



northern
beaches
council

AGENDA

NORTHERN BEACHES LOCAL PLANNING PANEL

Notice is hereby given that the Northern Beaches Planning Panel will be held via teleconference on

WEDNESDAY 3 MARCH 2021

Beginning at 12.00pm for the purpose of considering and determining matters included in this agenda.

Peter Robinson
Executive Manager Development Assessment

Panel Members

Lesley Finn	Chair
Steve Kennedy	Urban Design Expert
Robert Hussey	Town Planner
John Simmonds	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 the Northern Beaches Local Planning Panel to be held on Wednesday 3 March 2021

1.0	APOLOGIES & DECLARATIONS OF INTEREST	
2.0	MINUTES OF PREVIOUS MEETING	
2.1	Minutes of Northern Beaches Local Planning Panel held 17 February 2021	
3.0	PUBLIC MEETING ITEMS	5
3.1	DA2020/0511 - 87-89 Iris Street, Beacon Hill - Demolition works and construction of a Seniors Housing Development.....	5
4.0	NON PUBLIC MEETING ITEMS	71
	A statutory Direction by the Minister of Planning and Public Spaces states the panel is only required to hold a public meeting where the development application has attracted 10 or more unique submissions by way of objection. There applications do not satisfy that criterion.	
4.1	DA2020/1332 - 1189 Barrenjoey Road & 2 Beach Road, Palm Beach - Alterations and additions to an existing commercial premises (Palm beach Golf Club)	71

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 3 FEBRUARY 2021

RECOMMENDATION

That the Panel note that the Minutes of the Northern Beaches Local Planning Panel held 3 February 2021 were adopted by the Chairperson and have been posted on Council's website.

3.0 PUBLIC MEETING ITEMS

ITEM 3.1	DA2020/0511 - 87-89 IRIS STREET, BEACON HILL - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT
AUTHORISING MANAGER	Lashta Haidari
TRIM FILE REF	2021/144057
ATTACHMENTS	1 Assessment Report 2 Site Plan & Elevations

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. DA2020/0511 for demolition works and construction of a Seniors Housing Development at Lot A & B DP 415552, 87-89 Iris Street, Beacon Hill subject to the conditions and for the reasons set out in the Assessment Report.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0511
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Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot B DP 415552, 89 Iris Street BEACON HILL NSW 2100 Lot A DP 415552, 87 Iris Street BEACON HILL NSW 2100
Proposed Development:	Demolition works and construction of a Seniors Housing Development
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes, under SEPP (Housing for Seniors or People with a Disability) 2004
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Paul Douglas Curran Giuseppina Curran Robert Anthony Tavoletti Amanda Rose Sergi
Applicant:	Chapman Planning Pty Ltd

Application Lodged:	20/05/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Seniors Living
Notified:	29/05/2020 to 12/06/2020
Advertised:	29/05/2020
Submissions Received:	10
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 5,867,000.00
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Executive Summary

The proposed development is for the construction of ten (10) Seniors Living Units pursuant to the SEPP (Housing for Seniors and People with a Disability) 2004 and the style of accommodation proposed is 'In-fill self-care housing'. The proposal consists of 5 x 2 bedroom dwellings and 5 x 3 bedroom dwellings and basement parking for 13 vehicles, storage and lift access from the basement.

The proposal is referred to the Local Planning Panel for determination as the application has received ten (10) unique submissions from the surrounding properties and the submissions are addressed later within this report. The key submission issues are privacy, traffic safety, parking, impact to bus route and character of the development.

The proposed development is across two sites known as 87 and 89 Iris Street and the proposed development provides for six detached buildings reflective of detached residential dwellings. The development footprint provides for two distinct rows of dwellings with a corridor between the two rows which consist of access pathways and landscape planting to create a break between the two rows of housing. Deep soil planting is provided within the front setback, side setback, rear setback and between the dwellings to allow for the establishment of meaningful landscape planting and canopy trees. The design of the development is considered to be consistent with the predominant character of the locality, which consists of detached style dwellings separated by landscape planting.

The application was submitted prior to the commencement of the Design Sustainability Advisory Panel (DSAP) and was therefore not referred to the DSAP. However, a comprehensive urban design review was undertaken by Council's Urban Design Officer.

The development is compliant with all key controls and standards under the Warringah DCP, Warringah LEP 2011 and the SEPP (Housing for Seniors or People with a Disability) 2004.

As detailed within this assessment report, the proposed development does not result in a unreasonable impact upon the surrounding amenity of the existing residential dwellings in the locality and the proposed development is consistent with what is envisaged by the SEPP (Housing for Seniors or People with a Disability) 2004 having demonstrated compliance with the controls and achieving a building form that is reflective of the landscaped character of the surrounding area.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for the demolition of the existing dwellings upon each site and the construction of a Seniors Living Development comprising of ten (10) Seniors Living Units and a basement car park containing 13 car spaces. The development comprises of 5 x 2 bedroom seniors living units and 5 x 3 bedroom seniors living units across the site. All units are categorised as 'in-fill self care housing' under the SEPP (Housing for Seniors or People with a Disability) 2004.

Specifically, the proposed development consists of:

Lower Ground Floor Plan

- Driveway access to basement car park consisting of 13 space, storage, bicycle racks, waste storage room, two lift access points.
- One (1) seniors living unit.

Ground Floor Plan

- Four (4) seniors living units;
- Access pathways and two lift access points.
- Landscaping between buildings.

