subject site consists of a single allotment located on the northern side of Dalley Street, Queenscliff, near the intersection of Queenscliff Road.</p> <p>The site has a frontage of 12.1 metres (m) along Dalley Street and a maximum depth of 46.8m with a site area of 568.3 square metres (sqm).</p> <p>The site currently contains dwelling house with a detached habitable outbuilding at the rear (approved dual occupancy). There are some scattered medium sized trees on the site at the rear with a larger eucalypt (Bangalay) tree at the front that is feature of the streetscape. The land is within a coastal area containing shallow loam soils and sandstone bedrock near the surface. The site has a moderate gradient with a fall of 5.5m from the rear toward Dalley Street. The site is within "Area B" for landslip risk and has a low risk of flooding or groundwater intrusion.</p> <p>Surrounding development consists of a mix of residential flat buildings, up to 4 storeys high on adjoining land in Dalley Street and across the rear boundary (Crown Road). As such the site is regarded as having been 'isolated' from any possible consolidation and also has a narrow lot width in the context of side boundary setback controls. Many of the landscaped settings for adjacent residential flat buildings is compromised by ground level hard surfaces, such as driveways and pathways. Development further to the west and south of the site contains a mix of apartment buildings</p>

and detached dwellings whereby the zone changes to R2 Low Density Residential. Development further to the east of the site, along Queenscliff Road is dominated by Residential apartment buildings, most being 4 storeys.

There are no service infrastructure easements or service lines (stormwater, sewer and the like) that cross the site.

Map:



## SITE HISTORY

**Pre-lodgement Meeting PLM2017/0124** for the construction of a residential flat building was held on the 7 November 2017. The proposal has adopted the advice provided within the pre-lodgement notes with regard to addressing the design concerns raised and maintaining better consistency with the Warringah DCP 2011, Warringah LEP 2011 and SEPP 65. The PLM considered the likelihood of view impact, overshadowing, privacy, carparking issues and non-compliance with some built form controls in the re-development of the site.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the following works for approval:

- Demolition of all existing structures and selected trees on site.
- Construction of a residential flat building with basement carparking.
- Ancillary site works including excavation, landscaping and drainage.

The configuration of the building is as follows:

**FFL27.30 Basement / Carpark** - Parking for seven (7) cars (six (6) resident cars using carstackers, plus one (1) visitor space), lift and stair access, bike storage, plant and services rooms, driveway ramp. (Lift stacker excavation extends down to FFL 24.700)

**FFL30.90 Ground Level** - Apartment No.1 (Bedrooms (3), storage, bathrooms (2), laundry, kitchen / living area, courtyard) lift and stair access, lobby, bin storage, side access, retaining walls, headroom area for car stacker.

**FFL34.00 First Floor Level** - Apartment No.2 (Bedrooms (3), storage, bathrooms (2), laundry, kitchen / living area, terraces (2), family room) entry stair and lift access, side access to rear yard, retaining walls. (OSD Tank is located in the NW corner of the rear yard)

**FFL37.10 Second Floor Level** - Apartment No.3 (Bedrooms (3), storage, bathrooms (2), laundry, kitchen / living area, balconies (2), media room) entry stair and lift access.

**FFL40.2 Third Floor Level** - Apartment No.4 (Bedrooms (3), storage, bathrooms (2), laundry, kitchen / living area / lounge area, balconies (2), media area internal stairs to roof level) entry stair and lift access.

**FFL43.30 Fourth Floor Level and Roof** - Master bedroom for Apartment No.4, including internal stair access, bathroom and storage. Roof area and void.

**FFL46.25 Upper Roof** - Roof area over the master bedroom for Apartment No.4.

#### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

<b>Section 4.55 'Matters for Consideration'</b>	<b>Comments</b>
Section 4.55 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.55 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.55 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.55 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.55 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is relevant to this application as the development is subject to the provisions of SEPP 65. The applicant has</p>



Section 4.55 'Matters for Consideration'	Comments
	<p>submitted a design verification.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. Additional information was required with respect to the relocation of an <i>Ausgrid</i> powerpole and the carparking arrangement for the use of car stackers (see Parking report No.255/2018 (Rev C), dated 12.12.2018).</p> <p>Further revised plans were also submitted to make minor changes to address the driveway design profile and bin storage location (see Revision C Basement &amp; Ground Floor Plan, dated 6.3.2019). Due to the minor nature of the changes to the plans re-notification is not required pursuant to Part A7 of the WDCP 2011.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider <i>AS 2601 - 1991: The Demolition of Structures</i>. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the <i>Building Code of Australia (BCA)</i>. This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is relevant to this application as SEPP 65 applies and a condition included to ensure compliance.</p>
<p>Section 4.55 (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>	<p><u>Environmental Impact</u></p> <p>The environmental impacts of the development on the natural and built environment are addressed under the Warringah Development Control Plan section of this report.</p> <p>Generally, the subject site is not constrained by any natural features and is not subject to any threatened species, critical habitat, bushfire, heritage or shallow acid sulfate soils. The site is able to drain stormwater to Dalley Street and the applicant has adequately addressed the issue of OSD requirements. The proposal is supported by Council's Development Engineers subject to appropriate conditions of consent contained within the Recommendation of this report.</p> <p>The proposal is for the construction of a 4 storey residential flat building</p>

Section 4.55 'Matters for Consideration'	Comments
	<p>(containing 4 dwellings) located within an area zoned R3 Medium Density Residential, which permits the proposed form of residential accommodation. The area is fully developed with a variety of apartment buildings and older housing stock in existence from long term residential developments located within close proximity to the subject site.</p> <p>The proposal is not considered to result in unreasonable impacts to the adjoining and nearby land, subject to conditions. The development will maintain consistency with the existing pattern of development, maintain the residential use of the site and maintain the reasonable sharing of views. Further, it will not create an unreasonable sense of building bulk that is inconsistent with comparable medium density development that is characteristic of the street (within the R3 Zone). The building will not result in an unreasonable level of overshadowing nor result in any unreasonable level of privacy loss given the widow / balcony design, setbacks and screening provided. The impacts of privacy and overshadowing are consistent with the pattern of surrounding medium density development in the urban environment.</p> <p>The subject site is located within close proximity to North Manly local centre and suitable access to associated bus interchange's and stops along Dalley Street / Queenscliff Road, having public transport services to the broader Northern Beaches area, Manly and Sydney Central Business District.</p> <p>The development of this site for residential purposes is not considered likely to impact on existing or future opportunities within the zone for public recreation or the use of public open space.</p> <p>Therefore, impacts upon the public domain are considered acceptable. Further, standard conditions of consent are also recommended to ensure the adequate disposal / recycling of building and construction waste material.</p> <p><u>Social Impact</u> The development is considered satisfactory in terms of potential social impact in the locality considering the residential character of the proposal and that the development will provide greater diversity to the housing stock of the Northern Beaches LGA.</p> <p><u>Economic Impact</u> The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the proposed land use.</p>
Section 4.55 (1) (c) – the suitability of the site for the development	<p>The land use zone of the area as R3 Medium Density Residential is reflective of the desired future character of the area. The site is principally constrained by the narrow lot width, which therefore has impacted the design to address spatial separation, views, overshadowing, excavation, privacy , bulk, height, parking and landscaping requirements.</p>

Section 4.55 'Matters for Consideration'	Comments
	<p>The subject site is located in an area that is dominated by medium density housing stock. Many being three to four storey "walk-up" brick flats constructed during the 1960-70's. There are some newer medium density housing infill developments in dispersed in the area that are of more contemporary design and compatible medium density land uses.</p> <p>Dalley Street is characterised by a mix of low density (single houses) and medium density housing stock (up to 4 storeys). The street transitions into Queenscliff Road where flat buildings dominate the streetscape. To the immediate north and north east of the site are residential flat buildings, further west of the site are single dwelling houses.</p> <p>In this regard, the development has been designed to a scale that is considered to be of a satisfactory transition to the adjoining residential dwellings and residential flat buildings.</p> <p>Given the proximity of the site to the North Manly local centre, the site is considered suitable for access to services and public transport. In addition, the existing site has access to adequate utility services (water, sewer telecommunication's and electricity etc.)</p> <p>Further, the development maintains a suitable and compatible land use for the site and is not considered to result in unreasonable or adverse impacts on the adjoining properties, subject to appropriate conditions.</p>
Section 4.55(1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report. Issues raised in the submissions received have been considered in this report and addressed by amended plans or appropriate conditions where relevant to ensure no unreasonable impact on the local amenity.
Section 4.55 (1) (e) – the public interest	Subject to conditions, no matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 21 submission/s from:

Name:	Address:
Mr Anthony Herbert Wells	9 Dalley Street QUEENSCLIFF NSW 2096
Mr Bernard Albert Voltz	6 / 3 Dalley Street QUEENSCLIFF NSW 2096

<b>Name:</b>	<b>Address:</b>
Mr Dean Jericevic	1 / 7 Dalley Street QUEENSCLIFF NSW 2096
Renata Valadares	4 / 7 Dalley Street QUEENSCLIFF NSW 2096
Mr Americo Tognetti	4 / 7 Dalley Street QUEENSCLIFF NSW 2096
Shaun James Thodey	C/- LJ Hooker Manly PO Box 486 MANLY NSW 1655
Gareth Anthony McGlone	6 / 7 Dalley Street QUEENSCLIFF NSW 2096
Mrs Beverley Ruth Appleton	3 / 7 Dalley Street QUEENSCLIFF NSW 2096
Mr Peter Anthony Croghan	11 / 7 Dalley Street QUEENSCLIFF NSW 2096
Mr Andrew William Weaver	10 / 3 Dalley Street QUEENSCLIFF NSW 2096
Ms Kelli Tonia Rickard	5 / 7 Dalley Street QUEENSCLIFF NSW 2096
Roxana Patricia Serafin	8 / 3 Dalley Street QUEENSCLIFF NSW 2096
Mr Rubens Baena	2 / 7 Dalley Street QUEENSCLIFF NSW 2096
Damien Paul Sutton	13 / 96 Crown Road QUEENSCLIFF NSW 2096
Jason Daniel Leum Ferns	8 / 7 Dalley Street QUEENSCLIFF NSW 2096
Mr Lee Darren Duguid Mrs Jessica Duguid	10 / 7 Dalley Street QUEENSCLIFF NSW 2096
Turnbull Planning International Pty Ltd	2301 / 4 Daydream Street WARRIEWOOD NSW 2102
Jonathan Francis Coyle	C/- Red Property Shop 1/5-7 Raglan Street MANLY NSW 2095
Georgina Ann Peet	15 / 36 Cavill Street FRESHWATER NSW 2096
Salvador Santos	8 / 96 Crown Road QUEENSCLIFF NSW 2096
Ms Wendy Janet Windsham	32 A Orchard Road BROOKVALE NSW 2100

The following issues were raised in the submissions:

1. LEP / DCP compliance
2. Architectural character and bulk
3. Privacy
4. Building Setbacks and Envelope
5. View Impact
6. Dilapidation risks
7. Solar Access
8. Landscaping
9. Over-development
10. Internal ceiling heights
11. Loss of seabreeze
12. Traffic Safety
13. Property Devaluation
14. Construction Impacts
15. Parking impacts (during construction)
16. Timing of work
17. Insufficient resident parking

The matters raised are addressed as follows:



**1. Concern that the proposal does not satisfy the statutory Local Environmental Plan 2011 controls or the Warringah DCP 2011 controls due to the non-compliance with the height, side boundary envelope and built form of the building.**

Comment:

The proposed building is marginally over the 11.0m building height control and exceeds the 3 storey height limit also, being 4 storeys. The applicant has provided a "Clause 4.6" request to vary the building height development standard and this has been considered on merit within this report under the heading "Exceptions to Development Standards". In summary, the cause to vary the building height control is considered to be adequately founded and does not offend the objectives of the WLEP or the development standard, in the circumstances of the case. Therefore, the variation to the building height does not create any unreasonable impact on adjacent land in terms of views, overshadowing, building bulk or environmental amenity.

The detailed merit assessment of non-compliance with the built form controls under the WDCP is considered in detail under the heading "Built Form Controls" within this report. In summary, these include consideration with regard to impacts on adjacent land for the number of storeys, building envelope, side setbacks and landscaped open space.

In addition, the proposal has been considered with respect SEPP 65 and environmental impact on adjacent land including No.3 & No.7 Dalley Street and No.96 Crown Road Overall the proposal has been designed to facilitate re-development of the land, in context with the adjacent flat buildings without creating unreasonable amenity impacts for the medium density zone. Therefore, this issue does not warrant refusal of the application.

**2. Concern that the architectural character of the development is too bulky and the style of the building design does not fit well with adjacent flat buildings.**

Comment:

The site is considered be an "isolated" site, being a single Lot with flat buildings on either side and at the rear. In addition, the site is only 12.1m wide and which therefore places constraints on the building design in terms of setbacks and building envelope, to design a building that must also achieve other essential elements of parking, landscaping, private open space and amenity considerations. The applicant has selected to step the building back for the upper storeys in response to the building envelope. The roof top is designed to be flat, in order to minimize view impacts, overshadowing and any height non-compliance to the development standard. By comparison the building is less bulk than the adjacent older style apartments to the rear of the site or adjacent, along Dalley Street. The applicant has provided a *Design Verification Statement* in accordance with SEPP 65 to address the merits of the design in the context of the SEPP, adjacent land and the site. In summary, it is considered that the density, scale and built form of the design responds appropriately to the development controls.

Therefore, this issue does not warrant refusal of the development application.

**3. Concern that the building will impact privacy on adjacent properties.**

Comment:

The proposal has been designed to ensure the majority of windows marked "AL/W" along length of the side setback have sill heights at 1.6m. This is considered too low for effective privacy for the height of many adults. As these windows extend nearly to ceiling level a sill height of 1.8m is recommended to maximise privacy protection to the adjacent flat buildings at No.3 and No.7 Dalley Street. The building also includes angled "wall-nooks" along the side elevations (oriented toward the landscaped setback) which acts to direct the internal viewing angle from these smaller slot windows, and is considered an acceptable design response.

With regard to general privacy from each level the ground floor is mostly below existing / natural ground due to excavation for the building back into the slope of the land. This creates no unreasonable privacy impact across the side boundaries at ground floor level. First floor level will be partly obscured from view along the side boundary also due to 1.8m high side fencing. Central windows along the eastern elevation are designed to serve bathrooms, storerooms and low occupancy areas. The kitchen windows are low-set narrow 'bench-top' windows to restrict overlooking and the larger living / family room windows face Dalley Road or the rear setback within each apartment. The front and rear balconies are also fitted with side screens and selected windows along the side elevation. On the western elevation a central courtyard is provided to assist solar access and operable privacy screens are provided for the west facing windows of the courtyard to restrict overlooking for the floor levels above the ground floor.

The principal living areas (accessible to private open spaces) are oriented toward the street or rear setback to avoid direct close viewing of adjacent buildings, due to the narrower spatial separation along the side setbacks.

As the building contains only four (4) units the likely pedestrian movements to and from the building is consistent with, or lower than that expected within the surrounding flat buildings.

Therefore, this issue has been addressed by the building design response and landscaping screening to be provided. The proposed development will not create unreasonable impacts on adjacent land for the zone. This issue has been considered in the context of planning principle established in *Meriton v Sydney City Council [2004] NSWLEC 313* and does not warrant refusal of the application.

**4. Concern that the building will breach the side boundary setbacks and side boundary envelope and results in excessive building bulk and a 'brutalist' architectural appearance.**

Comment:

This issue is addressed in detail under the heading "side setback" and the "side boundary envelope" merit assessment within this report. In summary, the proposal has been stepped-in to respond to the narrow site width and requirements of the WDCP and SEPP 65. In terms of the building height, width and depth along the side boundary envelope it is lesser in scale than adjacent buildings and the design is of a contemporary appearance to minimise impacts on views, overshadowing and privacy.

Therefore, this issue does not warrant refusal of the application.

**5. Concern that the new building will result in a loss of views and outlook from apartments within No.3 Dalley Street, No.96 Crown Road and No.7 Dalley Street.**

Comment:

This issue is addressed in detail under the heading *Part D7 Views* within this report. In summary, view sharing considerations have been made in accordance with the the Planning Principle established by the NSW Land and Environment Court in *Tenacity Consulting v Warringah Council (2004) NSWLEC 140*. View impacts vary from minor to severe depending on the level of the adjacent apartment and view angle. The most affected views are generally across a side boundary or rear boundary, therefore more difficult to retain. Views losses are not regarded as devastating since the view is limited in terms of its existing openness (i.e not a broad water / beach view) and context of distance and content (i.e. mostly urban outlook with distant glimpses of coastal fringe development). This is discussed in detail under the view sharing assessment within this report.

In summary, this issue has been considered in the design to provide a suitably skillful design that

maintains the development potential of the site and provides reasonable view sharing toward the upper storeys where views are most accessible.

**6. Concern that the proposed development and associated excavation / site works will impact on the structural integrity of adjacent property assets.**

Comment:

The proposal includes some deep excavation on the site to ensure carparking is provided and side access, including landscaped courtyards to the ground floor and first floor level. The deepest excavation for the basement is setback 1.64m with the basement floor level between FFL24.7m and FFL27.3m. Excavation along the side setback and rear setback for access pathways and landscaped courtyard element is setback 0.9m and extends to half-storey depth at the rear.

The applicant has provided a detailed Geotechnical Report 2017-206.1, dated 7.6.2018 prepared by *Crozier Geotechnical Consultants*. The report concludes that: *"the risks associated with the proposed development can be maintained within 'Acceptable' levels with negligible impact to neighboring properties or structure provided the recommendation of this report and any future geotechnical directive are implemented. As such the site is considered suitable for the proposed construction works provided that the recommendations outline within report are followed."*

This issue is addressed by conditions to ensure a dilapidation survey is completed prior to the commencement of site works and the recommendations of the Geotechnical Report are followed.

**7. Concern that the overall height and non-compliant setbacks (including side boundary envelope) will cause overshadowing and loss of solar access to adjacent apartments.**

Comment:

The site is within a medium density area and adjacent established residential flat buildings which are up to four storeys in height. Overshadowing created by the roof height and building setbacks is detailed on the shadow diagram plans AR-DA-9101 and AR-DA-9102, dated 12.6.2018, drawn by *'a vella unvelum architects'*. The proposal has been assessed in accordance with the WDCP, SEPP 65 and the NSW *Land & Environment Court* Planning Principle established under *Benevolent Society v Waverley Council (2010) NSWLEC 1082* with respect to solar access considerations.

In summary, the main elements of the Planning Principle state that:

*"At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong."*

*The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

*A proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

*For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity.*

*Overshadowing by fences, roof overhangs and changes in level should be taken into consideration.*



*The impact on what is likely to be built on adjoining sites should be considered as well as the existing development."*

The applicant has provided elevation and plan diagrams for adjacent building to demonstrate the change from the existing situation to future solar access with the proposed building between 9am and 3pm on the 21 June. For No.7 Dalley Street the change in overshadowing is most pronounced between 9am and 10am. The additional overshadowing is generally confined to latter part of the day for No.3 Dalley Street as shown on the shadow diagrams. Overall the building design is consistent with the approach made by the NSW LEC under the Planning Principle in dealing with solar access and with *Part D6 Access to Sunlight* of the WDCP.

In summary, this issue has been considered in detail and does not warrant refusal of the application.

**8. Concern that the proposal has insufficient landscaped area and will also cause the loss of the significant tree at the front of the site.**

Comment:

The calculated compliant landscape area is 40.4% and the medium density zone requires 50% landscaped open space under the WDCP. A detailed merit assessment of landscaped open space is provided under the heading *Part D1 Landscaped Open Space* within this report and with further assessment being made pursuant to the SEPP 65 assessment. The existing tree in the south west corner of the site will be retained and conditions are recommended to ensure adequate tree protection measures are used during construction to avoid impacts on the tree that would threaten its long term survival. In summary, the proposal maintains the objectives of the landscaping requirements and, where practicable one (1) metre deep soil is regained to enable substantial screen planting to provide replacement landscape screening to the site. Council's Landscape Assessment Officer has assessed the landscaping impacts for the site and recommends conditions to address landscape issues.

In summary, the landscaping proposed is not unreasonable for the site following considerations of the proposed setbacks, site works and range of replacement planting to ensure a landscape setting for the building is maintained. Therefore, this issue does not warrant refusal of the application.

**9. Concern that the proposal is an over-development of the site and should be scaled down.**

Comment:

The proposal is for four (4) apartments with a basement element containing carparking. The site is narrower than a standard minimum residential lot width and site consolidation is not achievable. Therefore, the site is constrained to a single lot. The applicant has designed the size and scale of the development to maintain the objectives of the side boundary setbacks to ensure an acceptable urban design outcome. In this regard, the proposal has also achieved appropriate front and rear setbacks with basement carparking and provided a landscaped setting around the building with reasonable privacy maintained.

Therefore, based on a detailed merit assessment of this issue it is considered that the proposal does warrant refusal of the application for reasons of being an over-development.

**10. Concern that the internal ceiling heights exceed the recommended 2.7 maximum.**

Comment:

The minimum legal floor to ceiling height is 2.4m (which can be reduced to 2.1m for certain non-

habitable spaces). However, the *Apartment Design Guide* recommends that 2.7m or more be provided for residential apartments which allows for better internal amenity (including light, air space, ceiling fixtures and the like). Overall the floor to ceiling height proposed does not cause any unreasonable breach of the overall building height limit of 11m. The 2.7m floor to ceiling height is not a maximum limit, but is a minimum ceiling height design recommendation to ensure better internal amenity for apartments.

Therefore, based on a detailed merit assessment under SEPP 65 it is considered that this issue does not warrant refusal of the proposal.

**11. Concern that the proposal will cause a loss of sea-breeze to adjacent apartments.**

Comment:

Adequate spatial separation will be maintained between adjacent apartments to ensure air flow within the side boundary setbacks. The subject building is lower than the existing adjacent buildings and therefore does not "block" sea breezes across the upper storey level. The subject building is also stepped in from the side boundaries at the upper levels, enabling natural light and ventilation to adjacent land. The height and scale of the proposal and its setting in context with surrounding residential apartment buildings is not considered to cause an unreasonable loss of natural sea-breeze that may be experienced from time to time.

Therefore, this issue does not have determining weight and does not warrant refusal of the application.

**12. Concern that the proposal will cause an increase in traffic that will raise safety concerns for pedestrians and local vehicle traffic**

Comment:

The site is located on a busy local road and therefore the increase in traffic generation will not create an unreasonable impact considering the traffic report information submitted by the applicant. The provision of vehicle access meets Council policy for safe design requirements, subject to conditions. The site is already developed for housing and the proposal to re-develop the land for 4 apartments will not create a significant traffic generation for the local road network.

Therefore, this issue does not have determining weight and does not warrant refusal of the application.

**13. Concern that the proposal will cause a devaluation of adjacent property real estate.**

Comment:

No evidence has been submitted that redevelopment of the site, would cause a devaluation of the adjacent residential properties. Given that the proposal will not create any unreasonable impacts on solar access or privacy and demonstrates good design principles for landscaping, building bulk and amenity this issue is not assessable against variable economic market considerations for a development application.

Therefore, this issue does not warrant refusal of the proposal.

**14. Concern that the construction works will create noise, dust and health amenity impacts on surrounding residents.**

Comment:

Construction works are subject to 'prescribed' and general conditions to ensure no unreasonable impacts of dust, noise and general amenity during site works. The proper management of site works is the responsibility of the site manager to ensure compliance with applicable standards and conditions of



consent. Compliance with conditions of consent are also the responsibility of the appointed Certifying Authority and where matters of concern occur, such as construction noise, dust, runoff and the like, the appointed Certifying Authority is obliged to address those issues. Therefore environmental impacts that may cause health impacts are to be controlled by conditions of consent ensuring compliance with acceptable standards for demolition or construction work and minimise unreasonable construction / demolition impacts.

Therefore, this issue is addressed by conditions and does not warrant refusal of the proposal.