First Floor Plan

- Five (5) seniors living units;
- Access pathways and one lift access point;
- Landscaping between the buildings.

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 - Zone R2 Low Density Residential
 Warringah Local Environmental Plan 2011 - 6.2 Earthworks
 Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D2 Private Open Space
 Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot B DP 415552 , 89 Iris Street BEACON HILL NSW 2100 Lot A DP 415552 , 87 Iris Street BEACON HILL NSW 2100
Detailed Site Description:	<p>The subject site consists of two allotments located on the southern side of Iris Street, Beacon Hill. The two allotments which make up the site consist of 87 Iris Street (Lot A DP 415552) and 89 Iris Street (Lot B DP 415552).</p> <p>The site is regular in shape with a frontage of 33.48m along Iris Street and a depth of 65.14m. The site has a surveyed area of 2,180.8m².</p> <p>The site is located within the R2 Low Density</p>

Residential zone and accommodates two detached dwelling houses, one on each allotment. The site contains various concrete pathways, steps, driveways and a car port. There are four mature canopy trees concentrated around the north-western corner of the site. These trees are gum trees of varied health and significance. There is a mature gum tree in the south-western corner of the site.

The site slopes upwards from the street frontage and gains an elevation of 10m from the northern boundary (front) to the southern boundary (rear). The site has a steady gradient rising upwards, with an overall average slope of 1 in 6.5 (or 15% gradient).

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density detached dwelling houses of one and two stories in height. Immediately to the west of the site is a single storey house, with garage under and north facing deck. To the east is a two storey brick house. Adjoining the site to the south are two storey dwellings with swimming pools in the rear yard. Across the road are one and two storey dwellings.

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:

- Pre-lodgement Meeting PLM2019/0188 was held on 24 September 2019 to discuss construction

of a seniors housing development.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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)(iia) – 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&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. It is noted that a SEPP 65 Design Statement was submitted with the documentation for the development application. However, the building is no more than two (2) stories and is not a residential flat building, therefore this documentation is not required and SEPP 65 (Design Quality of Residential Flat Buildings) does not apply to the development. Therefore, this clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this</p>

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 29/05/2020 to 12/06/2020 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 10 submission/s from:

Name:	Address:
Mrs Angela Therese Hayes	40 Dareen Street BEACON HILL NSW 2100
Mr Christopher James Burrows	38 Dareen Street BEACON HILL NSW 2100
Gregory Gerald Kendrick	74 Iris Street BEACON HILL NSW 2100
Antonio Graffeo	12 Jones Street BEACON HILL NSW 2100
Paul Edward Lemlin	66 Iris Street BEACON HILL NSW 2100
Mr Stephen Andrew Date	81 Iris Street BEACON HILL NSW 2100
Mr Kevin Paul Stapleton Bernice Mary Stapleton	95 Iris Street BEACON HILL NSW 2100
Mrs Danielle Joanne McDonald Mr Robert Michael McDonald	93 Iris Street BEACON HILL NSW 2100
Mr Sigismund Preuss	91 Iris Street BEACON HILL NSW 2100
Miss Aura Vanessa Correa Restrepo	97 Iris Street BEACON HILL NSW 2100

The application was notified and advertised for a period of 14 days in accordance with the Northern Beaches Community Consultation Plan. As a result of this notification period, eight (8) submissions were received.

Council received amended plans in December 2020 which resolved a number of issues raised by Council. As the amendments reduced the impact of the development and resolved a number of issues raised, the application was not required to undergo full renotification and advertising. However, Council provided notification to each person who has previously made a submission, notifying them of the amended plans received and provided opportunity to provide comment on the amended plans within 7 days. As a result of this notification, another two (2) unique submissions were received (from additional properties) resulting in a total of ten (10) unique submissions.

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

- Privacy Impact for adjoining properties
- Local Traffic Impact
- Insufficient car parking. Concern cars will park on the street and further conflict with bus route, there is not on-street parking either side of the bus stops due to no-stopping area. No visitor parking is proposed.
- Increase in stormwater flows from the site
- Solar access impact to the rear yard and pool of southern neighbors as a result of proposed tree planting along the rear boundary.
- Concern regarding how stormwater flows from southern (high side) properties and the boundary fence adjoining the southern boundary may be impacted as a result of 'filling 1.5m' in the southern portion of the site.
- Impact to adjoining properties from excavation and vibration during construction.
- Concern with raising of levels of the southern portion of the site and impact to boundary shared boundary fence.

- Development is out of character for the street and insufficient space is provided between buildings to break up bulk and scale.
- The position of the driveway adjacent to the bus stop creates a traffic and safety issue.
- Construction impacts with regards to noise, traffic, impact upon bus stop and parking of construction vehicles.
- Concerns with the proposed side setbacks.
- Concern that the development does not comply with SEPP Seniors Living with regards to access to bus stop, access to shops and the requirement for a pedestrian crossing.

The matters raised within the submissions are addressed as follows:

- *Privacy Impact for adjoining properties*
Comment:
A detailed discussion regarding privacy impacts is undertaken under control D8 later within the assessment report. The proposal is found to be consistent with the privacy controls contained within the DCP, including the positioning of living room windows and terraces away from direct overlooking of adjoining POS.
- *Local Traffic Impact*
Comment:
Council's traffic team have reviewed the proposed development and the submitted traffic report. Council's traffic engineers are satisfied the development will not have an unreasonable impact upon local traffic conditions based on the amount of traffic movements and traffic generated from the development.
- *Insufficient car parking. Concern cars will park on the street and further conflict with bus route, there is not on-street parking either side of the bus stops due to no-stopping area. No visitor parking is proposed.*
Comment:
The proposed development is compliant with the car parking provisions of the SEPP (Housing for Seniors and People with a Disability) 2004. The consent authority cannot refuse the application on the basis of insufficient parking when the minimum off-street parking is provided in accordance with the SEPP. The proposal does not rely upon on-street parking and therefore, the consideration the impact of on-street parking as a result of the development is not a matter for refusal of the application. No visitor parking is required by the SEPP.
- *Increase in stormwater flows from the site.*
Comment:
The application is accompanied by a stormwater management plan which has been reviewed by Council's development engineers. The proposed method of stormwater discharged (to Iris Street) is satisfactory, subject to conditions of consent.
- *Solar access impact to the rear yard and pool of southern neighbors as a result of proposed tree planting along the rear boundary.*
Comment:
The proposal consists of one 'Flax Leaf Paperbark' in the south-eastern corner (capable of achieving 12m-15m) and one 'Lilly Pilly' also in the south-western corner (capable of achieving 8m-10m) within the rear setback zone. The remainder of planting along the rear boundary is lower level shrubs and grasses. The planting assists in achieving the landscaped character of

the locality and not considered to result in unreasonable overshadowing of adjoining properties.

- *Concern regarding how stormwater flows from southern (high side) properties and the boundary fence adjoining the southern boundary may be impacted as a result of 'filling 1.5m' in the southern portion of the site.*

Comment:

The 6m rear setback area is not proposed to be raised, rather, it is proposed to be excavated and the excavation supported by a retaining wall between 0.5m-1.7m along the rear boundary. This excavation allows some leveling of the rear yards to allow usable areas of rear garden. Stormwater will continue to be able to flow from the high side and onto the subject site, with a condition of consent recommended that all retaining walls are in accordance with the Australian Standard and designed by a structural engineer, which includes the provision of drainage.

- *Impact to adjoining properties from excavation and vibration during construction.*

Comment:

A condition of consent has been provided which require a dilapidation report to be provided for the two adjoining properties 85 and 91 Iris Street, both being adjacent to the excavation area. The development is also required to adhere to the recommendations of the geotechnical report.

- *Concern with raising of levels of the southern portion of the site and impact to boundary shared boundary fence.*

Comment:

As discussed above, the rear setback area is not proposed to be raised, rather, it is proposed to be excavated and a retaining wall provided to support the excavation. The proposed plans indicate a 1.8m timber boundary fence along the rear boundary, which is what would ordinarily be expected for the area.

- *Development is out of character for the street and insufficient space is provide between buildings to break up bulk and scale.*

Comment:

An assessment regarding the character of the development is undertaken later within this report as required by the SEPP (Housing for Seniors and People with a Disability) 2004. The proposed development consists of detached buildings with landscaping throughout to break up the bulk and scale, including deep soil planting between the dwellings and along the side boundaries. The proposal is considered to meet the character test, as required by the SEPP, for the reasons outlined later in this report.

- *The position of the driveway adjacent to the bus stop creates a traffic and safety issue.*

Comment:

Council's traffic engineers have reviewed the development with regards to traffic impacts and in light of the fact the development is directly adjacent to a bus stop. The driveway is clear of the bus stop and provides for two way traffic movement in/out of the development. Council's traffic engineers are satisfied with the proposal from a traffic and safety perspective.

- *Construction impacts with regards to noise, traffic, impact upon bus stop and parking of construction vehicles.*

Comment:

A construction traffic management plan is required as a condition of consent which includes the management of construction vehicles. The construction traffic management plan is to be prepared by a suitably qualified traffic engineer and provided to Council for approval, prior to the issue of a Construction Certificate.

- *Concerns with the proposed side setbacks.*

Comment:

The proposed development provides 3m deep soil side setbacks for the two storey portion of the development where directly adjacent to the adjoining dwellings of 85 and 91 Iris Street. This assists in achieving the landscaped character as viewed from the street and allows opportunity to soften the two storey form as viewed from adjoining dwellings. The single storey dwellings at the rear have varied setbacks between 1.25m-2.1m and landscape planting to soften the built form as viewed from the side boundaries, providing compliant setbacks in accordance with the DCP and single storey for the rear 1/3 of the site in accordance with the SEPP, fully compliant with the controls. The setbacks proposed are considered reasonable and the proposed development does not result in unreasonable amenity impacts as a result of the proposed setbacks.