**15. Concern that there will be noise from the balconies and any external motors that will disturb the amenity of adjacent neighbours.**

Comment:

The balcony spaces face the rear yard and the front yard to enable the maximum separation space to adjacent land with regard to the principal private open space. The western courtyard area is partly excavated and the western boundary fence to provide a suitable acoustic barrier.

The lift mechanism is contained within the enclosed lift shaft and a condition is recommended to ensure noise from any plant used for the building (including the lift motor, air conditioners and the like) does not exceed 5 dBA above background noise, measured at the property boundary to neighbouring residences.

This issue is appropriately addressed by conditions to ensure no unreasonable noise impact and does not warrant refusal of the development application.

**16. Concern that the proposal will create issues of parking congestion during construction works.**

Comment:

The WDCP, WLEP and SEPP 65 contains no requirements for the provision parking to accommodate vehicles for site workers. Access to the site will be maintained to enable demolition and construction including the delivery and storage of building materials. Once the basement is roofed this area can be used as additional temporary on-site construction parking / storage area to reduce pressure on the street frontage during work. Any temporary reservation of land within the road reserve for construction management will require a separate application and approval from Council under the *Roads Act*.

In summary, this issue is regarded as a temporary impact and subject to a construction traffic management plans does not warrant refusal of the application.

**17. Concern that the proposal does not have sufficient carparking for 4 Units and relies on car stackers.**

Comment:

The site has insufficient width to enable perpendicular parking similar to most basement car parks. The construction of a second basement level would significantly increase excavation volume and ramp extensions, increasing the environmental impact on adjacent land. Therefore, under the circumstances of the case the use of car stackers for resident parking is warranted. The applicant has provided details of the car stacker arrangement to be used to ensure it is convenient, safe and reliable for long term use. One visitor space is provided in compliance with the WDCP also.

The proposal complies with the required carparking planning controls and this issue does not warrant refusal of the application.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Landscape Officer	<p><u>Additional information plans comment 28 February 2019</u> Additional information plans do not alter the previous comments and conditions provided. No objections to approval.</p> <p><u>Original Comment</u> The Arborist's Report submitted with the application is noted. No objections are raised to the proposed tree removals, retention and protection measures indicated in the report.</p> <p>The landscape plan indicates additional tree planting along the side boundaries and at the rear of the site. Whilst the side boundary planters are relatively narrow (approximately 500mm wide), the proposed plantings are supported as likely to be able to cope with the planters (subject to adequate watering, soil mix and maintenance).</p> <p>The Courtyard indicated centrally on the site shows in the sections provided that soil depth to 1 metre is proposed. The plans don't indicate any planting in the space other than ground cover and 3 <i>bromeliads</i> in bowls. It is recommended that a tree be included in the space to make use of the soil depth and assist in softening the bulk and scale and improving amenity of residents in the subject and adjoining building.</p>
NECC (Development Engineering)	<p>Reference is made to Development Engineering Referral Response dated 14/11/18, Referral Response 2 dated 22/02/19 and additional information provided by the Applicant.</p> <p><u>Stormwater:</u></p> <p>Sub-soil seepage flows from the excavation/basement area are required to be directly connected to Council's road drainage system through a kerb inlet pit. This will require stormwater drainage works within Dalley Street, and shall be appropriately conditioned.</p>

Internal Referral Body	Comments
	No objections are raised to the proposed development, subject to conditions.
Strategic and Place Planning (Urban Design)	Urban Design have reviewed the proposal, including the architectural design, building bulk, scale, fenestration, visual impact, streetscape and context in relation to SEPP 65 and the ADG. No objection to approval, subject to conditions as recommended.
Traffic Engineer	<p>Traffic engineering preference is that the applicant allocate vertical 'stacks' to the same unit. This way other tenants are not waiting for vehicles to be removed until they are able to remove their own vehicle.</p> <p>However, based on the low usage levels anticipated, and sharing is needed for only one stacker and given there are only 4 units in the building Traffic engineering accept the carstacker arrangements proposed in this instance.</p> <p>This is an isolated exception and should not set a precedence.</p>
Waste Officer	The external bin location, in the front setback and on the west side of the driveway is satisfactory, subject to conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to <i>Ausgrid</i> . A response has been received from <i>Ausgrid</i> dated 16 November 2018 addressing the service providers requirements to relocate a power pole in front of the site so that it is clear of the proposed site works. <i>Ausgrid</i> have raised no objection to the proposal and <i>Ausgrid</i> requirements are included with the recommended conditions.
NSW Police - Local Command (CPTED)	The proposal was referred to NSW Police (Local Command) for any comments on crime prevention through environmental design. No comments and no conditions have been received for the referral.

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)\*

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

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

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

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

**SEPP 55 - Remediation of Land**

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential re-development. The Geotechnical report (No.2017-206.1) prepared by *Crozier Geotechnical Consultants* has not identified any significant slope instability or other soil conditions that indicate the presence of contaminating material. Conditions are included to address the appropriate disposal of asbestos materials if found present during demolition and to ensure health risks to adjacent land is appropriately managed.

With respect to slope, excavation risks (including dilapidation) and water table risks the geotechnical report identifies the following acceptable risk and management to address relevant considerations:

*"The proposed works involve demolition of existing site structures and construction of a new residential unit building a single level basement and car stacker. The proposed basement/car stacker will require an excavation of up to 11.00m depth below the existing ground level. It is expected that most of the excavation will extend through sandstone bedrock of low to medium and potentially high strength.*

*The risk from geological/geotechnical hazards which were identified in relation to the proposed works is limited to excavation failure and can be considered 'Acceptable', when assessed against the criteria of the AGS 2007, provided the recommendations of this report and future geotechnical directive during excavation are implemented.*

*The excavation of medium to high strength bedrock will require the use of rock excavation equipment, which can produce damaging ground vibrations. Since the excavation work is to be carried out within 5.00m of surrounding structures, it is recommended that the geotechnical engineer or engineering geologist assess the excavation methodology and equipment prior to commencement to determine the need for vibration monitoring of neighbouring structures.*

*The risks associated with the proposed development can be maintained within 'Acceptable' levels with negligible impact to neighbouring properties or structures provided the recommendations of this report and any future geotechnical directive are implemented. As such the site is considered suitable for the proposed construction works provided that the recommendations outlined in this report are followed."*

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

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

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

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



- (i) the erection of a new building,
  - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
  - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

As previously outlined the proposed development is for the erection of a three storey residential flat 'housing' development plus basement car parking for the provisions of eleven self-contained dwellings.

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

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

Clause 28 of SEPP 65 requires:

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

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

## DESIGN REVIEW PANEL

Northern Beaches Council does not have an appointed Design Review Panel (Development assessments has though considered the Urban Design referral response).

## DESIGN QUALITY PRINCIPLES

### Principle 1: Context and Neighbourhood Character

*"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change."*

#### Comment:

The subject site is located in an area that is characterised by older style four-storey walk-up residential flat buildings along Queenscliff Road, with only a few contemporary apartment buildings in the same area. The site is also near to the northern end of Manly beach and Manly lagoon reserve.



The scale and architecture of the development is distinctly more modern than the adjacent buildings but maintains a consistent height and landscape setting to the street, however older style apartment buildings tend to lack landscaping due to ground floor area parking. The building maintains a visual outlook toward the street, and is one of the last "infill" sites remaining within the R3 Residential area along the northern side of Dalley Street / Queenscliff Road. In terms of building bulk, the design has responded to the envelope requirements by stepping-in the upper floors progressively, even so it does not comply with the building envelope or side setback controls. Consideration of the surrounding context and socio-economic character of the Queenscliff area suggests that the development is designed to be larger (3 bedroom) style apartments extending front to rear and with only 4 units in the building.

The provision of landscaping provided around the perimeter of the development contributes to providing a transition between properties given the narrowness of the site. The applicant has designed the proposal to retain the large eucalypt (Bangalay) at the front of the site which is an important existing element of the streetscape in the context of the site frontage.

For the reasons above, the development is considered to fit contextually with surrounding medium density development and the neighbourhood character.

### **Principle 2: Built Form and Scale**

*"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."*

#### Comment:

The development potential of the site is substantially constrained by surrounding developments and the narrow width. In this regard, the site is overlooked and overshadowed by 4 storey buildings on the either side and at the rear. Therefore, window placement, internal room layout and the building's height and shape are critical considerations. The shape of the building above ground level is influenced by the built form controls and need to respond to landscaping, side setbacks, building envelope and height controls. The 4 storey element meets the 11m height control and having a 4 storey building is not out of context with the form and scale of the adjacent 4 storey apartment buildings.

Notwithstanding any numerical non-compliances, the development is of a scale that is suitable for the area and provides appropriate setbacks to the front and rear to allow for the establishment of landscaping (as per the accompanying landscape plan and planting schedule). The side setbacks have a narrow landscaped setback (mostly 1.6m) but still maintain deep soil zones suitable for medium size planting to mitigate bulk and assist with landscape privacy screening.

The development is considered to achieve a scale, bulk and height that is appropriate for surrounding and existing developments, and is designed in a manner that is not unreasonable in terms of building form and scale to adjacent medium density housing.

### **Principle 3: Density**

*"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate*

*densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."*

Comment:

The development provides 4 x 3 bedroom apartments which is consistent with many of the larger style apartments in Queenscliff area, normally within more recently constructed building complexes. The site benefits from existing infrastructure and proximity to many features including transport links to Manly and Dee Why / Brookvale.

Therefore, the density of the development is considered to be appropriate to the existing and projected population of the area and is adequate in regards to the sustainability of keeping residents in longevity by virtue of proximity to services.

**Principle 4: Sustainability**

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

Comment:

The development application is accompanied by a BASIX Certificate which indicates the development achieves an adequate design for water and energy conservation including thermal comfort. The development provides an adequate cross-ventilation and shading devices to large north-facing windows to mitigate the impacts of direct sunlight upon large surface areas of glazing.

The development will utilize a waste management plan to recycle and dispose of waste in accordance with Council's Waste management policies and will not detract from the sustainability of the environment or surrounding area.

**Principle 5: Landscape**

*"Good design recognises that together, landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."*

Comment:

The site provides a perimeter of landscaping around the building with the majority of landscaped open space at the front and rear setbacks. Given the narrow width of the site, the provision of a full 4.5m landscaped side setback is not practical for the development of the site and the applicant has designed the proposal with narrower side setbacks. Consideration has been given to retaining the large Bangaly tree at the front of the site and conditions are included to ensure its protection during site works as this tree contributes to the landscape character of the street for the site.

The development application is accompanied by a detailed landscaped plan and schedule of plantings as discussed under the Landscape Assessment referral within this report. This plan demonstrates that

the establishment of landscaping will assist to mitigate the lower building bulk of the development and will assist with privacy screening and amenity outlook, along the side setbacks and particularly toward the rear. The provision of landscaping has been designed for practical establishment and long-term management including the landscaping area to be re-instated in the front setback.

#### **Principle 6: Amenity**

*"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility."*

##### Comment:

The development provides an appropriate provision of amenity for residents and neighbours by the design of window spaces along the side elevations (including use of high sill windows and "notch" wall elements). The setbacks progressively increase as building height increases. the internal layout and provision of balcony and living area spaces, and the surrounding landscaped areas (including courtyards) which contribute to the amenity of privacy, enjoyment and visual impact.

The development comprises of appropriately proportioned rooms, natural ventilation, access to sunlight, outlook, privacy, storage, efficient layouts and a good degree of mobility including internal lift access.

#### **Principle 7: Safety**

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

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

##### Comment:

The development will incorporate adequate standard safety features for the comfort and security of residents. The development will provide increased opportunities to what is present for casual surveillance of the streetscape and adjoining front setback areas. The basement access has a security access for vehicles and there is a ground floor foyer for pedestrian entry.

The access points into the development are well-defined but not visually offensive or dominating and can be easily accessed.

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

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

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

##### Comment:



The development comprises of 4 apartments consisting of three bedrooms. The site is located within the Queenscliff medium density area which is dominated by older style apartments from the 1960-70's era with some contemporary infill apartment buildings. The site is one of few remaining 'in-fill' sites along Dalley Street / Queenscliff Road. As such, the development provides variation in regards to a socio-economic demographic as a direct result of the design and large floor plan for each of the 4 apartments.

The development as a whole, and each apartment, provides features (such a basement parking, lift access, balconies, storage and spacious living areas, that would warrant the value of the apartments and provides opportunities for social interactions between residents of the subject and surrounding developments.

### Principle 9: Aesthetics

*"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."*

#### Comment:

This assessment report details the built form of the development against the control requirements and objectives, as can be found later in the report. The development is considered to be of good design and of proportions that enable the building to provide essential elements of landscaping, carparking, private open space and generous internal floor space. The aesthetics of the external appearance of the building are contemporary and elements of the design serve practical functions to assist with solar access, privacy, minimising view loss, minimising overshadowing and the like.

The varying use of materials, colours and textures combined with the design and provision of landscaping provide a visual appearance that is visually interesting within the streetscape. The development is purposely in contrast to the architecture of adjacent apartment buildings due to the need to address development controls that did not exist when the adjacent flat buildings were constructed.

The overall aesthetic of the apartment building is considered to be appropriate for the urban context and in-fill site within the Queenscliff medium density area.

### APARTMENT DESIGN GUIDE

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

Development Control	Criteria / Guideline	Comments
<b>Part 3 Siting the Development</b>		
<b>Site Analysis</b>	Does the development relate well to its context and is it sited appropriately?	<p><b>Consistent</b></p> <p>The development of a residential apartment building is appropriate within the context of Queenscliff and surrounding R3 Medium Density Residential zone.</p>

		<p>The scale and proportion of the development is similar in height and setback to the streetscape which is largely characterised by older-style four storey apartment buildings.</p> <p>Despite the non-compliant setbacks of the development the proposal is assessed as being satisfactory and without unreasonable amenity impacts upon surrounding land.</p> <p>For the reasons above, the development is considered to relate appropriately to its context and the established medium density development in the local surroundings.</p>
<b>Orientation</b>	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	<p><b>Subject to design measures</b></p> <p>The site is constrained in regards to providing an extensive landscaped area whilst maintaining adequate setbacks to surrounding developments to minimise overshadowing.</p> <p>The architecture of the site and the building setbacks are appropriate for the streetscape, and the front and rear setback areas maintain a wide landscape component.</p> <p>The proposal includes two narrow side boundary setbacks to the east and west, which increase progressively from 2.0m at ground level to 3.35m</p>



		<p>at the top floor.</p> <p>Given that the existing development on the site consists of low density housing the redevelopment of this site into a medium density development, appropriate for the R3 zone is inevitably going to have a greater overshadowing impact than that of the existing development.</p> <p>The development will overshadow neighbouring properties to an additional degree.</p> <p>Plan AR-DA-9102 shows the additional overshadowing (blue shading) that affects the upper, middle and lower windows along the front of the eastern wall for No.7 Dalley Road, between 9am and 10am on June 21.</p> <p>Plan AR-DA-9102 also shows the additional overshadowing (blue shading) that affects the upper, middle and lower windows along the front of the western wall for No.3 Dalley Road, between 12noon and 3pm on June 21.</p> <p>It should be noted that the additional overshadowing impacts to the apartment building to the east and west is consistent with the pattern of overshadowing experienced between other apartment buildings in the vicinity due to the pattern of dense 4 storey urban development.</p>
--	--	---

		<p>In regards to the above, the stepped design, height and narrow shape of the proposed building is thought to be a considered approach which could be expected upon the land and is without unreasonable detrimental impact upon surrounding land.</p> <p>(Solar access is also considered in detail under the heading "Submissions" and "<i>Part D6 Access to Sunlight</i>" within this report)</p>
<b>Public Domain Interface</b>	<p>Does the development transition well between the private and public domain without compromising safety and security?</p> <p>Is the amenity of the public domain retained and enhanced?</p>	<p><b>Consistent</b></p> <p>The development provides an appropriate transition between the public (Dalley Street) and private domain and provides a better public domain interface than other surrounding developments (by future of landscaped treatment, entry area, driveway access and bin area).</p> <p>It is considered that the proposal does not create an unreasonable impact on the amenity of the public domain by virtue of visual interest and beautification of the streetscape.</p>
<b>Communal and Public Open Space</b>	<p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none"> <li>1. Communal open space has a minimum area equal to 25% of the site</li> <li>2. Developments achieve a minimum of 50% direct sunlight to the principle usable parts of the communal open space for a minimum of</li> </ol>	<p><b>Subject to design measures</b></p> <p>The development does not have a designated 'communal open space' area, but does have gardens at the front of the development which are</p>

	2 hours between 9 am and 3pm on 21 June (mid winter)	<p>accessible by all residents. The gardens surrounding the development (front and rear) have an area greater than 25% of the total site area.</p> <p>Given the building is for four (4) Units only and the apartments from the first floor to the third floor have access to courtyard or front and rear balconies, therefore the demand for communal open space is less warranted that with a larger unit complex.</p>												
<b>Deep Soil Zones</b>	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m<sup>2</sup></td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m<sup>2</sup> – 1,500m<sup>2</sup></td><td>3m</td></tr> <tr> <td>Greater than 1,500m<sup>2</sup></td><td>6m</td></tr> <tr> <td>Greater than 1,500m<sup>2</sup> with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	Greater than 1,500m <sup>2</sup>	6m	Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	<p><b>Subject to design variations</b></p> <p>The site is calculated to have deep soil zones within the region of 230 sqm equating to 40.4%, thereby much greater than the minimum requirement of the ADG.</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)												
Less than 650m <sup>2</sup>	-	7%												
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m													
Greater than 1,500m <sup>2</sup>	6m													
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m													
<b>Visual Privacy</b>	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td><b>Up to 12m (4 storeys)</b></td><td><b>6m</b></td><td><b>3m</b></td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	<b>Up to 12m (4 storeys)</b>	<b>6m</b>	<b>3m</b>	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p><b>Subject to design measures</b></p> <p>The development is a 4 storey residential flat building below 12m in height, thereby requiring the spatial separation of 6.0m to habitable rooms and balconies and 3.0m to non-habitable rooms. Excluding the courtyard inset of the wall plane the building setbacks vary</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
<b>Up to 12m (4 storeys)</b>	<b>6m</b>	<b>3m</b>												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												

**Note:** Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

from 2.0m at ground level to 3.35m at the upper level.

Despite this variation, the development is assessed as providing a reasonable level of visual and acoustic privacy to adjoining properties as minimal large window openings from primary living spaces face west and south, and all western-facing balconies have floor-to-ceiling privacy screens running along the western most-edge.

There are 3 south facing balconies ("lanai") of the development which have privacy screens to the side elevation. At ground level the provision of a 1.8m high boundary fence and landscaping will ensure that there is no unreasonable visual or acoustic privacy impacts to the adjacent apartments and access along the side setback.

Thus, despite not meeting the numerical requirements, the spatial separation proposed is considered acceptable given the 'isolated' site, limitation of narrow width, building floor layout and design of surrounding developments. In summary the architecture of the proposal has been designed to minimise impacts where the minimal distance separation guide is not achievable.

		In summary, the building design includes some unconventional design elements in order to overcome site constraints for an in-fill development including narrow site width, slope and apartment buildings adjacent.
<b>Pedestrian Access and entries</b>	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p><b>Consistent</b></p> <p>Pedestrian access into the building is easily identifiable from Dalley Street. The lift overrun (which part of the highest elements of the building) is integrated within the south western quarter of the building and not prominent to the street.</p>
<b>Vehicle Access</b>	<p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	<p><b>Consistent</b></p> <p>The driveway entry to the street has been assessed as satisfactory by Council's Development Engineer.</p>
<b>Bicycle and Car Parking</b>	<p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>On land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>	<p><b>Consistent</b></p> <p>The proposed provision of car parking has been assessed as satisfactory in accordance with Appendix H of the WDCP 2011.</p> <p>All car parking is provided off street in the basement car park and thereby has minimal visual and environmental impacts on the immediate surrounding area.</p>



	Parking and facilities are provided for other modes of transport.	
	Visual and environmental impacts are minimised.	
<b>Part 4 Designing the Building</b>		
<b>Amenity</b>		
<b>Solar and Daylight Access</b>	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.</li> <li>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</li> </ul>	<p><b>Subject to design measures</b></p> <p>The development achieves a satisfactory provision of solar and daylight access to 75% of the apartments (3 out of 4) given the orientation of the building, setbacks and dense surrounding urban development. The amenity of the principle living areas is enhanced by the external void area which enables light and solar access to the living room areas for each apartment. The diagram below show solar access at the optimum time of day on the 21 June. Blue shading represents the proposed building and red shading is from the adjacent building at No.7 Dalley Street.</p> <p>Apartment 1 (Ground floor) receives the least direct sunlight because it is partly below existing ground level and the basement car stacker element extends across the northern internal section of the ground floor.</p> <p>In summary, the building contains 4 apartments, and solar access to the ground floor only, does not comply with the requirement for 2 hours of</p>

		direct sunlight. Notwithstanding this, highlight windows are used for all apartments along both the east and west elevations. This maximises natural light amenity internally without undue impact on privacy and each apartment above ground level has access to a secondary balcony north facing balcony. Therefore, the apartments will receive adequate natural light internally between 9am and 3pm on the 21 June.										
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none"><li>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</li><li>Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.</li></ul>	<p><b>Consistent</b></p> <p>The development comprises of 4 units and have been designed to achieve natural cross ventilation.</p> <p>Therefore the application is assessed as having 100% of apartments being naturally cross ventilated and satisfying the requirements of this control.</p>										
Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the</td></tr></table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the	<p><b>Consistent</b></p> <p>The development achieves satisfactory floor-to-ceiling levels as per the ADG and BCA. Some storage rooms have 2.1m which is satisfactory for a non-habitable room. Storage must be provided with the apartments as the basement area does not have sufficient space (or would need to be enlarged to encroach in the side setback area). As the building has lift access the provision of storage</p>
Minimum ceiling height												
Habitable rooms	2.7m											
Non-habitable	2.4m											
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Attic spaces	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the											

	<table><tr><td></td><td>apartment area</td></tr><tr><td>If located in mixed used areas</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr></table>		apartment area	If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	rooms in the apartments is satisfactory to enable items to be transferred to and from a car.						
	apartment area											
If located in mixed used areas	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
<b>Apartment Size and Layout</b>	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35sqm</td></tr><tr><td>1 bedroom</td><td>50sqm</td></tr><tr><td>2 bedroom</td><td>70sqm</td></tr><tr><td>3 bedroom</td><td>90sqm</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"><li>• 3.6m for studio and 1 bedroom apartments</li><li>• 4m for 2 and 3 bedroom apartments</li></ul> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	Apartment type	Minimum internal area	Studio	35sqm	1 bedroom	50sqm	2 bedroom	70sqm	3 bedroom	90sqm	<p><b>Consistent</b></p> <p>The development has a satisfactory apartment size and layout per unit as per the ADG guide.</p>
Apartment type	Minimum internal area											
Studio	35sqm											
1 bedroom	50sqm											
2 bedroom	70sqm											
3 bedroom	90sqm											
<b>Private Open Space and</b>	All apartments are required to have primary balconies as follows:	<b>Consistent</b>										