- *Concern that the development does not comply with SEPP Seniors Living with regards to access to bus stop, access to shops and the requirement for a pedestrian crossing.*

Comment:

A detailed assessment has been carried out against the SEPP later within this report. The site has direct access to a bus stop and Council's traffic team have recommended a condition of consent to provide a pedestrian refuge island for crossing Iris Street, for access to the bus stop across the road. The condition requires the pedestrian crossing to not conflict with bus movements. The SEPP does not require a full pedestrian crossing be provided.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><u>Recommendation - Support subject to conditions</u></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Landscape Officer	<p><u>Recommendation - Support subject to conditions</u></p> <p><u>Amended Plans Comment 04/02/21</u> Amended Architectural and Landscape Plans provided by the applicant are noted.</p>

Internal Referral Body	Comments
	<p>The amended plans provide improved landscape outcomes across the site, particularly with the provision of tree planting through the centre of the site to the rear between the rear buildings.</p> <p>In view of the amendments made, no objections are raised to approval subject to conditions as recommended.</p> <p><u>Original comment</u> Concern is raised regarding the provision of canopy trees within the site, particularly between the buildings, to provide mitigation of bulk and scale.</p> <p>As indicated on the Street Elevation provided by the Architects (extract below), the site rises up from the street and the built form similarly rises up. The extent of building bulk is illustrated in the Street Elevation.</p> <p>Unfortunately the design of the development does not provide for taller tree planting through the middle of the site.</p> <p>The Landscape Plan (extract included below) indicates only 4 small trees (LA(D), 3m height) in the central portion between buildings. Limited space is available for larger trees and only small above ground planters are provided.</p> <p>The proposal should provide for more substantial tree planting between buildings to address streetscape and character of the local area and mitigate building bulk and scale</p> <p>At this stage, the proposal is not supported with regard to landscape issues.</p>
NECC (Development Engineering)	<p><u>Recommendation - Support subject to conditions</u></p> <p>The proposed development includes the provision of an on-site stormwater detention (OSD) system which adequately controls the stormwater quantity from the development. The proposal relies upon the extension of the existing Council piped drainage system in Iris St which is acceptable subject to conditions. The water quality proposed is to be assessed by Council's Coast and Catchment Team.</p> <p>The proposed driveway crossing is satisfactory. The proposal requires the construction of a footpath to gain access to the two nearest bus stops in Iris St and the upgrading of these bus stops. Conditions for these works have been provided by Council's Traffic Team.</p> <p>No objection to approval, subject to conditions as recommended.</p>
Strategic and Place Planning	<p><u>Recommendation - Support with no conditions</u></p> <p>The subject site is not identified for rezoning under the Hospital Precinct Structure Plan. No objections are raised to the proposed</p>

Internal Referral Body	Comments
	development. The proposal is therefore supported.
Strategic and Place Planning (Urban Design)	<p><u>Recommendation - Support with no conditions</u></p> <p>The proposal has been designed as a one/ two storey built form consistent with the architectural character of recent development in the surrounding area. The proposed built forms surrounded by landscape buffer will be sympathetic with the existing surrounding houses in the locality. The proposal has addressed the issues raised in the Pre-lodgement meeting (provided below):</p> <p>Pre-lodgement Meeting - Urban Design Comments:</p> <p>1. Neighbourhood character – As a development that will increase residential density, it should not be out of character with the surroundings. Well-designed buildings respond to and enhance the qualities and identity of the area with appropriate massing and spaces between buildings. The proposed street elevation presents rather flat and linear double storey façade with a small gap to define the main entrance. It should give the impression of two houses with a generous landscaped indent courtyard (6m wide minimum) in the middle to highlight the entrance and fit contextually within the surrounding single to double storey houses.</p> <p>Overall, a more appropriate built form in terms of building alignments, proportions, articulation and the manipulation of building elements should be achieved. Visual bulk can be further reduced by using variation in materials, colours and openings to order building facades with scale and proportions that respond to adjoining houses.</p> <p>Response: The street elevation gives the impression of two houses with the entrance to the lift lobby in the middle landscape strip.</p> <p>2. Introducing a mix of smaller dwellings comprising 2 bedrooms will also help with achieving a greater articulated built form of single and double storey elements; and improve affordability of housing choices generally.</p> <p>Response: Some two bedroom plus study units have been incorporated.</p> <p>3. Internal site amenity – The proposed triple row of dwellings reduces the opportunity of achieving better amenities compared to a preferred double row of dwellings. Nevertheless, the proposed built forms can be supported if further improvements to issues of overlooking especially from a higher habitable space to a lower habitable space are comprehensively designed for.</p> <p>Response: The proposed landscape design and planter boxes on the upper balconies will minimise overlooking issues.</p> <p>The wider entrance courtyard mentioned in item 1 can be used to improve outlook aspects of units 4 to 7 and reducing overlooking into unit 1 & 3 - bedrooms 3. The entrance courtyard should be designed to optimise usability, privacy and opportunities for social interaction, equitable access and respect for neighbours' amenity.</p>

Internal Referral Body	Comments
	<p>Response: The enlarged entrance court is welcoming and well landscaped.</p> <p>4. Impacts on neighbours – Increase in the number of dwellings will result in intensification of impacts reducing amenity such as less visual and acoustic privacy, compromised outlook, etc. The proposal of upper floor living units 1, 3, 6 and 7 should consider incorporating privacy screens to windows and balconies to minimise impacts on the privacy and amenities of existing neighbouring dwellings.</p> <p>Response: The side setbacks provide landscape buffer to minimise overlooking issues.</p> <p>5. Material palette – Future submission should address usage of a variety of materials, colours and textures to fit contextually to the streetscape.</p> <p>Response: The proposal uses material finishes that are similar to surrounding houses in the neighbourhood.</p>
Traffic Engineer	<p><u>Recommendation - Support subject to conditions</u></p> <p>The proposal is for the construction of 10 senior living units and 13 car parking spaces in one basement level.</p> <p>Traffic: 10 units would be considered as a medium density Development in accordance with RMS Guide to Traffic Generating Developments.</p> <p>Therefore: $10 \times 0.4\text{vtph} = 4$ vehicles in the peak hour.</p> <p>This is deemed negligible on the network, considering that the existing site is generating 2 vehicles. The proposed site is therefore only generating an additional 2 vehicles.</p> <p>Parking: In accordance with the SEPP, the site requires at least 0.5 spaces per bedroom. The development is proposing 5 x 2 bedroom units and 5 x 3 bedroom units. This creates a total of 25 bedrooms.</p> <p>Therefore: $25 \times 0.5 = 12.5$ spaces.</p> <p>The applicant is proposing 13 spaces which is acceptable and in accordance with the SEPP.</p> <p>Car Park: The car park is deemed compliant with AS2890.1 and has taken into consideration the need for shared zones adjacent to Accessible spaces.</p> <p>Note: The comments issued by Council's Waste Team may create a need for re-configuration of the basement layout. Should this occur, Council's Traffic Team will need to review the plans and provide</p>

Internal Referral Body	Comments
	<p>updated comments.</p> <p>Accessibility: The site has the necessary access to Bus Stop Services both in front and directly opposite the site. The services appear to be regular at 15 minute intervals which is within the requirements of the SEPP.</p> <p>The applicant will need to upgrade footpath accesses to both Bus Stops and provide a safe crossing opportunity on Iris Street to enable residents to cross between the Bus Stops. Further the Bus Stops will need to be upgraded to be DDA compliant. These will all be conditioned.</p> <p>Conclusion: Based on the above, Council's Traffic Team raises no objection to the proposal.</p>
Waste Officer	<p><u>Recommendation - Support subject to conditions</u></p> <p>2nd Assessment Waste Management - Amended Plans Recommendation - Approval, subject to conditions. Ray Creer</p> <p>1st Assessment Waste Management Assessment Recommendation - Refusal. The bin room is located in the basement car park. There are two possible service access points for this bin room. Both of which are unacceptable.</p> <p>1) Internal Access Door Specifically:</p> <ul style="list-style-type: none"> Access to the bin room is further than 6.5 metres walking distance from front property boundary with the street. <i>Unacceptable. Maximum permitted walking distance is 6.5 metres.</i> Access to the bin storage room is via the vehicular driveway. <i>Unacceptable. Access to bin storage rooms cannot be via the vehicular driveway. A separate pathway is required.</i> Access to the bin storage room is obstructed by a security door at the entrance to the basement. <i>Unacceptable. Access to bin storage rooms must remain unimpeded for collection staff.</i> <p>2) External Access Door.</p> <ul style="list-style-type: none"> Access to the bin storage room from the street is via stepping stones.

Internal Referral Body	Comments
	<p><i>Unacceptable. Access for service staff must be via a flat, smooth pathway with a non-slip surface and a maximum gradient of 1 in 8.</i></p> <ul style="list-style-type: none"> Access to the bin storage room is possibly obstructed by a fence or gate. <p><i>Unacceptable. Insufficient detail provided to make an assessment.</i></p> <ul style="list-style-type: none"> The bin storage room door opens inwards. <p><i>Unacceptable. Bin storage room doors must always open outwards and swing away from the direction of travel. The door must be able to be latched in the open position. Doors must be 1200mm wide.</i></p> <ul style="list-style-type: none"> Access to the bin room is further than 6.5 metres walking distance from front property boundary with the street. <p><i>Unacceptable. Maximum permitted walking distance is 6.5 metres.</i></p> <p>Councils preference is to use the external access door with a compliant access path way and door provided. Whilst the distance is slightly further than 6.5 metres Council is prepared to compromise to maintain a good design outcome. Please provide updated plans for assessment. Ray Creer</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposed development has no impact on Ausgrid assets.

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. 1086782M dated 24 March 2020). The BASIX Certificate indicates that the development will achieve the following:

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

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

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

The development application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) as the development is for a Seniors Living Development consisting of 'In-fill self care housing'.

Chapter 1 – Preliminary

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

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

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

Comment: The proposal increases the supply of housing by provided ten (10) new dwellings for Seniors or People with a disability, achieving aim (a). The proposal makes use of the existing surrounding infrastructure including a bus route along Iris Street and is within proximity (1.8km) to Northern Beaches Hospital, achieving aim (b). The proposal is of good design achieving compliance with the key development standards within the SEPP and the Warringah DCP. The proposal responds to the pattern of development on Iris Street and provides substantial landscape gardens to achieve the desired character for the locality, thus achieving aim (c).

Chapter 2 – Key Concepts

Comment: The proposal is consistent with the key concepts providing housing for people with a disability and seniors, as defined in the policy. The proposal is a form of residential accommodation which is a group of self-contained dwellings. The proposal is consistent with the definition of 'in-fill self-care housing' which is a form a Housing defined within the policy.