Balconies	<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<p>Each apartment within the development has a courtyard area or balcony / terrace that are directly accessible from a living area.</p> <p>Apartment 1 has a courtyard (above basement area) 16 sqm. Apartment 2 has a principal balcony (Lanai) that is 19 sqm. Apartment 3 has a principal balcony that is 16 sqm. Apartment 4 has a principal balcony that is 14 sqm.</p> <p>All apartments contain 3 bedrooms and the principle balconies have minimum dimensions that exceed 3.0m. Apartments 2,3, and 4 have access to secondary open space area that are north facing (at the rear of the building).</p>
Dwelling Type	Minimum Area	Minimum Depth															
Studio apartments	4m <sup>2</sup>	-															
1 bedroom apartments	8m <sup>2</sup>	2m															
2 bedroom apartments	10m <sup>2</sup>	2m															
3+ bedroom apartments	12m <sup>2</sup>	2.4m															
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p><b>Consistent</b></p> <p>Ground Floor - 1 unit First Floor - 1 unit Second Floor - 1 unit Third Floor - 1 unit (internal stair to upper bedrooms at the rear fourth storey element)</p>															
Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m<sup>2</sup></td></tr><tr><td>1 bedroom apartments</td><td>6m<sup>2</sup></td></tr><tr><td>2 bedroom apartments</td><td>8m<sup>2</sup></td></tr><tr><td>3+ bedroom apartments</td><td>10m<sup>2</sup></td></tr></table> <p>At least 50% of the required storage is to be located</p>	Dwelling Type	Storage size volume	Studio apartments	4m <sup>2</sup>	1 bedroom apartments	6m <sup>2</sup>	2 bedroom apartments	8m <sup>2</sup>	3+ bedroom apartments	10m <sup>2</sup>	<p><b>Consistent</b></p> <p>Each apartment has a satisfactory provision of dedicated storage rooms located in each apartment. (Additionally the units has walk-in-robos, laundry and kitchen / living and bedroom storage)</p>					
Dwelling Type	Storage size volume																
Studio apartments	4m <sup>2</sup>																
1 bedroom apartments	6m <sup>2</sup>																
2 bedroom apartments	8m <sup>2</sup>																
3+ bedroom apartments	10m <sup>2</sup>																



	within the apartment.	
<b>Acoustic Privacy</b>	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	<p><b>Subject to design measures</b></p> <p>The design and layout of the building has been composed to minimise acoustic impacts that may arise from the garage door and circulation areas.</p> <p>Given that the development is not large (being only 4 units) it is not anticipated that the circulation spaces would regularly produce noise that could be offensive to adjoining bedrooms.</p> <p>It is considered that the design of the building, anticipated usage and current construction standards (insulation and the like) would mitigate any unreasonable or detrimental acoustic impact.</p> <p>A condition is included to ensure no unreasonable noise impact from air conditioning or lift motors.</p>
<b>Noise and Pollution</b>	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	<p><b>Consistent</b></p> <p>The architecture and layout of the building has been designed to minimise the impacts of external noise and pollution and to mitigate noise transmission. The development is considered acceptable in this respect.</p>
<b>Configuration</b>		
<b>Apartment Mix</b>	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within	<p><b>Subject to design measures</b></p> <p>The application proposes</p>

	the building.	three bedroom units to accommodate for a potential buyers / tenants suitable for larger units that can accommodate working couples or 'young' families.
<b>Facades</b>	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	<p><b>Consistent</b></p> <p>The development incorporates contemporary architecture and design features to enhance compliance with the built form controls and to create a contemporary visual impact on all facades with landscaping to enhance the building setting.</p> <p>The general surrounding area is contextualised by older-style brick apartment buildings, many with parking at their ground floor level with 3 levels of apartments above and internal stair access. The contemporary addition of this 'infill' development will not detract from the existing medium density streetscape.</p> <p>It is considered that the development respects the character of Queenscliff local area where the northern side of Queenscliff has convenient access to the northern end of Manly Beach.</p>
<b>Roof Design</b>	<p>Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features.</p> <p>Test whether the roof space can be maximised for residential accommodation and open space.</p>	<p><b>Subject to design measures</b></p> <p>The development provides a low parapet and a generally flat roof stepped over two levels. A</p>

		central courtyard instep and lift facility are principal elements of the centre part of the building.  The roof cannot be used as residential accommodation or open space, and it is considered that any development to do so would impact upon the privacy of surrounding developments.															
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	<b>Subject to design measures</b>  The development application is accompanied by a landscaped plan and planting schedule. The landscape plan shows that the <i>Bangalay</i> tree at the south-western corner of the site will be retained as this tree is in good vigor and contributes to the streetscape in front of the site.  The plans and schedule indicate that the provision of plantings proposed is an appropriate response to the scale of development proposed and the adjoining developments.															
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes: <table><tr><th>Plant type</th><th>Definition</th><th>Soil Volume</th><th>Soil Depth</th><th>Soil Area</th></tr><tr><td>Large Trees</td><td>12-18m high, up to 16m crown spread at maturity</td><td>150m<sup>3</sup></td><td>1,200mm</td><td>10m x 10m or equivalent</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m <sup>3</sup>	1,200mm	10m x 10m or equivalent						<b>Subject to design measures</b>  As per the landscaped plans accompanying the application, side setbacks are to be planted with grasses and small / medium height plants which will be an appropriate landscaped solution. Larger plantings
Plant type	Definition	Soil Volume	Soil Depth	Soil Area													
Large Trees	12-18m high, up to 16m crown spread at maturity	150m <sup>3</sup>	1,200mm	10m x 10m or equivalent													

	<table><tr><td>Medium Trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m<sup>3</sup></td><td>1,000mm</td><td>6m x 6m or equivalent</td></tr><tr><td>Small trees</td><td>6-8m high, up to 4m crown spread at maturity</td><td>9m<sup>3</sup></td><td>800mm</td><td>3.5m x 3.5m or equivalent</td></tr><tr><td>Shrubs</td><td></td><td></td><td>500-600mm</td><td></td></tr><tr><td>Ground Cover</td><td></td><td></td><td>300-450mm</td><td></td></tr><tr><td>Turf</td><td></td><td></td><td>200mm</td><td></td></tr></table>	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m <sup>3</sup>	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m crown spread at maturity	9m <sup>3</sup>	800mm	3.5m x 3.5m or equivalent	Shrubs			500-600mm		Ground Cover			300-450mm		Turf			200mm		will be used in the front and rear setbacks to enhance the visual impact of the development and to maximise landscape setting / screen planting.
Medium Trees	8-12m high, up to 8m crown spread at maturity	35m <sup>3</sup>	1,000mm	6m x 6m or equivalent																							
Small trees	6-8m high, up to 4m crown spread at maturity	9m <sup>3</sup>	800mm	3.5m x 3.5m or equivalent																							
Shrubs			500-600mm																								
Ground Cover			300-450mm																								
Turf			200mm																								
<b>Universal Design</b>	Developments are to achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.	<b>Consistent</b>  Greater than 20% of the apartments incorporate the Livable Housing Guidelines silver level universal design features.																									
<b>Adaptive Reuse</b>	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	<b>Not Applicable</b>  No existing elements of the site or buildings are utilised in this development proposal.																									
<b>Mixed Use</b>	Can the development be accessed through public transport and does it positively contribute to the public domain?  Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	<b>Not Applicable</b>  The development is for a residential flat building which is a permissible development within the R3 medium density residential zone.																									
<b>Awnings and Signage</b>	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development.  Signage must respond to the existing streetscape character and context.	<b>Consistent</b>  The application proposes no awning or signage along the property boundaries. Dalley Street / Queenscliff Road are not streets with high pedestrian activity (as a local centre) or active shop frontages.																									
<b>Performance</b>																											
<b>Energy Efficiency</b>	Have the requirements in the BASIX certificate	<b>Consistent</b>																									



	been shown in the submitted plans?	BASIX Certificate commitments are included with architectural plan package.
<b>Water Management and Conservation</b>	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	<b>Consistent</b>  The application has been reviewed by Council's Development Engineers who raises no objections to the proposal, subject to conditions to address stormwater runoff in compliance with Council Policy.
<b>Waste Management</b>	Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and recycling.	<b>Consistent</b>  A waste management plan has been provided to accompany the development application, and appropriate conditions ensuring compliance with such have been included in the recommendations of this report.
<b>Building Maintenance</b>	Incorporates a design and material selection that ensures the longevity and sustainability of the building.	<b>Consistent</b>  The building materials selected for the subject development are of a high quality and will achieve a longevity that is both sustainable and expected for a development of this nature.

#### **STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT**

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

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

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

Design Guide,

(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

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

Comment: The development application is not being refused on any grounds contained within Cl. 30 (1) (a), (b) or (c).

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

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

(3) To remove doubt:

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

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

Comment: The assessment of this development application against the criteria and requirements of SEPP 65 has adequately demonstrated consideration has been given to Cl. 30 (2) (a) and (b) as per the above assessment.

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

A BASIX certificate has been submitted with the application (see Certificate No.924795M\_03).

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

Commitment	Required Target	Proposed
Water	40	44
Thermal Comfort	Pass	Pass
Energy	40	35

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

#### **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*. A response has been received from *Ausgrid* dated 16 November 2018 addressing the service providers requirements to relocate a power pole in front of the site so that it is clear of the proposed site works. *Ausgrid* have raised no objection to the proposal and *Ausgrid* requirements are included with the recommended conditions.

### Other Service Infrastructure Authorities

The proposal was not required to be referred to the Roads and Maritime Service (RMS) and no other service authority referral issues are raised pursuant to the SEPP.

### **Warringah Local Environmental Plan 2011**

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:	11.0m	11.415m	3.7%	No*

\*Refer to detailed merit assessment (Clause 4.6 variation) within this report.

### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

#### Detailed Assessment

#### **4.6 Exceptions to development standards**

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard has taken into consideration the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46.

Requirement:	11.0m
Proposed	11.41m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	3.7%

\* Maximum building height is taken to the top of the lift overrun between cross section "01" on the plans AR-DA-3101 drawn by *Avelunvelum Architects*, dated 12.6.18. A secondary smaller breach of the building height is also shown for the front wall of bedroom 1, Unit 4.

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

#### **Is the planning control in question a development standard?**

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

#### **What are the underlying objectives of the development standard?**

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the WLEP 2011 are:

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

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

#### Comment:

The non-compliance occurs as a result of the lift overrun and rear section of the building that steps up the site roof form of the building, in response to the slope of the site.

Given the majority of the roof form complies with the 11m height control, and the building is substantially lower than the maximum height of adjacent residential flat buildings, the height is considered to be compatible with surrounding and nearby apartment buildings in Dalley Street, Queenscliff Road and Crown Road. The development maintains a four storey visual appearance



which is consistent with adjacent flat buildings that are also mostly four storeys.

Overall the building is compatible with the height and scale of adjacent apartment buildings is consistent and compatible with in height of other more recent medium density development in the subject zone.

*b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

Comment:

The development is largely compliant with the numerical requirement of this development standard and has been designed having regard to the views obtained from adjoining properties, maintaining a reasonable level of privacy and solar access to adjoining developments.

The assessment of this application has found that the development does not result in any unreasonable overshadowing or privacy impacts and achieves a reasonable sharing of views given the density of surrounding development.

The area of non-compliance is minor in nature and relates to the proposed hipped roof form of the development which is consistent with surrounding and nearby development.

*c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

Comment:

The development will not have an adverse impact on the scenic quality of Warringah's coastal or bush environments. The development provides appropriate landscaping and landscape elements that include a mix of native and exotic species, including plants that are suitable for the coastal environment.

*d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,*

Comment:

The development is considered to be consistent and compatible in its context and relationship with that of the pattern of surrounding medium density developments and the desired future character of Queenscliff. Further, The development provides areas of landscaping within the side, rear and front setback areas which will act to soften the visual appearance of the building.

### **What are the underlying objectives of the zone?**

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R3 Medium Density Residential zone.

The underlying objectives of the R3 Medium Density Residential zone:

- *To provide for the housing needs of the community within a medium density residential environment.*

Comment:

The subject site currently accommodates low density housing, which given the medium density zoning of the land do not maximise the housing potential of the site or assist in meeting the growing housing demand within the community. The proposed medium density development containing 4 new apartments is consistent with the land zoning and will assist in meeting the growing housing needs of the community, particularly for apartment style living with access to internal parking and close to other amenities including parkland, public transport and shops.

- *To provide a variety of housing types within a medium density residential environment.*

Comment:

The development provides a mix of apartment sizes which will vary in affordability based on size, aspect and configuration. Ground and First Floor Level apartments have access to garden areas and some units have more than one living space. Therefore providing a variety of options within the building for accommodation in a medium density setting.

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

Comment:

The development is located within close proximity to facilities and services which meet the day to day needs of residents such as North Manly local centre and high frequency public transport routes linking Manly and Dee Why / Brookvale. The increase in density will result in an increased frequency of visits to these precincts which enhances the economic sustainability of the local area.

- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The development incorporates landscaping within and around the perimeter of the site, including lawn areas and concentrated planting. The landscape concept includes areas within the front, side and rear setbacks and includes a mix of native and exotic species. A landscape plan has been provided to demonstrate the visual setting of the building, including the landscaped setting and built form.

- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

Comment:

The development provides an articulated residential flat building that is consistent and compatible with that of the surrounding established buildings, recent new apartments buildings. The development provides landscaping within the front, side and rear setback areas which will act to reduce the visual appearance of the building when viewed from public streets and spaces and will contribute positively to the Dalley Street streetscape.

Given the above, it is considered that the development is consistent with the Objectives of the R3 Medium Density Residential zone.

**Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?**

(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.*

Comment:

The proposed variation is consistent with this control as it provides an appropriate degree in flexibility in applying the Height of Buildings Development Standard to the development.

The proposed variation will achieve a better outcome for and from the development by way of enabling a permissible medium density development in the locality which is consistent with its storey controls, desired character, height, scale and is not "jarring" by appearance to existing development nearby. Further, the area of non-compliance relates to the proposed roof form, which is consistent with the predominant roof forms of similar developments in the area.

The Development Standard results in the design option for a flat roof form which is different with surrounding development in the area given the dominance of hipped style roofs. In addition to this, the non-compliance is influenced by the slope across the site which accentuates the height after excavation to accommodate the basement and new ground floor level.

(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.

(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.*

Comment:

The applicants written request outlines reasons as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development. The non-compliance is minor and confined to two small sections of the building roof profile the non-compliance does not unreasonable detract from the control. The development, although non-compliant, achieves consistency with the Objectives of the Development Standard and will maintain an appropriate appearance in the context of adjacent and newer apartment buildings in the area and when viewed from adjoining properties and the street.

The assessment of the proposed variation of the control concurs with the applicants submission and it is considered that compliance with the development standard in this instance would be unreasonable and unnecessary.

The applicants submissions states that the non compliance does not result in any unreasonable impacts and that the proposed development demonstrates '*orderly and economic use and development of the land*' pursuant to the objectives of the Act. Therefore, there is sufficient environmental planning grounds to justify the contravention of the development standard.

The assessment of the application concurs with the applicants submission in so far as the non-compliance does not result in any unreasonable amenity impacts on the adjoining lands and that a reasonable level of privacy, solar access is maintained.

For these reasons, the variation proposed to the development standard is supported.

(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*

Comment:

The applicants written request has adequately addressed the matters required to be demonstrated by subclause (3).

In doing so, the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development and that there are sufficient environmental planning grounds to justify contravening the development standard.

*(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:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone in the WLEP 2011.

*(b) the concurrence of the Director-General has been obtained*

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the *NSW Department of Planning*, advises that the concurrence of the Director-General 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 Director-General for the variation to the Height of Buildings Development Standard is assumed.



## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B2 Number of storeys	3 Storeys	4	N/A	No*
B3 Side Boundary Envelope	5m at 45 degrees East elevation	Ground floor**	N/A	Yes
		First floor**	N/A	Yes
		Second floor	N/A	Yes
		Third Floor	Up to 3.5m (55%)	No*
		Fourth floor**	Up to 2.2m	No*
	5m at 45 degrees West elevation	Ground floor**	N/A	No*
		First floor**	N/A	
		Second floor	N/A	
		Third Floor	Up to 3.5m (55%) Complies at	
		Fourth floor**	'external void' Up to 2.2m	
B5 Side Boundary Setbacks	4.5m 2.0m basement (East side)	Basement 2.0m		Yes
		Plant room and ramp 0.885m		No*
		Ground floor** 2.0m (Raised planter 0.5m)		No* (side access / steps planter permitted)
		First floor 6.0m (Courtyard wall 2.2m)		
		Second floor 6.0m		

		Third floor 6.0m		
		Fourth floor** / roof 6.0m		
	4.5m 2.0m basement  (West side)	Basement 2.0m  Ground floor** (includes car stacker head room) 6.3m  First floor 6.0m (courtyard wall 2.2m)  Second floor 6.0m  Third floor 6.0m  Fourth floor** / roof 6.0m	(Complies at 'external void')	Yes
B7 Front Boundary Setbacks	6.5m	Basement (& Plant room) 6.5m to 8.4m  Ground floor 6.5m to 8.4m Entry and stair exit (bin storage external bin store 1.2m)  First floor 6.5m (Balcony and entry stair / wall facade)  Second floor 6.5m (Balcony and entry stair / wall facade)  Third floor	N/A  N/A (bin storage permitted)  N/A  N/A  N/A	Yes  Yes  Yes  Yes  Yes

		6.5m (Balcony and entry stair / wall façade)  Fourth floor / roof 6.0m to 29.8m	N/A	Yes
B9 Rear Boundary Setbacks	6.0m	Basement 6.3m  Ground floor (includes car stacker head room) 6.3m  First floor 6.0m (courtyard wall 2.2m)  Second floor 6.0m  Third floor 6.0m  Fourth floor / roof 6.0m	N/A	Yes  Yes  Yes  (Courtyard retaining wall permitted) Yes  Yes  Yes
D1 Landscaped Open Space (LOS) and Bushland Setting (Site area 568.3sqm)	40% 284sqm	40.4% 230 sqm	19%	No*

\*\*The ground floor does not extend as 'storey' to the rear where there is a fourth storey at the rear (apartment 4 that extends over two levels) \*Refer to detailed merit assessment under the heading Built Form Controls within this report.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B2 Number of Storeys	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	No	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	Yes	Yes
D19 Site Consolidation in the R3 and IN1 Zone	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

#### **B2 Number of Storeys**

##### Description of non-compliance

The built form controls for the site apply a 3 storey limit (11.0m) and the proposal is 4 storeys.

##### Merit consideration:

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

- *To ensure development does not visually dominate its surrounds.*

Comment:

The proposed building is lower than adjacent apartment buildings in its overall height (being 11.4m) and is consistent with adjacent storey height of buildings surrounding the site that are all 4 storeys. The proposal steps up the slope at the rear which creates a 4 storey element and the back and the ground level is excavated which allows for four storey appearance to the street while maintaining a near 11m height maximum.

Therefore the building is generally lower than adjacent apartment buildings along Dalley Street and Queenscliff Road.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposal is setback on a consistent alignment with adjacent buildings and does not create any 'forward' impact on the street setback. The proposal has been designed with access to the basement area which allows opportunity to integrate a fourth storey into the design by excavating the ground floor level. In this regard, the fourth storey level is consistent with the street presentation of adjacent apartment buildings that are also designed with four storeys when viewed from adjoining properties, streets and the public domain.

- *To provide equitable sharing of views to and from public and private properties.*

Comment:

The proposal is generally below the building height control with only minor elements of the lift overrun and the forward edge of the rear section of the building (apartment 4 master bedroom). The fourth storey element does not contribute to any unreasonable loss of views from adjacent public land or private property.

- *To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.*

Comment:

The fourth storey level is stepped-in from the side setbacks to provide spatial separation to adjacent land including solar amenity and reduce building bulk. The building is also designed to maintain reasonable privacy amenity to adjacent apartment buildings and ensure no unreasonable loss of views or natural ventilation.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The building has been designed with a flat roof in order to minimise view loss from apartments that overlook the site from Crown Road at the rear. In this regard, however the upper level is split in two



sections, which is influenced by the natural slope of the land. The roof top has a minor “chamfered” edge and will be finished with a neutral varied surface finish to ensure no unreasonable glare for properties that overlook the roof area.

- *To complement the height of buildings control in the LEP with a number of storeys control.*

Comment:

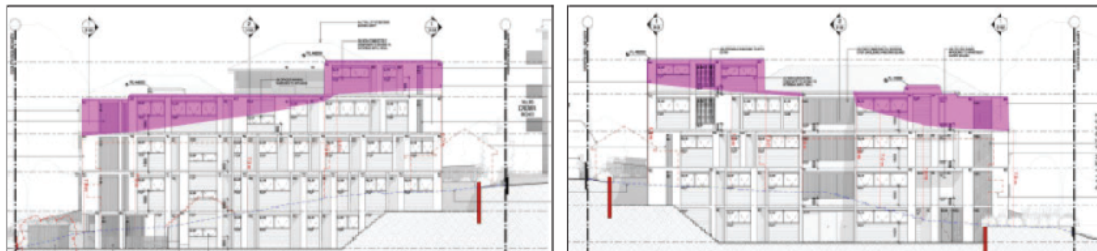
The Warrigah LEP 2011 height of building control is 11 metres and the use of four storeys for residential development already has an established precedent in the locality. In this case the fourth storey element does not create any significant breach of the WLEP development standard and is not inconsistent the objectives of the control.

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

### **B3 Side Boundary Envelope**

Description of Non compliance

The proposal breaches the side boundary envelope along the eastern and western elevation for the third and fourth floor levels (mainly the upper level). The figure below illustrates the extent of building envelope non-compliance despite the building being mostly below the 11m height line.



Merit Consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The proposal is stepped in as it increases in height along the side boundary envelope. The narrowness of the site however is a significant constraint on the development whereby the building envelope cuts closely through to the middle of the site leaving little width for any floor area above 8m. The design of the building therefore has a reduced width at the upper levels to not appear excessively dominant as a result of its height and bulk.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The articulation used for the wall planes, window height and placement, balcony orientation and floor layout will ensure no unreasonable loss of privacy. The spatial separation between buildings is considered acceptable given the design response to the building setbacks and side boundary envelope for the narrowness of the property. Despite some variation to the built form controls, the extent of the

non-compliance along the upper storeys is not considered to decrease a sense of openness nor detract from the amenity of surrounding buildings.

The breach to the side boundary envelope will cause some additional overshadowing to the property to the west in the morning and the east in mid-afternoon. However, the extent of overshadowing is not considered unreasonable under the provisions of Council's DCP 2011 (including relevant development considerations detailed under *Benevolent Society v Waverley Council (2010) NSWLEC 1082*), with respect to densely urbanised areas and 'isolated' infill sites. (see cl. D6).

- *To ensure that development responds to the topography of the site.*

Comment:

The extent of the building envelope variation changes with the influence of the building slope and floor levels in the transition to the storey above. The building lift shaft and vehicle access ramp gradient however have a fixed functional purpose and therefore has limited opportunity to be responsive to the topography. The floor plate narrows in response to the building envelope and also includes a large instep courtyard on the western side, to assist solar access and reduce building bulk along that elevation toward No.7 Dalley Street.

Therefore, the design of the building does not give rise to any unreasonable impacts from the proposed response to the side boundary envelope control.

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

## **B5 Side Boundary Setbacks**

Description of Non-compliance

The minimum side setback requirement is 4.5m (2.0m for basement areas) along the side elevations. However, the proposal has a setback of less than 2.0m for some elements of the basement (access ramp / storeroom) and a ground floor setback of 2.0 and graduating to 2.4m then 2.9m and finally 3.3m for the upper levels (not including the instep for the courtyard on the western side).

Merit Assessment

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

The site retains 40.4% area for landscaped open space, including the central courtyard area. The side setbacks maintain short sections of deep soil zones suitable for deep soil planting. The detailed landscaped plans shows the treatment of the side setback (including any pathway elements). In this regard 1m deep soil zones are maintained due to the excavation required where there is currently limited opportunity due to surface bedrock or paving.

- *To ensure that development does not become visually dominant.*

Comment:

The reduced side boundary setback will create an unreasonable visual dominance given the pattern of surrounding apartment development. By comparison the proposal will retain enhanced deep

soil landscaping along both the eastern and western setbacks to compliment the setting of the building despite the reduced landscape width.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The overall architecture of the building is well articulated and will not have a negative development impact on the area. The building bulk has been broken up by variable side setbacks and use of external finishes and window spaces, including privacy screens, window 'wall notches' and a narrow floor plate that responds the narrowness of the site. The building bulk is not inconsistent with that of adjacent apartment buildings and the pattern of medium density development in the surrounding area.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The development has been designed to limit privacy impacts along the side boundaries and ensure no unreasonable overlooking toward adjacent private open space or windows. While the side setbacks to walls is less than the DCP requirement (and SEPP) the building will still maintain reasonable amenity in term of impacts on living spaces, natural light and ventilation from maintaining spatial separation distances. This is due to the side setbacks increasing at the upper storeys of the building.