Chapter 3 – Development for seniors housing

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

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	A bus stop located directly at the front of the site (Route 136) provides a regular daily service towards Frenches Forest (to the west) and Dee Why Town Centre (to the east). To service towards to Dee Why can be alighted at Howard Avenue which provides direct access to Shops, Banks, Retail and Commercial facilities, community facilities and the practice of a general medical practitioner.	Yes
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	The proposal provides access in accordance with Clause 26(2)(c) as follows: (i) Bus stop is located direct at the front of the site. (ii) The bus route takes residents to a stop not further than 400m from the facilities. As stated above, the bus stop at Howard Avenue provide direct access to these services and all services are within 400m of this stop. (iii) The service is a regular service provide multiple times per day, Monday to Friday. (3) The access is compliant with the overall pathway gradients from the site to the public transport services and the services referred to in clause 26(1). There is a suitable access pathway (average gradients no more than 1:14) provided between each dwelling and the street frontage which contains a bus stop immediately at the front of the site.	Yes
27	If located on bush fire prone land,	Not bush fire prone land.	Yes

Development Criteria			
Clause	Requirement	Proposal	Complies
	consideration has been given to the relevant bushfire guidelines.		
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	There are existing water and sewer facilities available to the site that can be augmented as necessary to service the development.	Yes
29	<p>Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b)(i), 25(5)(b)(iii), and 25(5)(b)(v):</p> <p>i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development</p> <p>iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision,</p> <p>v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p>	<p>Each relevant part is addressed below:</p> <p>i) The proposed development is accompanied by a arboricultural impact assessment which sets out the impact to existing vegetation and canopy trees on the site. It is noted that the site is not identified as having any particular significant biodiversity value or endangered vegetation communities. Council's landscape officer has reviewed the proposed tree removal and is satisfied the development will not have an unacceptable impact on the natural environment subject to the replacement plantings specified in the landscape plan and requires as conditions of consent. The site is identified as being within the a Landslip Hazard Category B area. A geotechnical report supports the application which makes recommendations regarding the construction methodology required to suit the geotechnical site conditions. The report does not identify any hazards associated with the site development provided the recommendations of the report are adhered to (which will form a condition of consent).</p> <p>iii) As discussed under Clause 28 the site is serviced by existing water and sewer services which can be augmented as necessary to service the development.</p> <p>v) The proposed development is compliant with the key development controls within the Warringah DCP with regards to wall height, setbacks and building envelope which guide the bulk and scale of the development. The proposal presents as a two storey built form when viewed from the street, side and rear elevations which is consistent with the predominant built form character in the vicinity</p>	Yes

Development Criteria			
Clause	Requirement	Proposal	Complies
		of the site. The development presents as two rows of detached dwelling houses stepping up the site with generous areas for landscaping to establish canopy tree plantings. This is considered to result in a typology which is reflective of the site surrounds whilst allowing development in accordance with the aims of the SEPP (HSPD).	
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	The applicant has prepared a site analysis plan which details the information about the site and surrounds as listed in clauses (3) and (4). An additional survey is provided identifying the window locations of the adjoining properties. The applicant has addressed in the Statement of Environmental Effects how the proposal has regard to the design principles in Division 2 and how the proposal has regard to the site analysis.	Yes

Clause 31 Design of in-fill self-care housing

Pursuant to Cause 31 in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the former NSW Department of Infrastructure, Planning and Natural Resources dated March 2004.

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

Section	Requirements	Comment
1. Responding to context	<p>Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form.</p> <p>Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.</p>	<p>The surrounding locality consists of detached one and two storey dwellings in a landscape setting, with landscaped front and rear gardens and each dwelling generally separated by landscaping between the side setbacks. The proposed development is consistent with this, for the following reasons:</p> <ul style="list-style-type: none"> - The buildings do not exceed two stories, with each building form reflective of a detached dwelling style house. - The two storey elements provide a 3m setback to the side boundaries, which enables establishment of meaningful landscape planting as demonstrated in the submitted landscape plan.

Section	Requirements	Comment
		<p>- A central landscaped corridor has been provided between each 'row' of buildings, which is reflective of the surrounding subdivision pattern and built form. Towards the rear of the site, deep soil planting is provided to allow canopy trees to establish between buildings and at the rear of the buildings. Over the basement, sufficient soil depth is provided and species have been selected to enable landscaping to establish through a central corridor in the middle of the development.</p> <p>- The design has allowed for a significant canopy tree (14m high Eucalyptus tree) located in the north-western corner to be maintained.</p> <p>- The front setback alignment is consistent with the existing building upon 89 Iris Street, which is in excess of the 6.5m minimum under the DCP. This existing setback of 8m has been adopted for the development and is considered reasonable in maintaining street character.</p>
2. Site Planning and design	<p>Objectives of this section are to:</p> <p>-Minimise the impact of new development on neighbourhood character</p> <p>-Minimise the physical and visual dominance of car parking, garaging and vehicular circulation.</p>	<p>The proposed development is considered to respond to the neighbourhood character of detached style, two storey dwellings within a landscaped setting. Areas of deep soil planting are provided in the front and rear setback, as well as between buildings, to respond to the surrounding character.</p> <p>A single garage entrance is provided to the basement, with all parking concealed within the basement, thus minimising the impact upon car parking upon the street.</p>
3. Impacts on streetscape	<p>Objectives of this section are to:</p> <p>-Minimise impacts on the existing streetscape and enhance its desirable characteristics</p> <p>-Minimise dominance of driveways and car park entries in streetscape.</p>	<p>The streetscape is characterised by detached one and two storey dwellings, with landscaped front gardens and generous side setbacks. As viewed from the street, development is consistent with this character providing deep soil areas within the front setback, 3m side setbacks at the front of the site,</p>

Section	Requirements	Comment
		<p>areas of meaningful deep soil landscaping as demonstrated on the plans and retains a significant canopy tree in the north-western corner of the site.</p> <p>The single carpark entrance to the basement, setback 8m from the street, gives the visual appearance of a garage entrance not dissimilar to a modern dwelling facade. The design and width of the garage door has been minimised to reduce dominance as viewed from the street, whilst allowing two way traffic movement.</p>
4. Impacts on neighbours	The proposal is generally in accordance with the requirements of this section.	<p>The raised terraces upon units 7 and 8 are provided with reasonable separation from the side boundaries and are centralised within the site to mitigate direct visual overlooking and acoustic impacts. Fixed privacy screens have been provided upon the east and western elevation of the raised balconies for units 7 and 8 to assist with this, as well as landscape planting within the 3m side setback to further reduce opportunity for overlooking.</p> <p>The first floor terraces of Units 2 and 3 overlook the front setback area and street, thus not having a privacy impact.</p> <p>The terrace upon Unit 10 (single storey) is setback a sufficient amount from the western boundary to limit direct overlooking along with landscape planting. The terrace upon unit 8 (single storey) is not directly adjacent to a living area or private open space area which is directly attached to a living area for the property to the east, therefore not having a direct overlooking impact. In addition, landscaping is provided between the side boundary to further assist privacy.</p> <p>The remaining ground level units are not considered to result in</p>

Section	Requirements	Comment
		<p>unreasonable privacy impacts, as they do not do directly overlook the adjoining properties living areas or private open space areas.</p> <p>The first floor Unit 7 provides bedroom windows upon the western elevation, thus not considered to result in unreasonable overlooking.</p> <p>The first floor Unit 6 has one living room window (U6-W7) which may present an overlooking impact. A condition of consent has been recommended that this particular window consist of fixed obscure glazing (noting, this window is nominated as fixed already).</p> <p>It has been demonstrated via the submitted shadow diagrams the adjoining properties will retain sunlight in accordance with the Warringah DCP.</p>
5. Internal site amenity	<p>Objectives of this section are to:</p> <ul style="list-style-type: none"> -Provide safe and distinct pedestrian routes to all dwellings and communal facilities. 	<p>The development is designed to provide safe access throughout, as well as disabled access throughout. Suitable path of travel is provided to each dwelling.</p>

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

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

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	The desirable elements of the character of the locality include canopy trees, detached residential buildings and generous areas of landscaping. The proposed has been designed to retain a significant tree in the north western corner of the site (with two other trees in the north-western corner proposed for removal due to poor health) and allow for meaningful areas of deep soil	Yes

Control	Requirement	Proposed	Compliance
		planting to provide canopy trees in front of, behind and between the dwellings.	
		The design provides sufficient separation between the two 'rows' of dwellings to establish meaningful landscape planting and provide separation to reflect the predominant detached dwelling character of the locality.	
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.	The site is not within a heritage conservation area or adjacent to any heritage items.	Yes
	c. Maintain reasonable neighbour amenity and appropriate residential character by;		
	(i) providing building setbacks to reduce bulk and overshadowing	The development has been designed with 3m setbacks for the two storey buildings in the front half of the site, which allows for landscape planting to mitigate bulk and scale and assist in retaining privacy. The single storey buildings are provided with a reasonable setback in accordance with the Warringah DCP and allow for landscape planting to soften the development and assist in privacy.	Yes
	(ii) using building form and siting that relates to the site's land form, and		
	(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,	The development steps as must as possible to follow the topography of the site, whilst bearing in mind the disabled access requirements of the SEPP.	
	(iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbors.	The two storey building form at the street is consistent and suitable with the surrounding neighbourhood character.	
	d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the	The front setback as been adopted to respond to the existing building alignment on 89 Iris Street and respond to the significant tree on 87 Iris	Yes

Control	Requirement	Proposed	Compliance
	<p>same as, the existing building line,</p> <p>e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p> <p>f. retain , wherever reasonable, major existing trees, and</p> <p>g. be designed so that no building is constructed in a riparian zone.</p>	<p>Street. The front setback is in excess of the minimum 6.5m front setback in accordance with the DCP, being proposed at 8m.</p> <p>Areas of deep soil landscaping are provided throughout the site and a comprehensive landscape plan has been provided with the application. The landscape plan has been reviewed with regards to the species selection and is supported by Council's landscape officer, subject to conditions.</p> <p>Council's landscape officer has considered the landscape plan and development with regards to suitability of the character of the locality and supports the proposal in this regard.</p> <p>The development retains a significant tree in the north-western and south-western corner. The trees identified for removal are in poor health or are not of significance.</p> <p>Not within a riparian zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
CL 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating	The raised terraces upon units 7 and 8 are provided with reasonable separation from the side boundaries and are centralised within the site to mitigate direct visual overlooking and acoustic impacts. Fixed privacy screens have been provided upon the east and western elevation of the raised balconies for units 7 and 8 to assist with this, as well as landscape planting within the 3m side setback to further reduce opportunity for overlooking.	Yes