No unreasonable impacts upon privacy and solar access are caused by the proposal that are inconsistent with the pattern of surrounding development and similar recent in-fill apartment buildings in Queenscliff.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The proposed setback distances will no cause any unreasonable loss of views from public land or view lines from adjacent private property.

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

### **C3 Parking Facilities**

Description of non-compliance

The proposal includes the use of a car-stacker arrangement for the basement parking facilities.

Merit consideration

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

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Residential Flat Building	1.5 spaces per 3 bedroom dwelling + 1 visitor space per 5 dwellings.	4.5 (5) +	6 resident spaces in car stacker* machine 1 visitor space	+1  0
<b>Total</b>		6	7	+1

\* The carstacker machine is 3 separate "slots" with vertical lift mechanism. Therefore requiring a share arrangement of at least one of the machines. The applicant has provided detailed information on the car stacker mechanism to support this arrangement and description of operation, convenience use, safety, reliability and maintenance requirements. Given the development is for only 4 units and the limitations of the site in providing conventional basement carparking the use of a car stacker mechanism is supportable under the DCP and circumstances of the case.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The proposal is designed with a basement carpark with access on the eastern side of the building facing the street. The access drive is in the same location as the existing driveway, however site excavation is required to achieve ramp gradients into the basement structure. The garage vehicle entry is integrated into the ground floor of the building and setback, in alignment with the front boundary setback control. The basement parking access will not have an unreasonable visual impact on the street frontage.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The use of car stackers enables much less excavation of the site than would otherwise be required to achieve a second level of basement parking area, for only 3 resident vehicles. The access to the garage will have a security door and the entry is recessed under the ground floor level of the building to ensure it does not dominate the street frontage. The remaining area of the front setback is landscaped and includes ancillary structures of pathways, bin storage, fencing, trees / shrub planting and the like, which ensures the garage structure is not the only element of street frontage.

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

## D1 Landscaped Open Space and Bushland Setting



The development site does not achieve the required provision of landscaped open space (LOS) (50%) and instead proposes an LOS of 40.4% (230sqm) which equates to a variation of 19%.

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

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

Comment:

The street frontages are proposed to be more densely landscaped than what is present on the site. It is considered that the combination of landscaping and the interesting architectural character of the building will cumulatively contribute to enhancing the streetscape. The most significant existing landscape element of the site at the street frontage is the existing *Bangalay* tree that will be retained. Conditions are included to ensure adequate physical protection is provided for this tree during demolition and construction.

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

Comment:

The site will be cleared of all built structures and most existing landscaping prior to construction of this development. The provision of landscaped open space proposed provides opportunities for the planting and establishment of indigenous vegetation and to create habitat for wildlife. This includes a mix of small, medium and larger native species suitable for the site that provide food or shelter for local wildlife.

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

Comment:

The design accommodates a landscaped perimeter which enables the planting and establishment of a variety of trees, shrubs and grasses which, in maturity, will contribute to mitigating the height, bulk and scale of the development. Deep soils zones will be maintained in the front and rear setbacks with up to 1m of soil cover along side areas above the basement element.

- *To enhance privacy between buildings.*

Comment:

The landscaped perimeter around the site combined with architectural treatment (orientation and privacy screening at the upper levels) will create a sense of privacy between buildings. The ground floor and first floor level have fence-lines along the adjacent boundary to assist in privacy at the lower levels. Medium sized trees (up to 10m) are suitable for the front and rear setbacks.

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

Comment:

The site will accommodate sufficient private open space and courtyard to allow for outdoor recreational opportunities appropriate to apartment living.

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



Comment:

The site has sufficient space to accommodate service functions.

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

Comment:

The site has sufficient permeable surfaces to enable and facilitate water infiltration into the ground. Council's development engineers have also noted their satisfaction with the proposed stormwater system, subject to conditions.

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

**D6 Access to Sunlight**Merit Consideration against the Objectives

*Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:*

- i) the slope or topography of the site or adjoining property makes compliance impractical; and*
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.*

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

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

Comment:

The planning principle established in the *Benevolent Society v Waverley Council (2010) NSWLEC 1082* has been considered in the assessment of sunlight. In this regard, the dense pattern of surrounding development and height of the apartment building adjoining the eastern and western boundaries has significant influence on solar access due to the reduced building separation distances. In this regard, the site is also narrower than adjacent land limiting opportunity to provide compliant setbacks and building envelope and maintain a reasonable floor plate width that is appropriate for the building. Key considerations include that:

- At higher densities sunlight is harder to protect which is the case in for such a narrow site as the proposal is situated on.
- Sunlight lost should be taken into account in the solar access diagrams, as well as the amount of sunlight retained, this extends to how soon sunlight is lost or gained before and after the autumn and spring solstice respectively.
- The quality design may be demonstrated by including sensitive design elements that achieves good amenity outcomes. These include floor plate and roof elements, use of recessed sections

and setbacks which the proposal has done.

- Strict mathematical formulae are not always an appropriate measure of solar amenity against glazed surfaces or small private open space areas that may also be subject to shadowing from ancillary building elements.
  - The impact of existing development should be taken into context in areas undergoing change, which in this case the site is an 'infill' Lot adjacent land that was developed with little regard to the amenity of the subject land and its equivalent impact on solar access.
  - In the context of the pattern of existing development and the considerations raised under the planning principle the proposal does not create an unreasonable loss of sunlight.
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposal has been able to respond to the narrowness of the site by using a design that uses the length and slope of the site and steps the building in from the side boundaries to minimise solar impacts to adjacent apartments at No.3 Dalley Street and No.7 Dalley Street.

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

Comment:

The proposal will create additional overshadowing to adjacent land during the mid-winter period. No overshadowing impact on adjacent land would render the site sterile from redevelopment for the same use, benefit as neighbouring properties have benefitted. Therefore, the considerations of overshadowing are extended to demonstrate that the design has sought to minimise adverse impacts of increased overshadowing. However, solar access is not unreasonable in the context of the pattern of surrounding development and the design response of the building.

The narrowness of the site and height of adjacent buildings being well above the minimum 11 metre height control creates additional solar access constraints. Overall the building design has sought to maximise midwinter solar access to as many adjacent windows and living rooms as possible. The adjacent apartments do not have any extensive outdoor living areas along the common boundary setback.

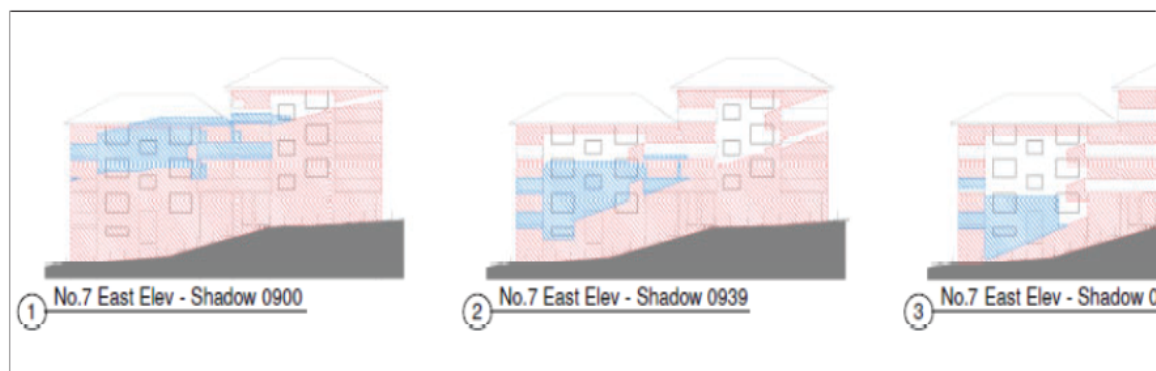


Figure 1: Overshadowing (blue) in the morning period toward No.7 Dalley Street from the proposed development. Existing overshadowing (red)

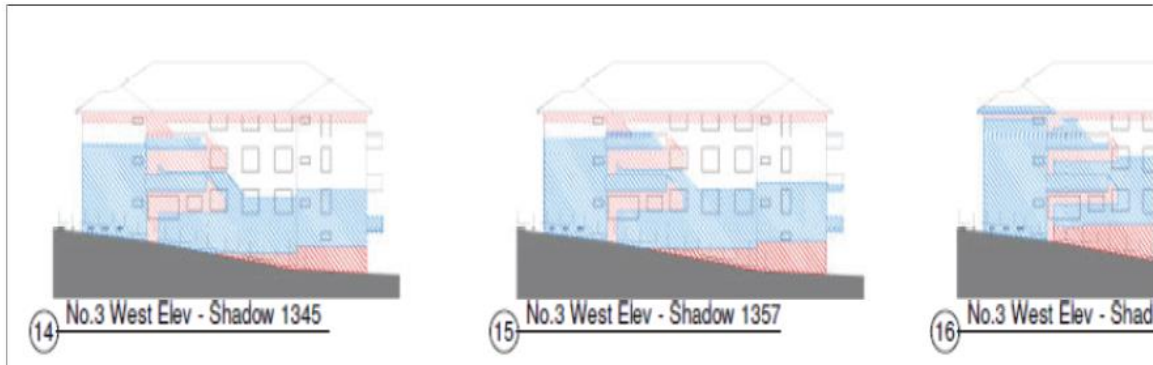


Figure 2: Overshadowing (blue) in the afternoon period toward No.3 Dalley Street from the proposed development. Existing overshadowing (red)

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

Comment:

The proposal does not unreasonably affect any solar design elements for adjacent land or solar panels used for solar energy. The principal outdoor open space areas are on the northern side of the adjacent properties where direct solar access is gained. The side elevations have lesser amenity due to the depth of the adjacent land and narrow lot widths, resulting from the original subdivision pattern for single dwellings. In this regard, some lots were amalgamated for redevelopment however, the subject site was isolated.

- To minimise the need for artificial lighting.

Comment:

The proposal will not have an unreasonable impact on the use of artificial lighting as the spatial separation maintained is sufficient to allow natural light to all side windows during the main part of the day.

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

## D7 Views

### Merit consideration of the Objectives

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

- To allow for the reasonable sharing of views.

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.



## 1. Nature of the views affected

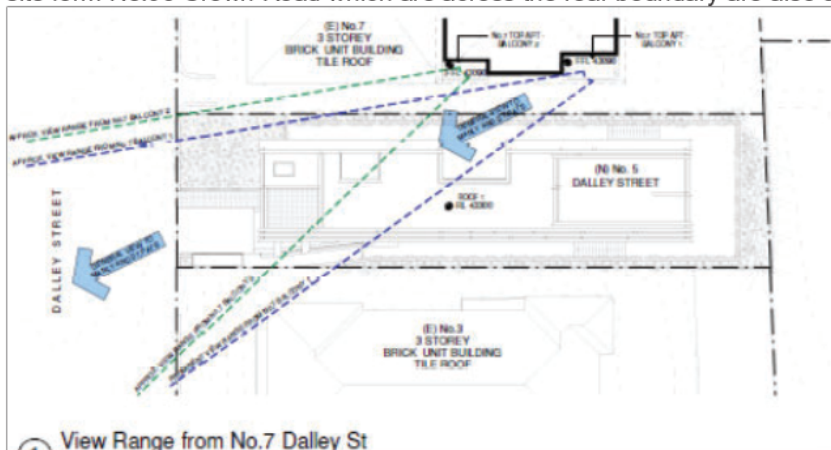
*"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".*

### Comment to Principle 1:

A site visit of the subject property, and adjacent properties demonstrates the views enjoyed across the side and centre of site are broad urban views including distant small section of the coastal interface (water) parts Manly urban area, and the coastal headland. The focal area is in a south easterly direction toward the Saint Patrick's Estate, Manly. The district views of the urban hinterland also form part of the periphery southwards including an urban outlook. The view is partly open at first floor level being along the property alignment with some obstruction across the side boundary since the existing dwelling is two story with a pitched roof.

Specifically view considerations have been made with regard to Units 1, 2, 3, 4, 5, 6, 8, 10, 11 at No. 7 Dalley Street (as referred to specifically or generally in submissions). This includes loss of outlook at the lower floors and view sharing at the upper floors as detailed in submissions received from those Units. Further view loss considerations are also made with respect to Units 8, 13 and 17 within No.96 Crown Road. While access to all units was not possible visitation to the site and adjacent each building has been possible for site inspection to appreciate view impacts and the views affected specifically from No.7 Dalley Street and No.96 Crown Road. The views from No. 3 Crown Road across the site are an urban view toward the south west and are not given the same weight as views from the higher level apartments along the eastern side of No.7 Dalley Street or the rear higher level apartments within No.96 Crown Road.

The figure below shows view angle across the side boundary of the site. Note that views through the site form No.96 Crown Road which are across the rear boundary are also considered.



## 2. What part of the affected property are the views obtained

*"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be*

*relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".*

Comment to Principle 2:

The views enjoyed from adjacent apartments are principally from the second and third storey level side windows across the side boundary. It should be noted that for apartments at the front of No.7 Dalley Road the view from the south facing windows are unaffected. The apartment to the rear however have a narrow viewing angle toward the east and north-east. This view is across a side boundary and there are no balconies. The view is dominated by an urban outlook with distant elements of the Manly coastal area including North Head. The ability to maintain views from a sitting and standing position are impacted due to the view being across a side boundary and the proposed building setback and wall height will essentially greatly restrict views from the ground floor to the third storey. The property to the rear at Crown Road has multiple floor levels but at the upper levels fully overlooks the site. The view through the centre of the site will be blocked by the development at the third floor. A narrow view corridor will be maintained along either side setback. The view line is wider at the top where the proposed building steps in further from the side boundaries, but retaining significant view width across the rear or side boundaries in the context of the pattern of surrounding development is unrealistic.

### 3. Extent of impact

*"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".*

Comment to Principle 3:

The proposal will substantially encroach into the existing view corridor south over the existing building and impact the area of distant coastal views available from the upper storeys of No.7 Dalley Street and No.96 Crown Road. These views are across a side boundary. To the rear the view from Crown Road is across a rear boundary and views from above first floor level already have some various incursions or interferences such as the existing building profiles, trees, telegraph lines and the like. Therefore, the view impact is considered to be minor, above the third storey from Crown Road. The applicant has provided a view assessment to indicate the outline of the building in the context of the view from the third floor level. The top floor will be able to maintain views across the roof of the proposal. Closer to ground level views from apartments at the lower levels (Level 1 and 2 within No.7 and No.96 Crown Road are collectively considered moderate to severe, subject to the precise position and viewing window).

The figure below shows the view corridor over the existing building on the site toward a principle focal area in the distance.





#### 4. Reasonableness of the proposal that is causing the impact

*"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."*

##### Comment to Principle 4:

The adjacent properties along Dalley Street have consistent setbacks with shared views south and south-east toward Manly. This is mostly an urban outlook with distant views of coastal development and North Head area. The proposed additions have been amended to a more skillful design to retain part of the focal point of the water view / ocean horizon without unnecessary structural change to the lower part of the building. Therefore, the proposal is considered to be satisfactory with regard to this element of the planning principle.

The figure below shows the view impact of the building at the top floor / roof level. Note the "chamfered" edge, lift overrun (11.4m), spatial separation within the side setback and view corridor impact by comparison to adjacent apartment buildings in Dalley Street.



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

Comment:

The proposal has been amended (from the pre-lodgement application) to a more innovative roof profile to retain elements of the district view and address Planning Principle in respect of view sharing.

- *To ensure existing canopy trees have priority over views.*

Comment:

The existing Bangalay tree within the front setback will form part of the views from properties adjacent the site looking southward. The proposal includes new landscaping works in the front garden area and conditions are included to minimize excavation of the front setback to maintain landscape elements.

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

## D8 Privacy

### Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The building has been designed to ensure the principal balcony spaces (above ground level) are oriented toward the street or the rear setback where spatial separation to adjacent housing is widest. Privacy screens are also included for the side walls, and adjustable (operable) screens are used at the rear elevation.

The highlight windows for the eastern and western side elevations ensure no direct overlooking from within the development toward neighbours. The use of internal 'block-out' or 'opaque' blinds will ensure internal privacy for these windows, while also enabling maximum natural light to be available during the day. For acoustic privacy, there are no open space areas on the eastern elevation and the courtyard on the western elevation is set below existing ground level which will maintain acoustic privacy to the west.

Therefore, the proposal is consistent with this objective.

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

Comment:

The proposal has ensured that window positioning, window sill heights and private open space areas are designed to assist in maintaining privacy to adjacent land. The building has used 'wall notches' for selected rooms to enable light and internal amenity without direct viewing to adjacent windows. Living areas are generally confined to the front (street end) of the building to maximise privacy at the rear.

While this has reduced access to north facing sunlight, additional windows and extra large balcony spaces are provided at the front where noise amenity has less impact due to the closer public domain of the street.

In this regard, the proposal has used innovative design considerations to offset some solar amenity in favour of greater privacy amenity for neighbours.

- *To provide personal and property security for occupants and visitors.*

Comment:

The site will have security access, including gated access to the basement and side setbacks. Internal security is provided from the foyer area to all apartments.

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

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Council Contributions Plan 2018**

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

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 2,320,593		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 7.12 Levy	0.95%	\$ 22,046
Section 7.12 Planning and Administration	0.05%	\$ 1,160
Total	1%	\$ 23,206

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1069 for Demolition works and the construction of a residential flat building on land at Lot 1 DP 302634, 5 Dalley Street, QUEENSCLIFF, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>	
<b>Drawing No.</b>	
AR DA 1101 Site and Proposed Roof Plan	
AR DA 2001 Proposed Floor Plans 01	
AR DA 2002 Proposed Floor Plans 02	
AR DA 2003 Proposed Floor Plans 03	
AR DA 3001 Proposed Elevations 01	
AR DA 3002 Proposed Elevations 01	
AR DA 3101 Proposed Sections 01	
AR DA 3102 Proposed Sections 02	
AR DA 3103 Proposed Sections 03	
Schedule of External Finishes (Page 1 and 2)	

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
CP-1 Notes and Calculations	13.11.2018	RTS Engineers
SW 01 Stormwater Management Plans	13.11.2018	RTS Engineers
SW 02 Stormwater Management Plans	13.11.2018	RTS Engineers
SW 03 Drainage Details	13.11.2018	RTS Engineers
SW 04 Site Sediment and Erosion Control Plan	18.6.2018	RTS Engineers
CW 01 Driveway Crossover	1.3.2019	RTS Engineers

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BCA Assessment 109310-BCA-r1	19.3.2018	BCA Logic
Geotechnical Site Investigation 2017-206.1	June 2018	Crozier Geotechnical
Arboricultural Impact Assessment	14.4.2018	Selena Hannan



Basix Report 924975_03	16.5.2018	Efficient Living
------------------------	-----------	------------------

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Landscape DA Plan 1 of 4	19.4.2018	Andrew Davies Landscape Designer
Landscape DA Plan 2 of 4	19.4.2018	Andrew Davies Landscape Designer
Landscape DA Plan 3 of 4	19.4.2018	Andrew Davies Landscape Designer
Landscape DA Plan 4 of 4	19.4.2018	Andrew Davies Landscape Designer

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Report	20.6.2018	a vella unvelum

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. Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral - Project No.1900088562 (Reference Plan AR-DA-9501 dated 5.11.18 drawn by <i>a vella unvelum architecture</i> )	16.11.2018

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

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

- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

- (k) All sound producing lift plant, door motors, air conditioning machinery or fittings and the like, to service the building must not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room (s) consistent with the *Environment Protection Authority's NSW Industrial Noise Policy* and/or *Protection of the Environment Operations Act 1997*.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Northern Beaches Council Contributions Plan 2018

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

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 2,320,593.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 22,045.63
Section 7.12 Planning and Administration	0.05%	\$ 1,160.30
Total	1%	\$ 23,205.93

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

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

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



## 6. **Security Bond**

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

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

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

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

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

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

The applicant is to lodge a Bond of \$65,000 as security against any damage or failure to complete the construction of Stormwater drainage works as part of this consent. Details demonstrating payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

## 8. **Construction, Excavation and Associated Works Bond (Crossing / Footpath)**

The applicant is to lodge a Bond of \$10,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent. Details demonstrating payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

The developer/applicant must lodge with Council a Maintenance Bond of \$32,500 for the construction of stormwater drainage within Dalley Street. The Maintenance Bond will only be refunded on completion of the six-month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: Protection of Council's infrastructure.

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



10. **Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for stormwater disposal will be permitted for drainage of hard surfaces areas such as driveways and basement pavement areas only, and must be designed in accordance with AS/NZS 3500. The Applicant is to provide engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site.

11. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for Infrastructure works on Councils roadway. Engineering plans for the new development works within the road reserve within this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of stormwater works within Dalley Street which shall be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

The design must include the following information:

- i. Construction for a pit and pipeline to connect to existing Council road drainage

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

12. **On-site Stormwater Detention**

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 Warringah Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by RTS Civil Consulting Engineers, project number 171001, drawing ID CP-1, SW01 to SW04, revision B, dated 13/11/18. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

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 disposal and stormwater management arising from

development.

**13. 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.

**14. Sub-Soil Seepage**

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's road drainage system within Dalley Street and is to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

- o Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- o Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.)

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

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

**15. Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining(s) with engineering drawings of the proposed shoring works for their consideration and approval.

An application to Council for approval under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Councils road reserve. Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the

protection of adjoining properties and Council land.

16. **Vehicle Crossings and Footpath 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.

Written concurrence from Ausgrid to re-locate the existing electric light pole must be submitted with this application. All requirements of Ausgrid must be complied with.

Reason: To facilitate suitable vehicular access to private property

17. **Off Street Parking Facility and driveway ramp**

The off-street parking facility gradients, levels, internal dimensions, driveway ramp grades and transition grades, driveway ramp widths are to comply with AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and incorporating Council's standard 'Normal High' standard driveway profile within the public verge area.

Vehicle manoeuvrability into all car parking spaces must be designed using the 99th percentile vehicle turning swept path in accordance with appendix B of AS/NZS 2890.1.

A suitably experienced and qualified civil engineer is to certify that the proposed car parking facility complies with all requirements of this condition.

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

Reason: To ensure suitable vehicular access to private property.

18. **Separate pedestrian path between the bin room road verge**

Applicant is to provide a separate pedestrian path between the bin room and road verge. The path must be 1200mm wide and free from any obstructions

Reason: Ensure safe passage to the bin room for servicing. (DACHECPCC1)

19. **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.

20. **Selected Window Sill Heights**

The principal high set windows facing the east or west boundaries, where they are for bedrooms, media, living, dining rooms are to have a raise sill height of 1.8m above floor level. This applies to the first, second, third and fourth levels only, and excludes the windows within the "external void" that are protected by screens.

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

Reason: In order to enhance privacy from viewing toward adjacent apartments. (DACPLC06)

21. **Blank condition for prior to construction certificate - replace this heading with your condition heading**

<insert condition - if pasting use the 'paste plain text button' above>

Reason: <insert reason - make sure you LEAVE the code to the right> (DACTRCPC2)

22. **Waste and Recycling Requirements**

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

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

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

23. **Public Liability Insurance - Works on Public Land**

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

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

24. **Tree protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal in the Arboricultural Impact Assessment dated 18 April 2018 prepared by Selena Hannan, unless exempt under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with the Arboricultural Impact Assessment



dated 18 April 2018 prepared by Selena Hannan and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with the recommendations in the Arboricultural Impact Assessment dated 18 April 2018 prepared by Selena Hannan WDCP2011 and AS 4373 Pruning of amenity trees  
v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

25. **Project Arborist**

- i) A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the the Arboricultural Impact Assessment dated 18 April 2018 prepared by Selena Hannan
- iii) The Project Arborist is to familiarize themselves with and ensure compliance as relevant with, any other environmental requirements conditioned under this consent.

Reason: Environmental protection (DACLADPC1)

26. **Dilapidation Report**

A photographic survey of adjoining properties (being SP3250, SP3348 and SP7386) detailing the physical condition of those properties, both internally and externally (as appropriate to site work risks), including such items as walls, ceilings, roof, structural members, access and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over



damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible).

Reason: Proper management of records to minimize dilapidation risks (DACPLDPC1)

27. **Additional Tree Protection**

The *Bangalay* tree (T1) located at the south-western corner of the site is required to be protected from damage by additional tree protection measures prior to commencement and throughout the construction phase.

A portable steel mesh and frame fence (approx 1.8m high) is to be installed around the Tree Protection Zone (TPZ) within the site and along the front boundary to prevent mechanical damage from excavation and demolition works to tree T1.

The tree protection fencing is to remain in place until the completion of principle site works and the commencement of final landscaping.

Details of compliance with this condition are to be provided to the satisfaction of the Principal Certifying Authority.

Reason: Tree protection measures. (DACTRDPC1)

### CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

28. **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.

29. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

30. **Footpath Construction**

The applicant shall demolish existing footpath and construct 1.5 meter wide concrete footpath for the full width of the frontage. The works shall be in accordance with the following:

- a) All footpath works are to be constructed in accordance with Section 138 Road Act approval
- b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath.

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

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

**31. Vehicle Crossings**

The Applicant is to construct a normal high standard vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/2 NH 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.

**32. Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

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

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

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

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

34. **Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

35. **Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

36. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater detention structures 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 on-site storm water detention 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.

**37. Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
All trees	As indicated on Landscape Plans Dwg Nos. 2, 3, and 4 Issue A dated 19.4.18 prepared by Banksia Design Group	As indicated on the Landscape Plans	200mm
1	Tree capable of attaining a minimum height of 8 metres at maturity	Central Courtyard	75 litre

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

Reason: To maintain environmental amenity. (DACLAF01)

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

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Section 138 plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

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

**39. Garbage and Recycling Facilities**

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

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

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

**40. 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 the NSW Fire Brigade.

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

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

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

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

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

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

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

42. **Waste/Recycling Compliance Documentation**

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

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

43. **Positive Covenant for Waste Services**

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

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

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

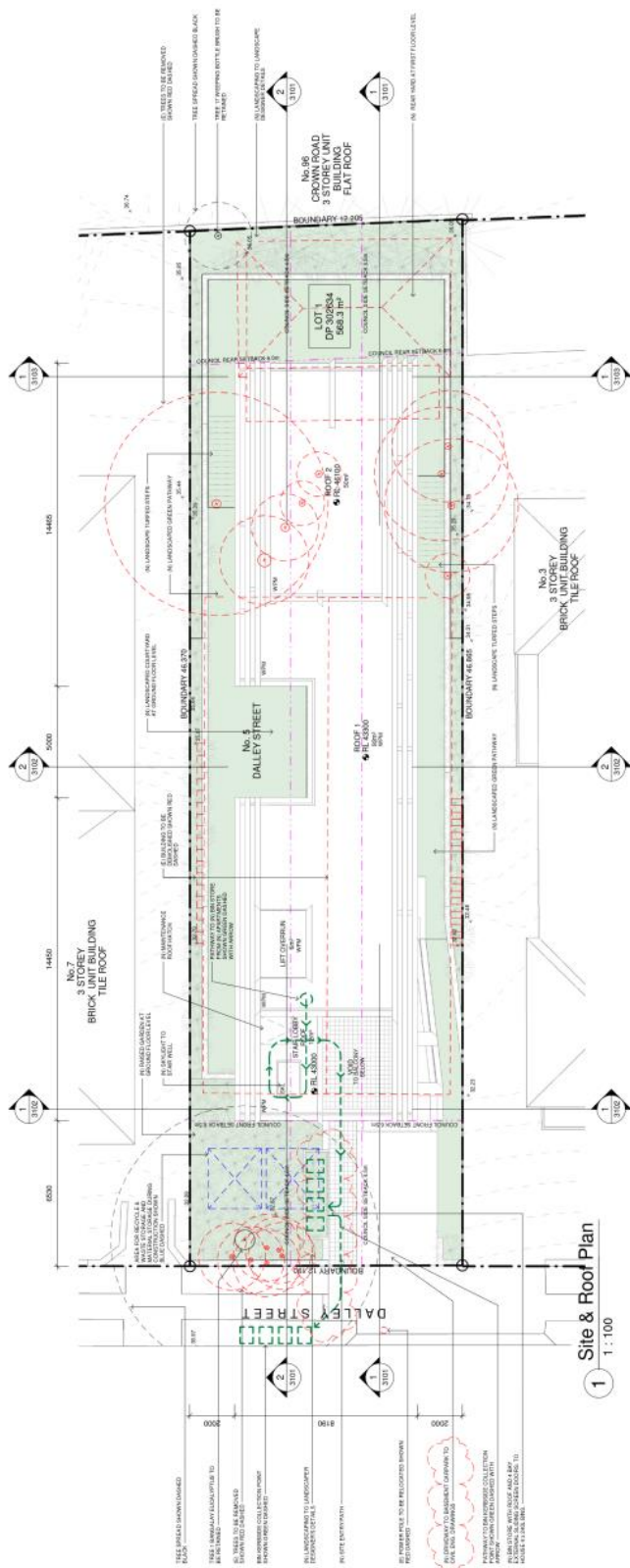
The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the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

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

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



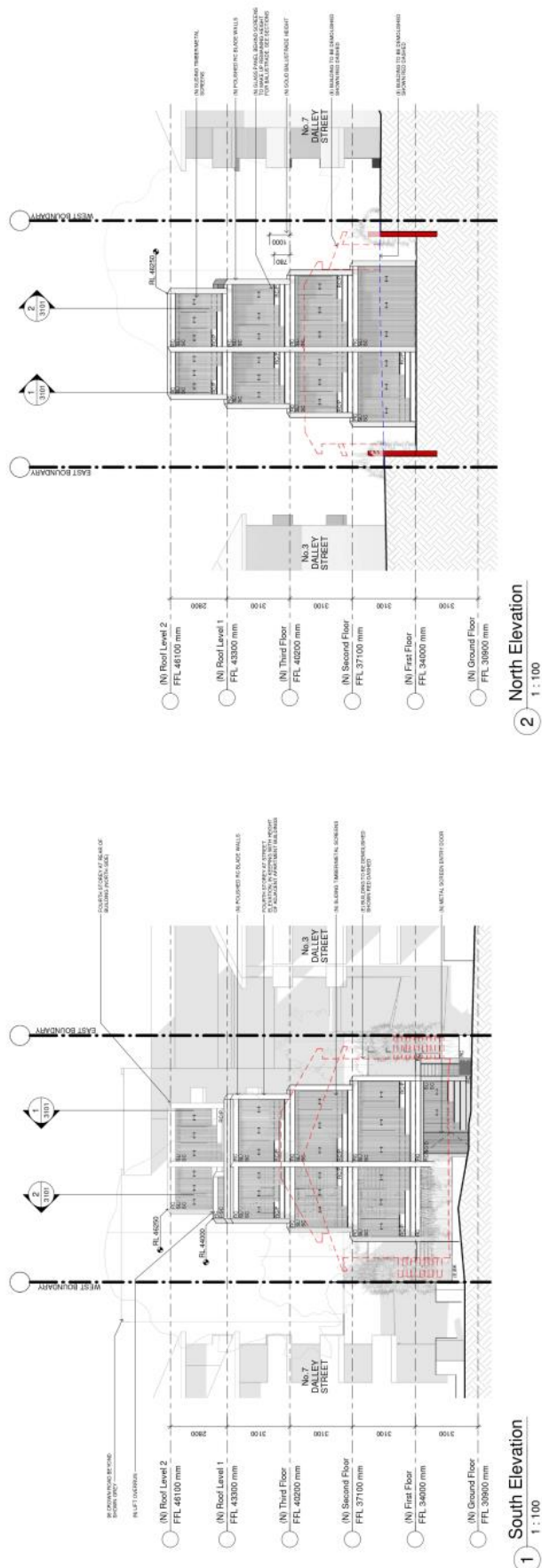




1 Site & Roof Plan  
1 : 100

[illegible]

[illegible]

[illegible]

## 4 Statutory Planning Framework

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

### 4.1 Warringah Local Environmental Plan 2011

#### 4.1.1 Zoning

The Warringah Local Environmental Plan (LEP) 2011 applies to the subject site and this development proposal. The subject site is located within the R3 Medium Density Zone. Residential Flat Buildings are permitted with consent. The stated objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment;*
- *To provide a variety of housing types within a medium density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah;*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

Residential Flat Buildings are defined in the WLEP as “*buildings containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*”

The proposed development meets the relevant zone objectives and provides for an appropriate concentration of residential densities within an established Medium Density Zone. The height and scale of the proposed development is responsive to context, compatible with that of adjoining development and will not result in unacceptable or jarring residential amenity or streetscape impacts.

Accordingly there are no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

#### 4.1.2 Height of Buildings

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

The objectives of this control are as follows:



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

**Building height** is defined as follows:

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

The proposed development represents a very minor 120mm central parapet non-compliance and 415mm non-compliance to the top of the lift overrun with the 11m development standard, as demonstrated on the section plans.

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

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

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

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

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

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

Clause 4.6(4) states 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 Director-General has been obtained.*

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

- a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) *the public benefit of maintaining the development standard, and*
- c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

#### **Clause 4.6 Claim for Variation**

##### **Zone and Zone Objectives**

The permissibility of the development and its consistency with the zone objectives has been addressed at section 4.1.1 of this report. The Consent Authority can be satisfied that the development is permissible with consent and not antipathetic to the zone objectives as outlined.

##### **Building Height Objectives**

Pursuant to clause 4.3 of the WLEP the objectives of the clause are:

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

Having regard to the stated objectives it is considered that strict compliance is both unreasonable and unnecessary for the following reasons:

- The breach to the 11m height development standard is very minor (120mm to the central parapet and 415mm to the lift overrun) and are limited to part of the lift overrun and a minor part of the roof form of the roof level of apartment 4. The minor breaches do not give rise to any additional visual impacts in regard to privacy, overshadowing or view loss.
- The height, bulk and scale of the proposal is entirely consistent with the built form characteristics established by surrounding development, given the sites prominent location. The proposal's 4-storey built form maintains the character of surrounding development and is integrated well with the streetscape.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191 I have formed the considered opinion that most observers would not find the height of the proposed development as offensive, jarring or unsympathetic in a streetscape context nor the built form characteristics of development within the sites visual catchment. Accordingly it can be reasonably concluded that the proposal is compatible with its surroundings when viewed from the streetscape and surrounding properties.
- Having regard to the matter of *Veloshin v Randwick City Council* [2007] NSWLEC 428 this is not a case where the difference between compliance and non-compliance is the difference between good and bad design. The development is considered to be of exceptional design merit, particularly when considered in its context.
- Having regard to *Four2Five Pty Ltd v Ashfield Council* (2015) NSW LEC 1009 I am of the opinion that compliance with the height of building standard contained within Clause 4.3 of WLEP 2011 is unreasonable and unnecessary in the circumstances of this application and the site given the relationship of the proposed height of the building to its neighboring sites and the general paucity of any associated residential amenity impacts to neighbouring properties.

### **Conclusions**

Having regard to the clause 4.6 variation provisions we have formed the considered opinion:

- a) That the contextually responsive development is consistent with the zone objectives, and
- b) That the contextually responsive development is consistent with the objectives of the height of buildings standard, and
- c) That there are sufficient environmental planning grounds to justify contravening the development standard, and
- d) That having regard to (a), (b) and (c) above that compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case, and

- e) That given the proposals ability to comply with the zone standard objectives that approval would not be antipathetic to the public interest, and
- f) That contravention of the development standard does not raise any matter of significance for State or Regional environmental planning.

As such we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a height of buildings variation in this instance.

#### **4.1.3 Development on Sloping Land**

Pursuant to clause 6.4 of the WLEP the objectives of this clause are as follows:

- a) *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- b) *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- c) *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

A geotechnical report by Crozier Geotechnical Consultants accompanies this application. The report concluded that risk associated with the development is acceptable given the recommendations of the report are followed.

#### **4.1.4 Earthworks**

Pursuant to clause 6.2 the objectives of which are as follows:

- a) *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,*
- b) *to allow earthworks of a minor nature without requiring separate development consent.*

A geotechnical report by Crozier Geotechnical Consultants accompanies this application. The report concluded that risk associated with the development is acceptable given the recommendations of the report are followed.

#### **4.2 Warringah Development Control Plan 2011**

The following relevant DCP 2011 controls have been addressed with respect to consideration of the proposed residential flat building development.

**ITEM 3.3**                      **DA2018/1663 - 12 DARLEY STREET, FORESTVILLE -  
CONSTRUCTION OF A BOARDING HOUSE****REPORTING OFFICER**       **MATTHEW EDMONDS****TRIM FILE REF**              **2019/236687****ATTACHMENTS**            1 [↓](#) **Assessment Report**  
                                     2 [↓](#) **Plans****PURPOSE**

This application has been referred to the Northern Beaches Local Planning Panel as it is the subject of 10 or more unique submissions by way of objection.

---

**RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/1663 for construction of a boarding house at Lot 2 DP 365757, 12 Darley Road, Forestville subject to the conditions and for the reasons set out in the Assessment Report.

---



## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1663
<b>Responsible Officer:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 2 DP 365757, 12 Darley Street FORESTVILLE NSW 2087
<b>Proposed Development:</b>	Construction of a Boarding House
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Eruwa Developments Pty Ltd
<b>Applicant:</b>	Keystone Property Consultants
<b>Application lodged:</b>	11/10/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Other
<b>Notified:</b>	07/11/2018 to 01/12/2018
<b>Advertised:</b>	10/11/2018
<b>Submissions Received:</b>	119
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 1,960,000.00

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope  
 Warringah Development Control Plan - B5 Side Boundary Setbacks  
 Warringah Development Control Plan - B7 Front Boundary Setbacks  
 Warringah Development Control Plan - C9 Waste Management  
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
 Warringah Development Control Plan - D7 Views

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2 DP 365757 , 12 Darley Street FORESTVILLE NSW 2087
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the western side of Darley Street, Forestville.</p> <p>The site is rectangular, comprising of a width of 22.555m and a depth of 40.24m. The site has a surveyed area of 900.7m<sup>2</sup> and a corner splay adjacent to the intersection of Darley Street and Violet Avenue.</p> <p>The site is located within the R2 Low Density Residential zone and is cleared of development.</p> <p>The site is relatively level and contains five trees, including a Tallowood Gum in the northwest corner of the site.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by one- and two-storey low density residential development, including a medical centre to the west across Darley Street, and a child care centre adjoining the site to the east. To the north (60m) is land zoned B2 Local Centre, forming the Forestville local shopping centre and Forestville Library. To the north-west of the site is Forestville Uniting Church and Forestville Public School. Forestville Memorial Hall is to the north-east.</p> <p>The site is located within 400m of Warringah Road, a major arterial road, providing public transport services within the district.</p>

Map:



## **SITE HISTORY**

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

- DA2016/0886 for demolition works was approved on 9 September 2016 under staff delegation.
- Pre-lodgement Meeting PLM2017/0127 was held on 9 November 2017 for construction of a 28-room boarding house.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks consent for the following works:

- Construction of a boarding house, comprising:
  - 22 boarding rooms within kitchen and bathroom facilities, including one Manager's room with private open space;
  - 2 communal living rooms;
  - Basement car park containing 11 car spaces, 5 motorcycle spaces, 5 bicycle rack spaces, and storage;
- At-grade accessible parking space;
- Bin storage; and
- Landscaping works.

On 28 February 2018, Council requested withdrawal of the application in relation to insufficient stormwater management details, concerns regarding the proposed basement parking spaces, safety accessing the basement, noise impacts, insufficient bin storage, inadequate landscaping, incomplete owners consent, and failure to provide a plan of management. On 29 March, 3 April and 16 April, the Applicant provided documentation and amended plans intending to satisfy the above concerns. In accordance with Clause A7 of the WDCP 2011, the amended plans and documentation did not warrant

re-notification of the application, as they result in a development that is substantially the same as the original plans, and result in lesser environmental impact.

#### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;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&amp;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&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building</p>



Section 4.15 Matters for Consideration'	Comments
	Code of Australia (BCA). This matter has been addressed via a condition of consent.  <u>Clause 143A</u> 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	(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.  (ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.  (iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 119 submission/s from:

Name:	Address:
Mr Rodney Hill	12 Bushland Avenue FORESTVILLE NSW 2087
Ms Ashleigh Dianne Chow	10 Darley Street FORESTVILLE NSW 2087



<b>Name:</b>	<b>Address:</b>
Forestville Early Learning	2 Violet Avenue FORESTVILLE NSW 2087
Michael Wing Fong	1 Bushland Avenue FORESTVILLE NSW 2087
Mr Christopher Robin Gray Mrs Donna Joy Gray	4 Bushland Avenue FORESTVILLE NSW 2087
Mr David Henry Boyle	13 Woodlands Road FORESTVILLE NSW 2087
Nick Leech	
Glenn Thornton	7 Violet Avenue FORESTVILLE NSW 2087
Tina King	
Mr Stanley George Young Mrs Paula Helen Young	5 Bushland Avenue FORESTVILLE NSW 2087
Christopher Gregson Shuttleworth Mrs Gail Shuttleworth	47 A Duke Street FORESTVILLE NSW 2087
Ashleigh Sungaila	
Mike Huckstep	9 Neale Avenue FORESTVILLE NSW 2087
Ms Fiona Clair Van Brugge	4 / 47 - 49 The Centre FORESTVILLE NSW 2087
Sean Munro	
Maria Guerrero	2 Currie Road FORESTVILLE NSW 2087
Mr Keith Edward Stevens	11 Darley Street FORESTVILLE NSW 2087
Rhonda Leigh Ballard	15 Cannons Parade FORESTVILLE NSW 2087
Ms Kate Dalziell Yonge	6 / 691 - 695 Warringah Road FORESTVILLE NSW 2087
Jack Albert Kapterian Mrs Alice Mary Kapterian	27 Darley Street FORESTVILLE NSW 2087
Brian Li	
Mr Neil Allan Wiseman Deborah Skeoch	7 Neale Avenue FORESTVILLE NSW 2087
Karen Ann O'Malley	19 Darley Street FORESTVILLE NSW 2087
Mr Keith Edwin Mitchell	78 / 45 Cook Street FORESTVILLE NSW 2087
Ms Marjon Freda Crandall	17 Cannons Parade FORESTVILLE NSW 2087
M Wark	
Mr Stephen John Springett Mrs Lynette Anne Springett	74 Starkey Street FORESTVILLE NSW 2087
Mr Jonathan Selby	801 A Warringah Road FORESTVILLE NSW 2087
Mr Ross Campbell Gallant	43 Starkey Street FORESTVILLE NSW 2087
John Eric Gabbott Margaret Doris Gabbott	30 B Cannons Parade FORESTVILLE NSW 2087
Mrs Kym-Wan Low	101 Ballyshannon Road KILLARNEY HEIGHTS NSW 2087
Bruce Green	15 Darley Street FORESTVILLE NSW 2087
Mr John Edwin Redding	33 Cook Street FORESTVILLE NSW 2087
Ms Karen Joy Sole	94 Cook Street FORESTVILLE NSW 2087
Ms Esmae Veletta Pearson	4 Nicholas Avenue FORESTVILLE NSW 2087
Ian James Mercer	49 Melwood Avenue FORESTVILLE NSW 2087

Name:	Address:
Moyra Eileen Mercer	
Mrs Lyndel Vicki Stante	3 Cannons Parade FORESTVILLE NSW 2087
Timothy Maxwell Arrowsmith	67 Melwood Avenue FORESTVILLE NSW 2087
Joseph Edward Smith Knowles Elizabeth Pauline Knowles	3 Violet Avenue FORESTVILLE NSW 2087
Mr Philip John Douglas Wright	44 Cook Street FORESTVILLE NSW 2087
Mr Robert Graham Stutchbury Ms Barbara Joy Stutchbury	18 Dublin Avenue KILLARNEY HEIGHTS NSW 2087
Gina Scalercio	5 Binba Place BROOKVALE NSW 2100
Mrs Jennifer Holbrook	65 Ferguson Street FORESTVILLE NSW 2087
Kathryn Joy Hill	12 Bernie Avenue FORESTVILLE NSW 2087
Anonymous	N/A
Mr Christopher Ian Hawkins	2 B Bellbird Crescent FORESTVILLE NSW 2087
Robert George Lording	2 Neale Avenue FORESTVILLE NSW 2087
Ms Ellen Ash	76 Cook Street FORESTVILLE NSW 2087
Mrs Linda Margaret Dowbiggin	5 Rhonda Avenue FRENCHS FOREST NSW 2086
Mrs Philippa Chaffey-Millar	8 Kinsdale Close KILLARNEY HEIGHTS NSW 2087
Mr Grant Geoffrey Gordon	10 Woodside Grove FORESTVILLE NSW 2087
Julie-Ann Haykal	
John Wylie	
Saburo Takayasu	21 Darley Street FORESTVILLE NSW 2087
Jonathon Joseph Chow Sandra Patricia Chow	10 Darley Street FORESTVILLE NSW 2087
Mr Stephen David Howat Mrs Phoebe Hong Liu Howat	63 Ferguson Street FORESTVILLE NSW 2087
Puxy June Wu	26 Calga Street ROSEVILLE CHASE NSW 2069
Mr Julian Allfree Smithers Mrs Sandra Kay Smithers	5 / 23 A Darley Street FORESTVILLE NSW 2087
Sandra Robyn Bridekirk	14 Waterfall Avenue FORESTVILLE NSW 2087
Ms Beverly Chant	
Melissa Socrates	8 Willunga Crescent FORESTVILLE NSW 2087
Neva Sigrid Poole	17 Lady Davidson Circuit FORESTVILLE NSW 2087
Mrs Meme Muto	8 Walkom Avenue FORESTVILLE NSW 2087
Janice Pauline Rassack	35 Epacris Avenue FORESTVILLE NSW 2087
Patrick Joseph Brennan	10 Stirling Place BELROSE NSW 2085
Kirsty Eagleton	
Sandra Hall	
Sharon Findlay	

<b>Name:</b>	<b>Address:</b>
Rachel Bosnich	10 Darley Street FORESTVILLE NSW 2087
Huw Meirion Evans	9 Violet Avenue FORESTVILLE NSW 2087
Ms Kathleen Alice Wilson	6 Nicholas Avenue FORESTVILLE NSW 2087
Ms Hannah Jane Tourle	52 Ferguson Street FORESTVILLE NSW 2087
Mr Cornelius Johannes Jacobus Scheepmaker Mrs Maria Elisabeth Van Der Heyden	24 Epacris Avenue FORESTVILLE NSW 2087
Janette Thelma Stanbury	4 / 17 Forestville Avenue FORESTVILLE NSW 2087
Mrs Karen Lynne Lambert	1/4 Llewellyn Street RHODES NSW 2138
Ghevont Gary Shahmelikian	17 Darley Street FORESTVILLE NSW 2087
Mrs Amber Louise Ahern	3 Tabora Street FORESTVILLE NSW 2087
Renate Hechter	
Narelle Kay Roche	6 Sligo Close KILLARNEY HEIGHTS NSW 2087
Gordon James Baird	61 A Duke Street FORESTVILLE NSW 2087
Mrs Susan Baird	61 A Duke Street FORESTVILLE NSW 2087
Mr Joshua William Thomas	5 Greystones Road KILLARNEY HEIGHTS NSW 2087
Mrs Jeannine Karen Mason	8 Glentrees Avenue FORESTVILLE NSW 2087
Mrs Lisa Michelle Wright	4 Tabora Street FORESTVILLE NSW 2087
Ms Fiona Jenny Madias	25 Cook Street FORESTVILLE NSW 2087
Simone Robbins	123 Melwood Avenue KILLARNEY HEIGHTS NSW 2087
John Gilmour	
Mr John Leslie Ainsworth	25 Davidson Avenue FORESTVILLE NSW 2087
Anna Victoria Samuelson	37 Rathowen Parade KILLARNEY HEIGHTS(2087) NSW 2087
Ms Jodie Mills Olivia Mills	18 Darley Street FORESTVILLE NSW 2087
Kristy Ross	16 Melwood Avenue FORESTVILLE NSW 2087
Jeremy John Mitchell Mrs Rachel Louise Mitchell	5 Willow Way FORESTVILLE NSW 2087
Selina Tang	5 Violet Avenue FORESTVILLE NSW 2087
Mrs Jennifer Louise Fortescue	7 Mayo Place KILLARNEY HEIGHTS NSW 2087
Ms Sandra Joy Newns-Smith	12 Yeats Avenue KILLARNEY HEIGHTS NSW 2087
Mr Christopher Guy Barnes	14 Tora Place FORESTVILLE NSW 2087
Ms Nicolle Lee-Anne Graham Bacina	80 Starkey Street FORESTVILLE NSW 2087
Millie Tong	5 Amaroo Avenue CASTLE COVE NSW 2069
Mr Bai Li	5 Violet Avenue FORESTVILLE NSW 2087
Mr Dean Bevan Ritchie	46 Deakin Street FORESTVILLE NSW 2087
Miss Ping Yin	8 Hyde Avenue KILLARNEY HEIGHTS NSW 2087
Jennifer Corbyn	1 Lanford Avenue KILLARNEY HEIGHTS NSW 2087
Terry John Taylor	12 Carlow Crescent KILLARNEY HEIGHTS NSW 2087

<b>Name:</b>	<b>Address:</b>
Mrs Lyndon Margaret Taylor	
Mrs Anne-Marie Susan Harden	25 Darley Street FORESTVILLE NSW 2087
Ms Lucy Thompson	70 Darley Street KILLARNEY HEIGHTS NSW 2087
Mrs Georgina Ruth Johanson	5 Lanford Avenue KILLARNEY HEIGHTS NSW 2087
Ms Barbara Ginsburg	18 Athlone Crescent KILLARNEY HEIGHTS NSW 2087
Mr Jan Roland Christel	14 Willunga Crescent FORESTVILLE NSW 2087
Ms Ingrid Joanna German	22 Davidson Avenue FORESTVILLE NSW 2087
Mr Peter Jude Lanzon	22 Davidson Avenue FORESTVILLE NSW 2087
Mr Matthew Vincent Stewart Jonathan Stewart Oliver Stewart Lauren Stewart George Stewart Ava Stewart	1 Violet Avenue FORESTVILLE NSW 2087
Mr Phillip John Chippindale	2 Bushland Avenue FORESTVILLE NSW 2087
Mr Jamie Warren Muller Ms Stacey Anne Daveson	6 Neale Avenue FORESTVILLE NSW 2087
Sarah Louise Catherine Battishall	12 Tullamore Avenue KILLARNEY HEIGHTS NSW 2087
Adrienne Clarke	22 Ferguson Street FORESTVILLE NSW 2087
Jacqueline Chan	
Ms Ana Catherina Welsh Mr Barry Raymond Welsh	7 Tora Place FORESTVILLE NSW 2087
Michael John Gregg	11 Bushland Avenue FORESTVILLE NSW 2087
Mrs Paula Michele Cradock	29 Epacris Avenue FORESTVILLE NSW 2087

The proposal received a large number of submissions objecting to the proposal. Many of the submissions raised similar issues. The matters raised have been grouped and addressed as follows:

### **Traffic and Parking**

Objectors raised concern that the proposal will reduce on-street parking, particularly during construction and rubbish collection days. Many submissions stated the proposal includes inadequate parking. Objectors raised concern that the proposal would increase risk to pedestrian and vehicular safety. One submission requested installation of a crossing at the intersection of Bushland and Violet Avenues.

#### Comment:

The proposed development is acceptable in relation to on-street parking impacts, as it provides 12 car parking spaces, five motorcycle spaces, and five bicycle racks, in accordance with the requirements of the *State Environmental Planning Policy (Affordable Rental Housing) 2005*. Council's Traffic Engineer is satisfied in relation to traffic safety, subject to the inclusion of a traffic signal system (as required by conditions of consent) to reduce the likelihood of vehicular conflicts on the access ramp. The installation

of a pedestrian crossing nearby is not required to safely access local shops, facilities, or transport services.

### **Social Impacts / Concerns**

Objectors raised concern that residents of a boarding house are 'transient' with high turnover and will be responsible for overcrowding, increased crime, decreased safety, unreasonable noise, bad behaviour, and undesirable living. Objectors also raised concern that the location of these residents is inappropriate near church, shopping centre, child care centre, medical centre, primary school and pre-school. Objectors also raised concern that there are not enough social activities for the residents to remain occupied. One objection suggested implementation of house rules to manage behaviour of residents.

#### Comment:

Residents of a boarding house are typically less established than residents who have lived in the locality for many years. However, this does not automatically result in poor behaviour or an adverse social impact on the locality. A premises accommodating up to 44 persons may produce more noise than a single dwelling house. However, a boarding house is subject to stricter requirements in relation to resident behaviour (including noise) than a standard dwelling house. The application is supported by a Plan of Management that details how the ongoing use of the boarding house will be managed. The application is supported by an Acoustic Report that details that the development is unlikely to have any adverse or unreasonable acoustic impacts upon adjoining properties. This matter has been reviewed by Council's Environmental Health Officer who raises no objections to the development, subject to conditions as recommended.

### **Boarding House Matters**

Objectors raised concern that boarding house developments are antiquated, not always for 'key workers', may be let for purposes other than a boarding house, and are not 'affordable'. One objection also raised that a boarding house must be licensed under the NSW *Boarding Houses Act 2012*.

#### Comment:

The property market will set the rate for rental prices, as there is no legislation capping rental prices for this development. The market will also dictate the residents of the boarding house, though the intention of this type of development is to suit workers and students. Licensing of the boarding house is a matter separate to the assessment of the development application.

### **Amenity – Privacy, Odour, Noise, Light Spill, Solar Access, Outlook**

Objectors raised concern that the proposal will result in unreasonable privacy impacts to the dwelling house to the north and the child care centre to the east. Objectors also raised concern that the proposal will result in odour impacts due to the bin store room, noise impacts, light spill, and overshadowing. One objection also raised concern that the proposal will impact on outlook to a tree (being removed for the bin store room) and the sky.



Comment:

The proposed development is consistent with the requirements of Clause D8 Privacy of the WDCP 2011 in that it provides compliant (or acceptable) setbacks, and includes privacy screening on the upper level windows. The proposed bin store room is enclosed, and is not anticipated to result in unreasonable odour to adjacent properties. The proposal is supported by an acoustic assessment, which is supported by Council's Environmental Health Officer, subject to conditions of consent. Use of outdoor areas are limited to between 7am and 10pm, which limits outdoor lighting use, and internal areas are not anticipated to result in light spill beyond a large dwelling house. Given the orientation of the site, the majority of overshadowing falls to the subject site and to the adjacent roads. The proposed development results in a minor increase to overshadowing of the property to the east, though this is inconsequential, as the additional shadowing is in the afternoon only, and predominantly falls to the front yard and driveway. The impact on the outlook from No. 10 Darley Street is not unreasonable, as it relates to sky and an adjacent tree, as addressed in relation to Clause D7 Views of the WDCP 2011.

### **Character of the Area**

Objectors raised concern that the proposal is not wanted in the area, and is not in character of the area, due to its bulk and scale and overdevelopment of the site. Objectors raised concern that the proposal does not meet the minimum lot size for multi-unit development or subdivision. Objectors also raised concern that two boarding house development already exist in the area and the property is best suited to a single dwelling house.

Comment:

The proposed development is assessed as suitable in the context of the site, for the reasons detailed throughout this report. There is no minimum lot size for a boarding house development and subdivision is not proposed. The presence of two other boarding houses in the area does not preclude consideration of the subject application.

### **Non-Compliances**

Objectors raised concern that the proposal includes non-compliance with development controls under the WDCP 2011, including building envelope, setbacks, and landscaped open space.

Comment:

Non-compliance with development controls are addressed throughout this report, and the proposal has been assessed as acceptable and consistent with the objectives of the relevant development controls.

### **Location**

Objectors raised concern that other locations are more suitable for a boarding house development, and that the nearby shops are not a town centre.

Comment:

The proposed development does not relate to land other than 12 Darley Street, Forestville. Hypothetical consideration of the future use of this or other land is not a relevant planning matter for consideration under the *Environmental Planning and Assessment Act 1979*. The nearby shops are zoned B2 Local Centre, and are considered to service the local area or Forestville.

### **Developer / Builder Concerns**

Objectors raised concern that the landowner is a corporation that is under administration, and that the builder is not qualified to carry out the works.

#### Comment:

The financial state and qualifications of a potential builder are not relevant planning matters for consideration under the *Environmental Planning and Assessment Act 1979*.

### **Incorrect / Inadequate Information**

Objectors raised concern that the estimated cost of works is inadequate. Objectors also raised concern that the application is missing a photomontage, an acoustic assessment, a geotechnical report, a plan of management, and a traffic and parking report. Objectors also raised concern that the plans do not detail the boundary envelope line, calculations of landscaped open space, car parking details, or internal details.

#### Comment:

The cost summary report has been prepared by a registered builder and can be relied upon for assessment of the application. As per Council's Development Application Lodgement Requirements, a photo montage is to be submitted for any development where the cost of works exceeds \$5 million, or as requested by Council. As the estimated cost of works is below \$5 million, Council did not request a photo montage. The Applicant provided an acoustic report and plan of management on 3 April 2019, Consequently, Council's Environmental Health Officer is satisfied in relation to the application, subject to conditions of consent. In relation to the geotechnical report, the Applicant provided comment and amended plans in response to Council's Development Engineer referral. Council's Development Engineer is satisfied with the amended proposal (which does not require a geotechnical report for assessment stage), subject to conditions of consent. A Traffic and Parking Report was not considered necessary in this case, as the development provides the required parking onsite. The submitted plans detail the side boundary envelope lines, and include adequate detail for the Assessing Officer to calculate landscaped open space. The submitted basement plan details the proposed car, bicycle and motorcycle parking spaces. Internal details are not placed online for public viewing for protection of privacy.

### **MEDIATION**

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

### **REFERRALS**

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p><b>General Comments</b></p> <p>Standard Conditions recommended</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p> <p><b>18.4.2019 Additional information to hand</b> including an acoustic report by Wilkinson Murray Ref : 19137 3 April 2019 requiring :</p> <p>..... the following recommendations are made to ensure that the acoustic amenity of the nearby residence is protected:</p> <ul style="list-style-type: none"> <li>• Fixed Glazing is to be installed in the two northern communal area windows. It is recommended that the windows be at least 6 mm thick.</li> <li>• Mechanical Ventilation should supply fresh air to the communal area.</li> </ul> <p>A condition will be added</p>
Landscape Officer	<p><u>Amended Landscape Plans Comment 18/04/2019</u></p> <p>Amended landscape plans are noted in response to previous referral comments below.</p> <p>The amended landscape plan provide more by way of taller species and trees across the Violet Ave and Darley Street frontages of the site, including replacement canopy planting for the large <i>Eucalyptus microcorys</i> (Tallowood) proposed to be removed on the Darley St frontage.</p> <p>Additional planting has been provided along the northern boundary of the site. No physical changes to setbacks was noted with regard to the building footprint itself.</p> <p>It appears that previous comment from Council's Urban Design section referred to more pronounced breaking up of the built form to provide a better integration into the streetscape. It is apparent that significant issues relating to this application are the bulk and scale of the development, minimal side and rear setbacks and encroachment into the front landscape setback by the additional driveway parking space and bin bays along the Darley Street frontage.</p>

Internal Referral Body	Comments
	<p>These issues would most appropriately fall in to Planning and Urban Design assessments. If however, the plans are to be approved as per the current amendments, the planting proposed on the site in the amended plans is considered to be as good as could be expected in consideration of the spaces provided for planting for the design as it currently stands, with some minor modifications including tree species and addition of street tree planting.</p> <p>Recommended conditions have been included if the proposal is to be approved in its current state.</p> <p>If further amendments are provided, additional comment can be provided.</p> <p><u>Original Comment</u> Concern is raised regarding the ability of the proposal to provide suitable integration into the local streetscape and character of the R2 area and diverges significantly from the landscape open space requirement of the local planning controls which provide indication of the desired character of the area.</p> <p>Two driveways are proposed, with parking on Darley St frontage and Basement access off Violet Ave. This results in a consequential loss of soft landscape provision in the front and side setbacks.</p> <p>The quantum of soft landscape in the rear setback is not considered sufficient to comply either with the R2 planning control requirements or the provision of a development in character with the local area.</p> <p>Insufficient landscaping is provided to the Violet Ave frontage adjacent to the development entry and private outdoor space and communal living room. Low growing species only are provided, providing no meaningful separation of the private open space and communal room from the public interface.</p> <p>Removal of a mature <i>Eucalyptus microcorys</i> (Tree 1) in the arborists report is proposed. No clear reasoning for removal is given, other than the development footprint requires removal. The Arborist's Report notes that a tree of same size could not be replanted due to lack of soil volume. Retention of the tree is supported as it contributes significantly to the local character of the area.</p> <p>At this stage, the proposal is not supported with regard to landscape issues.</p>
NECC (Development Engineering)	<p>Reference is made to Development Engineering Referral Response dated 06/12/18 and 24/04/19 and additional information provided by the Applicant.</p> <p><u>Access:</u></p>

Internal Referral Body	Comments
	<p>A passing bay at the top of the proposed access ramp and a signal system is required, and shall be appropriately conditioned. This will have an impact on proposed landscaped areas and should be considered in Planning assessment. Please refer to Council's Traffic Engineering section for any further comments and/or conditions.</p> <p>No objections are raised to the proposed development, subject to conditions.</p>
Strategic and Place Planning (Urban Design)	<p><b>1. SEPP Affordable Rental Housing 2009</b></p> <p><i>Cl. 30A Character of Local Area</i>  <i>A consent authority must not consent to development to which this division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p> <p><b>RESPONSE</b>  The area is characterised by low to medium density residential. The bulk and scale of the building still represents an overdevelopment of the site. While it is noted there has been an effort to represent the building as though it is two different buildings the central enclosed volume with common areas on both levels, circulation zone including Rooms 7, 8 and 16 should be deleted from the scheme to enable a central landscaped courtyard that runs through the site north/south providing a space that is open to the sky with a minimum dimension of 6 metres.</p> <p>The communal area #1 is effectively a large space appended to the circulation zone and private open space which is actually the main entrance/porte cochere to the development. Deletion of this area to create a landscaped courtyard would assist to bring the development down to an appropriate scale that is more in line with the residential development in the surrounding area. A clearer approach to the planning across the site will provide a more refined resolution in terms of the massing across the site, providing individual identity to the separated blocks. The power of a central courtyard typology should not be underestimated and is recommended for further exploration.</p> <p>The constraints of the corner site are also an opportunity which the development has embraced with entry to both frontages optimised. However parking in the front setback zones is not recommended.</p> <p>Additional revisions to the proposed design should address deletion of further units, namely Room 20 and the parking below which has the appearance of adding on additional rooms to maximise yield across the site.</p> <p>There is a fine balance between development that is in accord with the local character of the area by virtue of massing and scale, and overdevelopment when assessed in the urban context.</p>



Internal Referral Body	Comments
	<p>The breaking up of the block into two distinct and individual blocks, along with a clear planning regime that provides clear wayfinding throughout the site is recommended through a process of rigorous testing of the experiences of the occupants including for the accessible rooms.</p> <p>Room 4, and 11 through 15 will received little to no sunlight in the winter.</p> <p><b>2. Built Form Controls</b></p> <p><i>WLEP 2011</i>  <i>Aims of the LEP in relation to residential development, are to:</i>  <i>i. protect and enhance the residential use and amenity of existing residential environments, and</i>  <i>ii. promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and</i>  <i>iii. increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah.</i></p> <p>RESPONSE  As above.</p> <p><i>WDCP 2011</i>  <i>B5 Side Boundary Setbacks</i>  <i>Objectives</i>  <ul style="list-style-type: none"> <li><i>• To provide opportunities for deep soil landscape areas.</i></li> <li><i>• To ensure that development does not become visually dominant.</i></li> <li><i>• To ensure that the scale and bulk of buildings is minimised.</i></li> <li><i>• To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.</i></li> <li><i>• To provide reasonable sharing of views to and from public and private properties.</i></li> </ul></p> <p>RESPONSE  Room 20 should be deleted along with the ground level parking making way for additional landscaping buffer in order to attenuate visual and acoustic privacy.</p> <p><i>B7 Front Boundary Setback</i>  <i>Objectives</i>  <ul style="list-style-type: none"> <li><i>• To create a sense of openness.</i></li> <li><i>• To maintain the visual continuity and pattern of buildings and landscape elements.</i></li> <li><i>• To protect and enhance the visual quality of streetscapes and public spaces.</i></li> <li><i>• To achieve reasonable view sharing.</i></li> </ul></p> <p>RESPONSE  Front boundary setback of 6.5m is to be maintained. Hard impermeable pavers and any structures should not encroach the front setback.</p>

Internal Referral Body	Comments
	<p><i>D1 Landscape Open Space Objectives</i></p> <ul style="list-style-type: none"> <li>• To enable planting to maintain and enhance the streetscape.</li> <li>• To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</li> <li>• To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.</li> <li>• To enhance privacy between buildings.</li> <li>• To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</li> <li>• To provide space for service functions, including clothes drying.</li> <li>• To facilitate water management, including on-site detention and infiltration of stormwater.</li> </ul> <p>RESPONSE</p> <p>Exit path, stairs and Manager's private open space is directly adjacent the Forestville Childcare Centre. The proposed planting provided is minimal in this zone As discussed above a more substantial landscaped zone of approx. 2-3 metres wide would assist with privacy and acoustic amenity allowing for full height mature planting. It is recommended these areas be relocated from this zone.</p> <p>SUMMARY</p> <p>The proposal in its current form will have unacceptable impacts on the neighbouring houses including, visual bulk impacts, overshadowing, noise and privacy. The cumulative impacts of the proposal outlined above can be minimised with a break in the built form massing down to two blocks, looking at a courtyard typology to provide a well articulated built form within a landscaped setting.</p> <p><u>Assessing Officer's Comment:</u></p> <p>The proposed development is assessed as acceptable in relation to design and character for the reasons detailed throughout this report, particularly in the section relating to the State Environmental Planning Policy (Affordable Rental Housing) 2005.</p>
Traffic Engineer	<p>The proposal seeks to construct a two-storey boarding house with 22 rooms, communal living areas, landscaping, and a basement level containing parking and storage.</p> <p>The building will contain the following:</p> <ul style="list-style-type: none"> <li>• 11 car spaces (12 in total with at-grade space);</li> <li>• 5 motorcycle spaces;</li> <li>• Bicycle racks with 5 spaces;</li> <li>• Storage space;</li> <li>• Bulky goods waste storage space; and</li> <li>• Pedestrian stair access separate from the vehicle ramp.</li> </ul>

Internal Referral Body	Comments
	<p><b>Traffic:</b> Traffic volumes generated from the proposed site are deemed negligible on the network.</p> <p><b>Pedestrian:</b> Pedestrian access is deemed adequate. No major conflict points detected.</p> <p><b>Servicing:</b> Waste collection to occur on-street is deemed suitable. The area is understood to have high parking demand. No provision of onsite loading/unloading facilities for removalists has been noted.</p> <p><b>Access:</b> The ramp concerns have not been addressed as per Council's original comments. No provision of a waiting bay or signal system has been incorporated. Whilst it is understood that the vehicle generation rate is low, the lack of sight visibility and the sharp bend at the bottom of the ramp, promote a safety concern. Vehicles travelling up the ramp would cause vehicles at the top of the ramp to reverse out into traffic. This is not acceptable.</p> <p><u>Assessing Officer's Comment:</u> The Assessing Officer discussed the above with the Traffic Engineer. The matters raised are suitably addressed with the inclusion of conditions requiring a signal system for the driveway, a signage and line-marking plan for any waste collection, and a construction traffic management plan.</p>
Waste Officer	<p>The proposal is not acceptable as the bin room doesn't accommodate 18 x 240L bins and must not be double stacked. There must be 1000mm aisle width between bins to ensure they are accessible and can be maneuvered. Enlarging the bin room will require a redesign of the existing plan.</p> <p>The plan shows 13 x 240L bins in a room and they are double stacked. The applicant has used waste generation specifications from the EPA guidelines which are not relevant to this development.</p> <p><u>Assessing Officer's Comment:</u> The original proposal demonstrated 15 x 240L bins. On 3 April 2019, the Applicant provided amended plans and the following response from their architect:</p> <ul style="list-style-type: none"> <li>When writing the Waste Management Plan, it was apparent that Chapter 4 - "On-going waste management for three or more dwellings" of the Northern Beaches Council Waste Management Guidelines, refers to Appendix A (Waste Storage Requirements). The number of 240L bins is calculated in this Appendix A, simply by the number of dwellings without regard to dwelling size or use. Hence, reliance on this for calculating No of bins means that a studio apartment or boarding house</li> </ul>

Internal Referral Body	Comments
	<p>room would attract the same No of bins as 3 bedroom apartments which is clearly incorrect.</p> <ul style="list-style-type: none"> <li>• Rather than size a Bin Store Room in the front setback, capable of containing the number of bins that would be required for a 22 unit residential apartment building, I believed it appropriate to determine the likely waste generation of a 22 room boarding house development. To do this, the Waste Management Plan refers to the NSW EPA Publication: "Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities - Dec 2012". The EPA publication lists Average and Maximum waste and recycling generation in L per 100m<sup>2</sup> per day specifically for Boarding House developments.</li> <li>• The number of bins proposed on the DA drawings (15 x 240L bins) is well above the EPA's Average calculations, almost at the Maximum EPA generation rates.</li> <li>• In regards to the stacking of the bins, the bin room has been reconfigured to now provide a clear 1.55m x 1.25m circulation space in front of eight of the 240L bins stored in the bin room. There is also clear access to another three 240L Bins located in an adjacent enclosed store room with double doors for access. This configuration allows plenty of access for all residents to place waste and recycling in bins with the boarding house manager (or contracted cleaner) being responsible for a once-a-week bin check to ensure that bins are being filled evenly and correctly and bringing empty bins to the front of the bin store for residents between weekly collections.</li> <li>• I believe that the number of bins provided in this revised bin store configuration meets the balance between function and practicality whilst minimizing space usage in the front setback area, leaving the maximum landscaped area allowable.</li> </ul> <p>In accordance with the the NSW EPA Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities, the boarding house would generate a maximum of 1,960L of waste and 840L of recycling per week, totalling 2,800L of overall waste. The proposal provides for 3,600L waste storage capacity, being far greater than the requirement according to the guidelines. It is considered that this is an appropriate response to the type of development propose, being a boarding house with a manager and plan of management (that refers to good waste management).</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.



## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

### SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

## Division 3: Boarding houses

### Clause 25: Definition

For the purposes of this Division, the Standard Instrument defines a 'boarding house' as a building that:

- "(a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

*but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment".*

In this Division 'communal living room' means "a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room".



Clause 26: Land to which this Division applies

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone B1 Neighbourhood Centre, or (f) Zone B2 Local Centre, or (g) Zone B4 Mixed Use.	<b>Consistent</b> The site is located within the R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under WLEP 2011.

Clause 27: Development to which this Division applies

(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.

Requirement	Comment
(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.  <b>Note: Accessible area</b> means land that is within:  (c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	<b>Consistent</b> The site is located within the R2 Low Density Residential zone and is situated not more than 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.
(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.	Not applicable. The site is located within the Sydney region.

Clause 28: Development may be carried out with consent

Requirement	Comment
Development to which this Division applies may be carried out with consent.	The development constitutes the construction of a boarding house, as defined by the Standard Instrument. Therefore, the development may be considered under this Division of the SEPP as

	development which may be carried out with consent.
--	--

Clause 29: Standards that cannot be used to refuse consent

Standard	Requirement	Proposed	Compliant/Comment
<b>(1) Density and scale</b> A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:	(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or	Floor space ratios are not applied in WLEP 2011 or WDCP 2011.	Not applicable.
	(b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or	Floor space ratios are not applied in WLEP 2011 or WDCP 2011.	Not applicable.
	(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:  (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or  (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.	The subject site is zoned R2 Low Density Residential, which does not allow for residential flat building development. The land does not contain a heritage item.	Not applicable.
<b>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</b>			

<b>(a) building height</b>	if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	The proposed development is 7.8m in height, being below the maximum building height of 8.5m	Compliant.
<b>(b) landscaped area</b>	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	The landscape treatment of the front setback areas is compatible with the streetscape in which the building is located, including adequate dimensions and planting to soften the visual bulk of the proposed development. Total landscaped area equates to 22.28% of the site	Compliant.
<b>(c) solar access</b>	where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The proposed development includes two communal open spaces, being one on each level. The communal open space on the first floor is orientated to the north, and achieves a minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter.	Compliant. A condition has been applied to delete the privacy screens from the upper communal open space to ensure greater solar access. The screens are not considered necessary, as the relevant windows overlook the neighbouring roof. The communal area on the ground floor is partially compromised in that entry to the building is through the space. A condition has been applied requiring the deletion of Room 5, and the extension of the internal ground floor communal area (and the outdoor private open space).
<b>(d) private open space</b>	if at least the following private open space areas are provided (other than the front setback area):	(i) The proposal provides a private open space of 20.1sqm area behind the secondary street frontage setback	(i) The proposed private open space is partially compromised in that entry to the building is through the space. In

	<p>(i) one area of at least 20m<sup>2</sup> with a minimum dimension of 3.0m is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8.0m<sup>2</sup> with a minimum dimension of 2.5m is provided adjacent to that accommodation,</p>	<p>area.</p> <p>(ii) The proposal provides accommodation for a boarding house manager, including a private open space area of 8.2sqm with a minimum dimension of 2.5m adjacent to the accommodation.</p>	<p>order to create additional (and therefore compliant) area designated specifically for private open space only, a condition has been applied requiring the deletion of Room 5, and the extension of the outdoor private open space and internal communal area.</p> <p>(ii) Compliant.</p>
<b>(e) parking</b>	<p>if:</p> <p>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the</p>	<p>(i) Not applicable.</p> <p>(ii) Not applicable.</p> <p>(iia) The proposal includes 22 boarding rooms (including one manager's room), and provides 12 parking spaces.</p> <p>(iii) The proposal includes one manager's room and provides one parking space for that manager.</p>	<p>Compliant.</p>

	development and who is resident on site,		
(f) accommodation size	if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:  (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or  (ii) 16 square metres in any other case.	(i) Not applicable.  (ii) The rooms proposed are a minimum of 18sqm, up to 24.3sqm.	Compliant.
	(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Bathroom and kitchen facilities are provided for each room.	Consistent.
	(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	Noted.	Noted.

Clause 30: Standards for boarding houses

Standard requirement	Proposed	Compliant/Comment
(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	The proposal includes 22 boarding rooms, and provides two communal living rooms.	Compliant. In order to satisfy the requirements of the supporting Acoustic Report, the windows to the upper communal living area must be fixed. While this does not provide natural ventilation, the room is considered to be of adequate amenity and suitable dimensions and is acceptable.



(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m <sup>2</sup> ,	The boarding rooms proposed have areas of between 18-24.3sqm.	Compliant.
(c) no boarding room will be occupied by more than 2 adult lodgers,	Each boarding room will allow for a maximum of two occupants.	Compliant.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Private bathroom and kitchen facilities are provided in each boarding room.	Compliant.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	The proposal has the potential to accommodate 44 lodgers (including the manager) and provides for one boarding house manager.	Compliant.
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	Not applicable. The subject site is zoned R2 Low Density Residential.	Not applicable.
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	The proposal includes 22 rooms, and provides for five bicycle racks and five motorcycle spaces.	Compliant.
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	Subclause (1) applies, as the proposal is for construction of a new boarding house.	Noted.

Clause 30AA: Boarding houses in Zone R2 Low Density Residential

Clause 30AA of the SEPP ARH provides that a consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms. The subject site is zoned R2 Low Density Residential and the proposed development includes 22 boarding rooms. However, Clause 54C Savings and transitional provisions—2019 amendment provides the following:

- (1) This clause applies to a development application that was made before the commencement of the amending SEPP and was not determined by a consent authority or, if appealed, not finally determined by a court before that commencement.
- (2) The application must be determined by applying all provisions of this Policy as if the amending SEPP had not commenced.
- (3) In this clause, the amending SEPP means State Environmental Planning Policy (Affordable Rental

Housing) Amendment (Boarding House Development) 2019.

Clause 30AA became effective on 28 February 2019. This development application was lodged on 11 October 2018. As such, this application was lodged and not determined by a consent authority on the date of commencement of Clause 30AA. As such, the application has been assessed applying all provisions of the SEPP ARH as though the amendment had not commenced.

Clause 30A: Character of the local area

The matter of assessing the character compatibility of development has been examined by the Land and Environment Court in *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003)* NSWLEC 268 and *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191 where Senior Commissioner Roseth set out Planning Principles to better evaluate how a development should respond to the character of its environment. The following provides an assessment against the Planning Principles established in those two cases.

In the case of *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003)* NSWLEC 268 Senior Commissioner Roseth developed the following Planning Principles:

- *The first principle is that buildings in a development do not have to be single-storey to be compatible with the streetscape even where most existing buildings are single storey. The principle does not apply to conservation areas where single storey dwellings are likely to be the major reason for conservation.*

Comment:

The proposed boarding house is two storeys in height. The streetscapes along both Darley Street and Violet Avenue (being the two streets bordering the subject site) include a mix of one- and two-storey developments. There are a number of examples of developments with similar bulk and scale to the proposed development. The proposed development is well compliant with the maximum building height of 8.5m, being a maximum of 7.8m in height. In this regard, it is considered that the scale of the development is compatible with the streetscape and consistent with the first principle.

- *The second principle is that where the size of a development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by generous breaks and landscaping.*

Comment:

The proposed development is not of "much greater" size than other buildings in the streetscapes of Darley Street and Violet Avenue. The proposal is predominantly compliant with the built form controls of the WDCP 2011, with some minor encroachments that are assessed as acceptable, as detailed throughout this report. The bulk of the proposed development is visually broken up along the Violet Avenue street frontage (being the longer of the two street frontages) with the inclusion of a generous 3m step in at the main entrance. This step in is continued at the first floor level. Submitted perspectives of the proposed development demonstrate the proposal gives the appearance of being attached townhouses, rather than a boarding house. Further, the proposal includes additional articulation and architectural features (such as Juliet balconies and stepping of setbacks) on each elevation of the first floor level, so as to create visual interest and mitigate a box-like form. The proposed colours and finishes further assist in reducing the visual bulk of the development, by creating the appearance of modulation. Finally, the proposal includes adequate landscaping at each street frontage, and a landscaping buffer to the north (adjoining a single dwelling) so as to soften the built form of the development. In this regard, the development is considered to be compatible with the scale of

surrounding development and consistent with the second principle.

- *The third principle is that where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that makes development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation.*

Comment:

The subject site is relatively level, with a maximum decrease in level of 1.14m from east to west. The proposed development requires the removal of three of the five existing trees on site, including a Tallowood Gum, which is an indigenous (but not locally native) species. The proposed development is supported by a landscape plan detailing adequate vegetation to soften the proposed built form, in conjunction with the features described above in response to the second principle. In this regard, it is considered that effective methods have been employed in the design of the development to reduce its visual dominance and is consistent with the third principle.

- *The fourth principle is that a development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced only that their introduction should be done with care and sensitivity.*

Comment:

The existing streetscapes along Darley Street and Violet Avenue include a mix of building materials and finishes, including cladding, brick, rendering and timber. The proposed development includes a mix of materials and finishes, including light and dark brick, light weatherboard cladding, sandstone, timber and aluminium screen battening, metal sheeting, glazing and concrete. These materials form a modern architectural style, while providing consistency with existing materials and finishes within the streetscapes. In this regard, the development is considered to be consistent with the fourth principle.

The above principles were further developed in *Project Venture Developments v Pittwater Council* (2005) NSWLEC 191 to include the following:

*Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

Comment:

The physical impacts of the development on surrounding properties are assessed as consisting of constraints on the development potential of surrounding sites, privacy, overshadowing and noise.

Constraints on the development potential of surrounding sites

The proposed development is adequately set back from all boundaries, particularly to the north and east, where the site adjoins other developments. The proposal will not unreasonably constraint the development potential of adjoining sites.

Privacy

The proposed development is acceptable in relation to privacy as it is consistent with the requirements of Clause D8 Privacy of the WDCP 2011, as it provides adequate setbacks (including a landscape buffer to the north) and privacy screening to key openings at the upper level.

Overshadowing

The proposed development does not cause unreasonable overshadowing to adjacent properties.

#### Noise

The proposed development is supported by an acoustic report, demonstrating that the proposal does not result in unreasonable acoustic impacts, particularly considering the site has only one direct residential neighbour. Additionally, the proposal is supported by a Plan of Management, detailing how the boarding house (including any noise impacts) will be managed.

#### Conclusion to character assessment

The above character assessment has found that, in the context of the Land and Environment Court Planning Principles, the proposal is compatible with the character of the local area and surrounding wider locality. This matter does not warrant the refusal of the Development Application.

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

A BASIX certificate has been submitted with the application (see Certificate No. 935707M\_02 dated 28 September 2018). The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	40	46

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

#### **SEPP (Infrastructure) 2007**

##### Ausgrid

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

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

##### Comment:

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

#### **Warringah Local Environmental Plan 2011**



Is the development permissible?	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:	8.5m	7.8m	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes

#### Warringah Development Control Plan

##### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	Max 6.8m	N/A	Yes
B3 Side Boundary Envelope	4m (North)	Within envelope	N/A	Yes
	4m (East)	200mm outside envelope	4%	No
B5 Side Boundary Setbacks	0.9m (North)	1.1m to Room 1 2.01m to remainder	N/A N/A	Yes Yes
	0.9m (East)	0.8m to exit stairs 1m to driveway 3m to building proper	11.11% N/A N/A	No Yes Yes
B7 Front Boundary Setbacks	6.5m (Primary - Darley Street)	3.5m to car space (west) 6.5m to building proper 5.7m to first floor balconies	46.15% N/A 12.3%	No Yes No
	6.5m (Secondary - Violet Avenue)	3.5m to building proper	Exception approved (3.5m) as discussed	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (360.8sqm)	23% (214.6sqm)	40.5%	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - 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:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$ )



variation)

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

##### **B3 Side Boundary Envelope**

##### Description of non-compliance

The proposed development includes a non-compliant side boundary envelope to the eastern elevation at the ground floor. The proposal is non-compliant by 200mm, resulting in a variation of 4% to the side boundary envelope control.

#### Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*  
Comment:  
The proposal is compliant with Clause 4.3 Height of Buildings of the WLEP 2011, and is predominantly compliant with the built form controls of the WDCP, with minor encroachments. The bulk of the proposed development is visually broken up along the Violet Avenue street frontage (being the longer of the two street frontages) with the inclusion of a generous 3m step-in at the main entrance. This step-in is continued at the first floor level. Submitted perspectives of the proposed development demonstrate the proposal gives the appearance of being attached townhouses, rather than a boarding house. Further, the proposal includes additional articulation and architectural features (such as Juliet balconies and stepping of setbacks) on each elevation of the first floor level, so as to create visual interest and mitigate a box-like form. The proposed colours and finishes further assist in reducing the visual bulk of the development, by creating the appearance of modulation. Finally, the proposal includes adequate landscaping at each street frontage, and a landscaping buffer to the north (adjoining a single dwelling) so as to soften the built form of the development.
  
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*  
Comment:  
The subject site is oriented in such a way that the proposed development will not unreasonably overshadow any adjacent properties. The proposal will cause minimal overshadowing to the property to the east in the afternoons only. Shadows otherwise fall to the subject site or the road. The proposal provides suitable building separation to allow for adequate light, solar access and privacy to the proposed boarding rooms.
  
- *To ensure that development responds to the topography of the site.*  
Comment:  
The proposed development is located on a relatively level site, and is wholly set below the maximum building height of 8.5m in accordance with Clause 4.3 Height of Buildings of the WLEP 2011. As such, the proposal is designed to respond well to the topography of the site.

#### **B5 Side Boundary Setbacks**

##### Description of non-compliance

The proposed development includes a non-compliant eastern side setback to the ground floor stairs only. The stairs are set 800mm from the eastern boundary, where 900mm is required, equating to a 11.11% variation to the side setback control.

#### Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*  
Comment:

The proposed development provides 23% of the site as landscaped open space. The landscaped area provided is wholly deep soil, as the basement car park is set within the proposed ground floor footprint and does not encroach on landscaped area. This allows for significant and meaningful deep soil areas around the street front elevations, and the northern elevation between the subject site and the adjacent residential dwelling.

- *To ensure that development does not become visually dominant.*

Comment:

In conjunction with suitable setbacks and articulation (described below), the proposed colours and finishes assist in reducing the visual impact of the development, by creating the appearance of modulation. Additionally, the proposal includes adequate landscaping at each street frontage, and a landscaping buffer to the north (adjoining a single dwelling) so as to soften the built form of the development. The proposal therefore ensures it is not visually dominant.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The proposal is compliant with Clause 4.3 Height of Buildings of the WLEP 2011, and is predominantly compliant with the built form controls of the WDCP, with minor encroachments. The bulk of the proposed development is visually broken up along the Violet Avenue street frontage (being the longer of the two street frontages) with the inclusion of a 3m step-in at the main entrance. This step-in is continued at the first floor level. Submitted perspectives of the proposed development demonstrate the proposal gives the appearance of being attached townhouses, rather than a boarding house. Further, the proposal includes additional articulation and architectural features (such as Juliet balconies and stepping of setbacks) on each elevation of the first floor level, so as to create visual interest and mitigate a box-like form. Therefore, the proposal ensures its scale and bulk are minimised.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The proposal provides suitable building separation to allow for adequate light, solar access and privacy to the proposed boarding rooms, and (along with privacy screening) allows for reasonable privacy and amenity for the adjacent residential dwelling to the north.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

Not applicable. There are no significant views available.

## **B7 Front Boundary Setbacks**

### Description of non-compliance

On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street. The proposal includes a 3.5m setback to the secondary street frontage (Violet Avenue). The proposed development includes encroachment to the primary street frontage for the western hard stand space (3.5m setback, resulting in 46.15% variation to 6.5m control), and to the first floor western balconies (5.7m, resulting in 12.3% variation to the 6.5m control).

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The predominant building bulk is set well away from the primary street frontage with the encroachments relating to the first floor western balconies and the hardstand space only. It is important to note that the bin store room is appropriately located within 6.5m of the property boundary, in accordance with Council waste management policy. The submitted perspectives demonstrate that proposed hardstand space is suitably designed so as not to be visually obstructive. The proposed western balconies at the first floor level are unenclosed and articulated. As such, the proposal retains a sense of openness, despite non-compliance with the numerical requirements of this control.

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

Comment:

The proposed development includes a primary street front setback that is consistent with the that of adjacent and nearby properties along Darley Street. As such, the proposed development retains visual continuity and pattern of buildings and landscape elements in the streetscape. The proposed encroachments on the primary street frontage are appropriate in this regard, and, given the included articulation and variation of finishes and materials, do not result in unreasonable visual bulk.

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

Comment:

The proposed development provides suitable landscaping along both the primary and secondary street frontages. Additionally, the proposal includes varied, yet complementary building colours and finishes to create visual interest and relief. As such, the proposal results in high visual quality to the streetscape and public domain.

- *To achieve reasonable view sharing.*

Comment:

The proposed development is designed to allow for reasonable sharing of views to and from the subject site and adjacent sites.

## C9 Waste Management

Merit consideration

The proposed development includes 15 x 240L bins, where the Northern Beaches Council Waste Management Guidelines require 18 x 240L bins. With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*

Comment:

In accordance with the the NSW EPA Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities, the boarding house would generate a maximum of 1,960L of waste and 840L of recycling per week, totalling 2,800L of overall waste.



The proposal provides for 3,600L waste storage capacity, being far greater than the requirement according to the guidelines. As such, it is considered that the proposal demonstrates consistency with the principles of ESD in relation to waste management and is acceptable.

- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*

Comment:

As above, the proposed development provides an adequate number of bins for the anticipated waste generation. The proposal is supported by a Plan of Management, which encourages responsible waste disposal, separation and recycling and will be monitored by the boarding house manager. As such, the proposal demonstrates suitable waste avoidance, source separation and recycling of household waste.

- *To design and locate waste storage and collection facilities which are convenient and easily accessible: safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*

Comment:

The proposed bin storage area is readily accessible in the north-eastern corner of the site, being totally separate from the boarding house building, with individual entry. Being separate and near the street, the bin storage area is safe and hygienic. The bin store room provides adequate area for access to, and reconfiguration of, the provided bins. The proposed bin storage area is not considered to result in any unreasonable impacts on residents of the subject site or adjacent sites, and will not impact upon pedestrians or vehicular movements.

- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*

Comment:

The proposed bin storage area is located in the north-western corner of the development, within 6.5m of the property boundary and is readily accessible. As such, the bin storage area meets Council's requirements for waste collection and management.

- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*

Comment:

The bin storage room is located within the required 6.5m of the property boundary and can be collected by Council services. As such, this limits handling by third party operators and reduces risks to health and safety in relation to handling and disposal.

- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*

Comment:

The proposal includes an enclosed bin storage area, separate from the boarding house and adequately separated from the adjacent dwelling. The bin storage area is proposed in the most logical and practical location, being close to the boundary (to allow for Council collection). The bin storage area requires removal of one large and one small tree, though the proposal provides suitable compensatory planting. The bin storage area thereby minimises environmental impacts while providing adequate waste management services.

- *To discourage illegal dumping.*

Comment:

The proposal includes an enclosed bin storage area, thereby reducing the visibility of waste storage from the street and reducing the likelihood of illegal dumping onsite or nearby.



## D1 Landscaped Open Space and Bushland Setting

### Description of non-compliance

The proposed development includes 23% of the site as landscaped open space, where 40% is required, resulting in a variation of 40.5% to the control. Clause 29 of the SEPP ARH provides that an application must not be refused on the basis of landscaped area, if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.

### Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*  
Comment:  
The landscaped area provided is wholly deep soil, as the basement car park is set within the proposed ground floor footprint and does not encroach on landscaped area. This allows for significant and meaningful deep soil areas around the street front elevations, and the northern elevation between the subject site and the adjacent residential dwelling. The proposal includes suitable significant vegetation along each frontage, consistent with the Violet Avenue and Darley Street streetscapes.
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*  
Comment:  
The proposed development is supported by a landscape plan, that details predominantly native species on site, and significant vegetation to support habitat for wildlife. The subject site does not contain any important topographical features. The large mature Tallowood Gum, whilst a indigenous tree, is not considered native to the locality. Its removal and replacement is therefore considered acceptable.
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*  
Comment:  
The proposed landscape areas are of varying dimensions. The landscape buffer to the north allows for grasses and low-lying shrubs. The landscaped areas to the south and west of the property are of sufficient dimensions to allow for medium to high shrubs and canopy trees. The proposed vegetation demonstrated on the landscape plan softens the visual impact of the height, bulk and scale of the development, principally in relation to the street-front elevations.
- *To enhance privacy between buildings.*  
Comment:  
The proposed development is bordered by Darley Street and Violet Avenue to the west and south, and a childcare centre to the east. As such, the proposal is not considered to result in any unreasonable privacy impacts to the south, west or east. To the north, the proposal is bordered by a residential dwelling to the north. The proposal includes suitable setbacks to the north, and includes privacy screening to the first floor windows to mitigate direct viewing between the subject site and the property to the north. As such, the proposal is not considered to result in any unreasonable privacy impacts to the north.
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the*

*occupants.*

Comment:

The proposed development includes significant outdoor areas for recreation of the residents of the boarding house, including a designated section of outdoor private open space. Additionally, the site is located within walking distance of a bowling club, and sporting fields, supplementing the outdoor recreational needs of the residents.

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

Comment:

While no specific clothesline is identified on plans, the proposed development includes an outdoor space of sufficient dimensions to allow for clothes drying, to the north, adjacent to the exit doorway. The proposed rooms are of sufficient dimensions to allow for clothes drying facilities such as a combined washer-dryer and/or a clothes hanger.

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

Comment:

The proposal is supported by adequate stormwater management measures, as supported by Council's Development Engineer subject to conditions of consent.

## D7 Views

### Merit consideration

The proposed development is considered compliant with this control. However, an objection has been received from No. 10 Darley Street in relation to loss of view. The development is considered against the underlying Objectives of the Control as follows:

- *To allow for the reasonable sharing of views.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

#### **1. Nature of the views affected**

*"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".*

Comment to Principle 1:

The affected view is of the subject site (including its existing trees), properties across Violet Avenue, and to the sky. The view does not contain any icons or water, and is predominantly unobstructed due to the vacant nature of the subject site.



Above: View north from 12 Darley Street, showing the tree viewed by 10 Darley Street. View north-east from 12 Darley Street to the empty lot viewed by 10 Darley Street.







Above: Properties viewable from 10 Darley Street across 12 Darley Street (looking south from Violet Avenue).

## 2. What part of the affected property are the views obtained

*"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".*

### Comment to Principle 2:

The affected view is gained from the south-facing windows and rear yard of No. 10 Darley Street, across the southern side boundary. The view is available from standing and seated positions.

## 3. Extent of impact

*"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".*

### Comment to Principle 3:

The loss of view is significant in nature in that the view is obtained across a vacant lot that is proposed to be built upon, but the view itself is of little value as detailed above. The overall loss of view is considered minor.

## 4. Reasonableness of the proposal that is causing the impact

*"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."*

### Comment to Principle 4:

The proposed development includes non-compliance with certain development controls under

the WDCP 2011, which are assessed as acceptable throughout this report. To require full compliance with the relevant development controls is therefore considered unreasonable, and would not solve the view loss issue. In order to retain the affected view, the subject site must remain undeveloped, which sterilises the site, and is not a reasonable response considering the low value of the view. As such, it is not considered that a more skilful design exists.

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

Comment:

The proposed development is most logically located on the subject site. Non-compliance with development controls is demonstrated to be acceptable throughout this report, thus indicating that the proposal employs innovative design.

- *To ensure existing canopy trees have priority over views.*

Comment:

The proposed development includes tree removal, but not for the purpose of gaining views, and provides adequate compensatory planting.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Council Contributions Plan 2018**

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

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 1,960,000		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 7.12 Levy	0.95%	\$ 18,620
Section 7.12 Planning and Administration	0.05%	\$ 980
Total	1%	\$ 19,600

## **CONCLUSION**

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;



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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1663 for Construction of a Boarding House on land at Lot 2 DP 365757, 12 Darley Street, FORESTVILLE, 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
DA01 Site Plan & Roof Plan	5 July 2018	Into Architecture
DA02A Basement Plan	2 April 2019	Into Architecture
DA03A Ground Floor Plan 1-150	2 April 2019	Into Architecture
DA05 First Floor Plan 1-150	5 July 2019	Into Architecture
DA07 Section A	6 September 2018	Into Architecture
DA08 Section B	6 September 2018	Into Architecture
DA10 Elevations North & South	5 July 2018	Into Architecture
DA11 Elevations East & West	5 July 2018	Into Architecture
DA40 Colours and Materials	5 July 2018	Into Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
DA41 Excavation & Fill Plan	6 September 2018	Into Architecture
SW00 Stormwater Notes & Drawing Schedule	19 December 2018	Demlakian Strata & Remedial Pty Limited
SW01 Stormwater Concept Plan & Details	19 December 2018	Demlakian Strata & Remedial Pty Limited
SW02 Sediment & Erosion Control Plan	19 December 2018	Demlakian Strata & Remedial Pty Limited
SW03 Sediment & Erosion Control Plan	19 December 2018	Demlakian Strata & Remedial Pty Limited
SW04 Stormwater Sections	19 December 2018	Demlakian Strata & Remedial Pty Limited

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

BASIX Certificate No. 935707M_02	28 September 2018	Damian O'Toole Town Planning P/L
Accessibility Report	28 September 2018	Accessibility Solutions (NSW) Pty Ltd
Construction Impact & Management Statement	September 2018	Growing My Way Tree Consultancy
Communal Room Noise Impact	3 April 2019	Wilkinson Murray
Boarding House Management Plan	Undated	Damian O'Toole Town Planning Pty Ltd

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
L001B of 2 Cover Sheet	15 April 2019	A Total Concept
L001B of 1 Landscape Plan	15 April 2019	A Total Concept

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	Undated	Applicant

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. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not

be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
  - A. the name and licence number of the principal contractor, and
  - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement (DACPLB09)

### 3. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of

jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

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



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

- (i) Swimming Pools Act 1992
  - (ii) Swimming Pools Amendment Act 2009
  - (iii) Swimming Pools Regulation 2008
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

Northern Beaches Council Contributions Plan 2018

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

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 1,960,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 18,620.00
Section 7.12 Planning and Administration	0.05%	\$ 980.00
Total	1%	\$ 19,600.00

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

contributions so that they can be easily recalculated.

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

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

#### 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 to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

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

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

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

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

The applicant is to lodge a Bond of \$195,000 as security against any failure to complete the construction of Stormwater drainage works as part of this consent. Details demonstrating payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

The developer/applicant must lodge with Council a Maintenance Bond of \$16,000 for the construction of stormwater drainage within Darley Street. The Maintenance Bond will only be refunded on completion of the six-month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: Protection of Council's infrastructure.

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

#### 8. **Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for stormwater disposal will be permitted for drainage of hard surfaces areas such as driveways and basement pavement areas only, and must be designed in accordance with AS/NZS 3500. The pump-out system shall discharge directly to Council's nearest stormwater line in Darley Street.

The Applicant is to provide engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site.

**9. Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for Infrastructure works on Councils roadway. Engineering plans for the new development works within the road reserve within this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of stormwater drainage within Darley Street which shall be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

The design must include the following information:

- i. Construction of a stormwater pipeline in Darley Street to connect to existing Council road drainage to the south of the subject site.

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

**10. Tanking of Basement Level**

The basement area is to be permanently tanked. 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.

**11. On-site Stormwater Detention**

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 Warringah Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by Demlakian Engineering, drawing number 218064 SW00 to SW04, revision P2, dated 19/12/18. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

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 disposal and stormwater management arising from development.

**12. 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.

**13. Sub-Soil Seepage**

The Applicant is to submit plans demonstrating that all sub-soil seepage drainage is discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being Darley Street and is to be carried out in accordance with relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage

· Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.)

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

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents.

**14. Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining(s) with engineering drawings of the proposed shoring works for their consideration and approval.

An application to Council for approval under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

**15. 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.

**16. Basement Traffic Signal System**

To prevent conflicting vehicle flows on the internal basement ramp and avoid vehicles having to reverse up/ down the ramp, a traffic signal system must be installed at each ramp entry, designed to warn drivers about to enter the road of any conflicting vehicle approaching.

The signal system must;

- be clearly visible from ramp entrances,
- is to clearly indicate to an approaching driver, by way of red light or wording, that an opposing vehicle has entered the ramp,
- incorporate linemarking to delineate traffic flow and nominate waiting bay locations to



allow vehicles to overtake another.

Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a compliance certificate to the Accredited Certifier that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of any Occupation Certificate issued for the development.

Reason: To ensure no vehicle conflicts within the basement carpark.

17. **Provision of Passing Bay**

A passing bay a minimum of 5.5m wide and 6m from the back of kerb shall be provided at the top of the access driveway to Violet Avenue. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure safe access to the basement car park.

18. **Noise requirements affecting design prior to commencement**

Compliance with recommendations in the report by the acoustic report by Wilkinson Murray Ref : 19137 3 April 2019 including:

- o Fixed Glazing is to be installed in the two northern communal area windows. It is recommended that the windows be at least 6 mm thick.
- o Mechanical Ventilation should supply fresh air to the communal area.

and mechanical plant and equipment being assessed prior to construction.

Reason: To reduce the impact of potential noise to residential receivers (DACHPCPC5)

19. **Amended Landscape Plans**

Landscape plans are to be amended to substitute the *Eucalyptus microcorys* tree indicated on the Darley Road frontage of the site with 1 x *Angophora costata* of the same pot size as the substituted *E. microcorys*.

Reason: Recruitment of local canopy species.

20. **Compliance with Standards**

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

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

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

21. **Deletion of Communal Living Room Privacy Screens**

The proposed privacy screens to the northern windows of the first floor communal living area W207 and W208 are to be deleted. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To allow sufficient solar access to the communal living area.

**22. Deletion of Room 5**

Ground floor Room 5 is to be deleted from all plans. The proposed ground floor store room is to be relocated adjacent to the western wall of Room 6. The outdoor private open space is to be extended to the east to meet the western wall of the store room. The internal communal living area is to be extended to the east to meet the western wall of Room 6. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To allow for adequate communal living area and private open space at the ground floor.

**23. Construction Traffic Management Plan**

A detailed Construction Traffic Management Plan (CTMP) for the proposed development is to be prepared to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. The CTMP will address the overall management of the site and nearby roads during the construction process, including the provision of parking arrangements for all trade vehicles.

Reason: To ensure equitable access to users of the Forestville area and to manage traffic as a result of the construction of the proposed development.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**24. Public Liability Insurance - Works on Public Land**

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

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

**25. Tree Protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees

- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

#### **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**26. 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.

**27. Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 approval are supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority and/or Roads Authority.

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

**28. Vehicle Crossings**

The Applicant is to construct a normal low standard vehicle crossing 5.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL 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.

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

**29. Landscape Completion Certification**

- a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.
- b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

30. **Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

31. **Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Northern Beaches Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

32. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater detention structures 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 on-site storm water detention 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.

**33. Certification of Tanking of Basement**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed tanking of basement areas had been undertaken in accordance with this consent and the approved Construction Certificate plans. Civil Engineer demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of works.

**34. Noise Management**

All recommendations contained within the Acoustic Report shall be implemented before the issue of any Occupation Certificate.

Reason: To ensure noise related complaints do not occur for resident/occupiers and neighbours.

**35. Certification of Noise Requirements**

A review being supplied to the Certifier, prior to issue of any Occupation Certificate, of the assessment and recommendations of the acoustic report by Wilkinson Murray Ref : 19137 3 April 2019 to ensure compliance.

Reason: To ensure compliance with noise reduction measures.

**36. Required Planting**

a) Trees shrubs and groundcovers shall be planted in accordance with the Landscape Plans Dwg Nos. L 100 B 1 and 2 dated 15/4/19 prepared by ATC Landscape Architects (as amended by conditions of consent).

b) Street tree planting

No. of Trees Required.	Species	Location	Minimum Pot Size
3	<i>Lophostemon conferta</i>	Violet Avenue road reserve forward of the property, evenly spaced and generally in alignment	100 litre



		with other street trees	
1	<i>Banksia integrifolia</i>	Darley Road road reserve forward of the property, clear of driveway and intersection sightlines and generally in alignment with other street trees	75 litre

c) all street trees shall be

- i) planted into a prepared planting hole a minimum of 1m x 1m x 600mm depth and
- ii) backfilled with a sandy loam mix or approved similar and
- iii) mulched to 75mm depth minimum and
- iv) watered and maintained to ensure establishment.

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

Reason: To maintain environmental amenity.

### 37. Certification of Drainage Works and Works as Executed Data

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and the approved Section 138 plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

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

### 38. 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 the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade 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.

39. **Signal System Certification**

Prior to the issue of the Occupation Certificate, the installer of any traffic signal system(s) is to certify the system(s) as operational.

Reason: To provide for safe car park operation.

40. **Signage and Line-Marking**

A signage and line-marking plan for waste collection is to be provided to Council for approval by the Traffic Committee prior to the issue of the Occupation Certificate.

Reason: To ensure appropriate traffic management during waste collection.

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

41. **Noise Conditions General**

The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver and compliance with The Noise Policy for Industry NSW EPA, 2017. The use of any amplified music or public address system must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver and compliance with The Noise Policy for Industry NSW EPA, 2017.

Reason: To ensure that any noise generated does not cause a nuisance to adjoining premises.

42. **Boarding House Plan of Management**

Prior to the issue of any Construction Certificate, the submitted Boarding House Plan of Management is to be amended to the satisfaction of the Certifying Authority. The Plan shall include detail to manage the requirements detailed as follows:

1) The maximum number of boarders and lodgers

a) The building is to contain a maximum of 44 persons plus Manager (not including children under the age of 5 years), being no more than 1 persons per designated single bedrooms and 2 persons per designated double bedrooms.

b) The occupier of premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case)

Note: The Public Health Regulation 2012 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days

2) The requirements detailed within Schedule 2 Part 1, Clauses 2 – 7 under the Local Government (General) Regulation 2005.

Reason: To ensure the premises a maintained in an appropriate manner

43. **Compliance with the Boarding House Plan of Management**

The requirements of the Boarding House Plan of Management required by this consent is to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity.

44. **Boarding House Plan of Management**

Prior to the issuing of any Occupation Certificate, certification is to be provided from the operator

that the requirements of the Boarding House Plan of Management have been implemented and are compliant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

45. **Landscape Maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) 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.

Reason: To maintain local environmental amenity.

46. **Number of Residents**

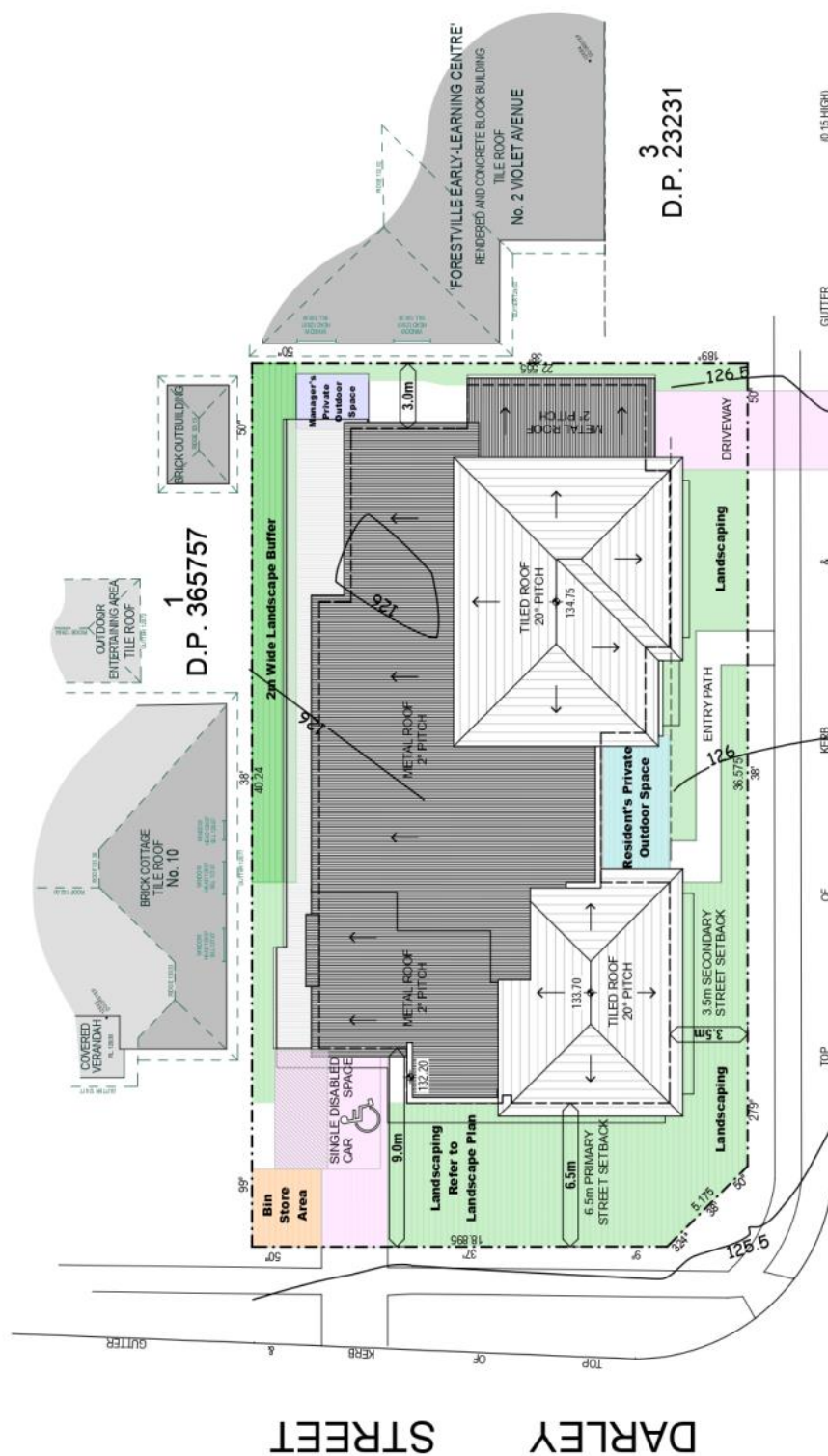
The maximum number of residents in the boarding house at any one time is 44, including the boarding house manager.

Reason: To ensure consistency with the approved boarding house.


47. **Use of the Outdoor Communal Area**

The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm, 7 days per week. No amplified music is permitted at any time within the outdoor communal area.

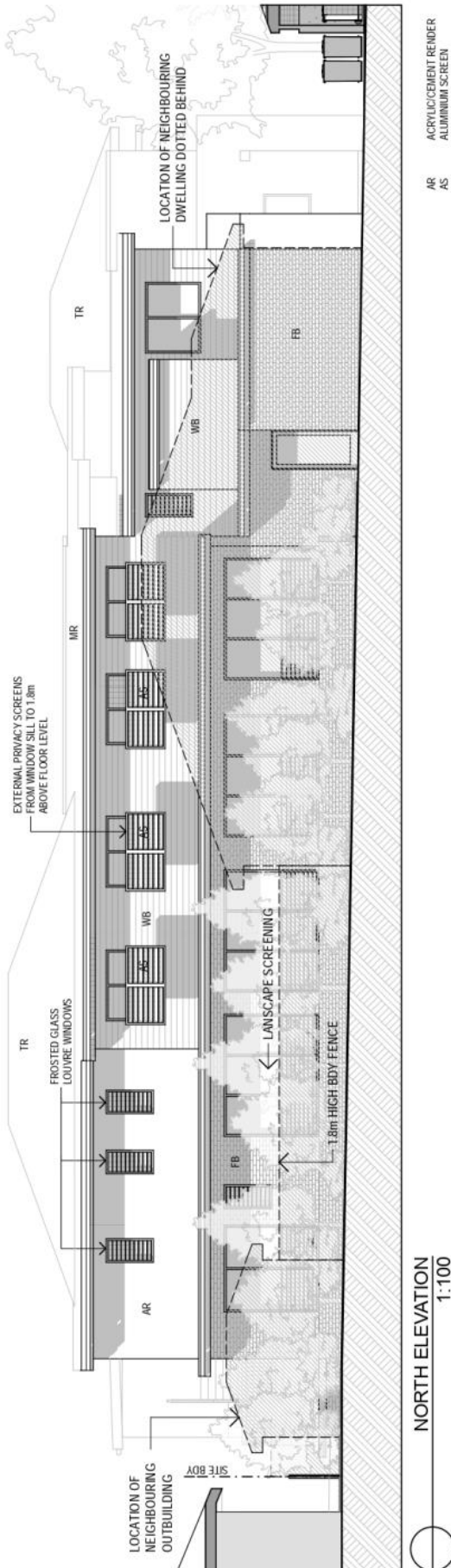
Reason: To ensure the acoustic amenity of neighbouring properties.



VIOLET AVENUE

INTO ARCHITECTURE Scott Miner (NSW Architect Reg. No. 9100) scott@intoarchitecture.com.au 0409 995 974		PROJECT ADDRESS 12 Darley St. Forestville NSW 2087 Lot 2 D.P. 365757		DRAWING TITLE <b>SITE PLAN &amp; ROOF PLAN</b>		SCALE 1:200 @ A3	DATE 5/07/2018	DRAWN SM
NOTE: THIS DOCUMENT IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.		KEYSTONE Property Consultants Pty Ltd		REV. DESCRIPTION - DEVELOPMENT APPLICATION ISSUE		DATE 09/07/18		DRAWING NO. & REVISION <b>DA01</b>
THIS DRAWING IS COPYRIGHT AND IS THE PROPERTY OF INTO ARCHITECTURE AND MUST NOT BE USED WITHOUT AUTHORISATION.				ON ORIGINAL @ A3 0 1 2 3 4 5m		STATUS DEVELOPMENT APPLICATION		DEVELOPMENT APPLICATION





ACRYLIC/CEMENT RENDER  
AR  
ALUMINIUM SCREEN  
AS  
FACE BRICK  
FB  
METAL BALUSTRADE  
MR  
METAL ROOF  
ST  
STONE CLADDING  
TR  
TILE ROOF  
WB  
WEATHERBOARDS

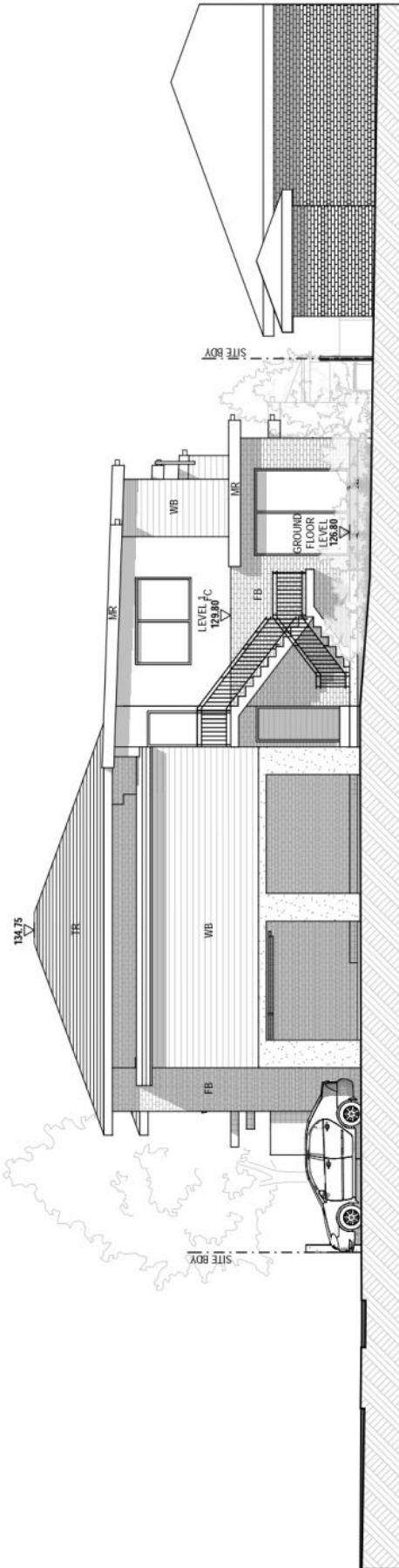


INTO ARCHITECTURE		PROJECT ADDRESS		DRAWING TITLE		SCALE	DATE	DRAWN
SCOTT MINER (NSW Architect Reg. No. 9100)		12 DARLEY ST. FORESTVILLE NSW 2087		ELEVATIONS NORTH & SOUTH		1:100 @ A3	5/07/2018	SM
SCOTT@INTOARCHITECTURE.COM.AU 0409 995 974		LOT 2 DP 365757		REV	DESCRIPTION	DATE DRAWING NO. & REVISION		
NOTE: THIS DOCUMENT IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.		CLIENT		-		06/07/18		
THIS DRAWING IS COPYRIGHT AND IS THE PROPERTY OF INTO ARCHITECTURE AND MUST NOT BE USED WITHOUT AUTHORISATION.		Keystone Property Consultants Pty Ltd				DA10		
		0 1 2 3 4 5m				STATUS		
		ON ORIGINAL @ A3				DEVELOPMENT APPLICATION		

NOTE: THIS DOCUMENT IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.  
THIS DRAWING IS COPYRIGHT AND IS THE PROPERTY OF INTO ARCHITECTURE AND MUST NOT BE USED WITHOUT AUTHORISATION.

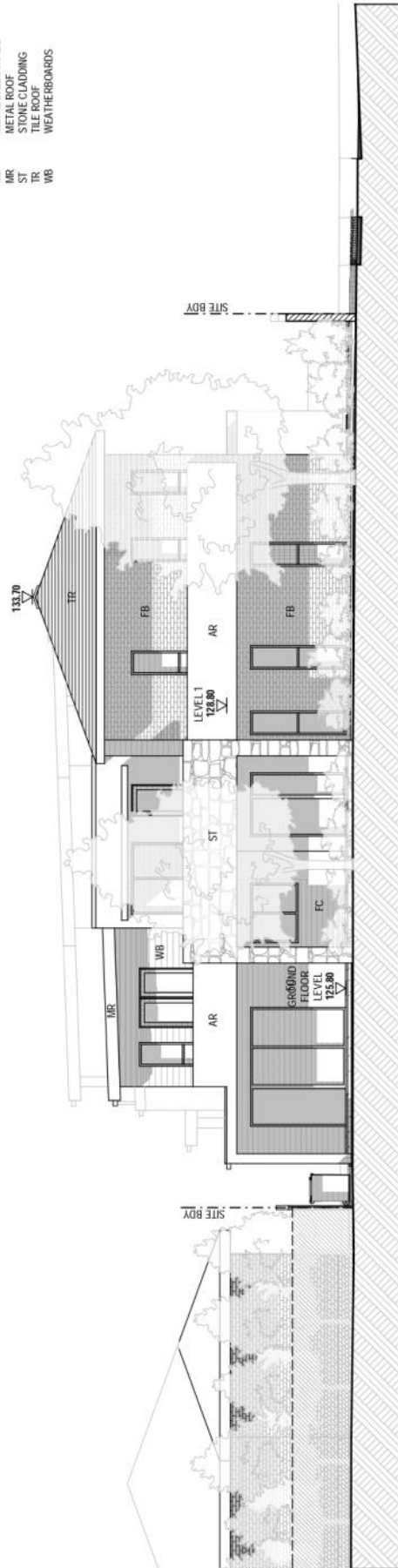
Into Architecture  
Scott Miner  
NSW Architect Reg No. 91001  
scott@intoarchitecture.com.au  
0409 995 974





EAST ELEVATION  
1:100

AR ACRYLIC/CEMENT RENDER  
AS ALUMINIUM SCREEN  
FB FACE BRICK  
FC FEATURE CLADDING  
MB METAL BALUSTRADE  
MR METAL ROOF  
ST STONE CLADDING  
TR TILE ROOF  
WB WEATHERBOARDS



WEST ELEVATION  
1:100

PROJECT ADDRESS 12 Darley St. Forestville NSW 2087		DRAWING TITLE ELEVATIONS EAST & WEST		SCALE 1:100 @ A3	DATE 5/07/2018	DRAWN SM
Lot 2 D.P. 365757		REV	DESCRIPTION	DATE	DRAWING NO. & REVISION	
CLIENT Keystone Property Consultants Pty Ltd		DEVELOPMENT APPLICATION ISSUE		06/07/18	DA11	
0 1 2 3 4 5m		ON ORIGINAL @ A3		STATUS DEVELOPMENT APPLICATION		

NOTE: THIS DOCUMENT IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.

THIS DRAWING IS COPYRIGHT AND IS THE PROPERTY OF INTO ARCHITECTURE AND MUST NOT BE USED WITHOUT AUTHORISATION.

Into Architecture  
Scott Miner  
NSW Architect Reg No. 91001  
scott@intoarchitecture.com.au  
0409 995 974