Control	Requirement	Proposed	Compliance
	them away from driveways, parking areas and paths.	<p>The first floor terraces of Units 2 and 3 overlook the front setback area and street, thus not having a privacy impact.</p> <p>The terrace upon Unit 10 (single storey) is setback a sufficient amount from the western boundary to limit direct overlooking along with landscape planting. The terrace upon unit 8 (single storey) is not directly adjacent to a living area or private open space area which is directly attached to a living area for the property to the east, therefore not having a direct overlooking impact. In addition, landscaping is provided between the side boundary to further assist privacy.</p> <p>The remaining ground level units are not considered to result in unreasonable privacy impacts, as they do not do directly overlook the adjoining properties living areas or private open space areas.</p> <p>The first floor Unit 7 provides bedroom windows upon the western elevation, thus not considered to result in unreasonable overlooking.</p> <p>The first floor Unit 6 has one living room window (U6-W7) which may present an overlooking impact. A condition of consent has been recommended that this particular window consist of fixed obscure glazing (noting, this window is nominated as fixed already)</p>	
CL35 Solar access and design for climate	The proposed development should: (a) ensure adequate	The site has a northern orientation, which is optimal for achieving a compliant solar	Yes

Control	Requirement	Proposed	Compliance
	daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	<p>access outcome for the development and for the neighbouring properties.</p> <p>The neighbouring sites will retain existing solar access to north facing windows and the rear private open space area will continue to receive solar access in accordance with the Warringah DCP (3 hours solar access to 50% of POS, 21 June).</p> <p>All units have north facing living room window and balcony to achieve a suitable level of solar access.</p>	
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	Council's development engineers have reviewed the method of stormwater collection and disposal, including the provision of on-site detention. Council is satisfied with the proposed method of stormwater disposal.	Yes
CL 37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number	The proposal provides clear separation between public/private spaces and multiple dwellings with window facing the street, providing passive surveillance.	Yes

Control	Requirement	Proposed	Compliance
	of dwellings that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.		
CL 38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	<p>The proposal meets the requirements of the clause, with an suitable and obvious links between the site and the bus stop which is located at the front of the site.</p> <p>The site provides an attractive pedestrian entry and is legible for residents and guests.</p> <p>The basement parking provides safe and convenient access for the residents, with parking spaces compliant with disability standards and lifts services the basement car park.</p>	Yes
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposal provides a waste storage room within the basement, to the requirements of Council's waste services team, who have reviewed the proposal and are satisfied with the location and arrangement of waste storage.	Yes

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

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

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

Control	Required	Proposed	Compliance
Site Size	1000 sqm	Two sites are proposed to be consolidated to form a total site area of 2180sqm.	Yes
Site frontage	20 metres	33.48m	Yes
Building Height	8m or less (Measured vertically from ceiling of	Maximum height proposed 8m.	Yes

Control	Required	Proposed	Compliance
	topmost floor to ground level immediately below)		
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	The development is not more than two stories (noting a basement is not defined as a storey).	Yes
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 16.28 metres of the rear boundary).	The buildings at the rear 25% of the site are a maximum 1 storey in height.	Yes

Clause 41 Standards for hostels and self contained dwellings

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

The application is accompanied by an Access Report, prepared by Lindsay Perry Access, which addresses the developments compliance against Schedule 3 of the SEPP. The report concludes that the development is compliant with the majority of the principles in Schedule 3, with the remainder of the principles capable of achieving compliance during the detailed design phase of the construction certificate (i.e details of kitchen finishes and door handles, etc).

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater.	The whole site has a gradient less than 1:10, with a site gradient of 1:6.5. The development has been designed to achieve wheelchair access via a continuous path of travel (which includes the lifts) from 100% of the dwellings to the adjoining public road.	Yes
Security	Pathway lighting (a) must be designed and	Capable of compliance and able to be addressed in	Yes

Control	Required	Proposed	Compliance
	located so as to avoid glare for pedestrians and adjacent dwellings, and (b) Must provide at least 20 lux at ground level	detailed design phase, as recommended by Lindsay Perry Access Report.	
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.	Letterboxes provided at the pedestrian entrance with an accessible path of travel provided to the letterbox.	Yes
Private car accommodation	(a) Carparking space must comply with AS2890 (b) One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	Carparking spaces comply with AS2890. All thirteen (13) car spaces provided within the basement are accessible spaces, all spaces are disabled access compliant. The garage has been designed to allow for power operated door.	Yes
Accessible entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299	All dwellings entries provide compliant clear doorway width of minimum 850mm and clear circulation space upon entry, as confirmed by Lindsay Perry Access Report.	Yes
Interior general	Widths of internal corridors and circulation at internal doorways must comply with AS1428.1.	Compliant, as confirmed by Lindsay Perry Access Report.	Yes
Bedroom	At least one bedroom within each dwelling must have: (a) An area sufficient to	Compliant, as confirmed by Lindsay Perry Access Report.	Yes

Control	Required	Proposed	Compliance
	<p>accommodate a wardrobe and a queen size bed</p> <p>(b) A clear area for the bed of at least 1200 mm wide at the foot of the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction.</p> <p>(c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.</p>		
Bathroom	The bathroom is to comply with the requirements described in Clause 9 of Schedule 3.	Compliant, as confirmed by Lindsay Perry Access Report.	Yes
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	Compliant, as confirmed by Lindsay Perry Access Report.	Yes
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	Capable of compliance and able to be addressed in detailed design phase, as recommended by Lindsay Perry Access Report.	Yes
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	Capable of compliance and able to be addressed in detailed design phase, as recommended by Lindsay Perry Access Report.	Yes
Ancillary items	Switches and power points must be provided in accordance with AS4299.	Capable of compliance and able to be addressed in detailed design phase, as recommended by Lindsay Perry Access Report.	Yes
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	Compliant, as confirmed by Lindsay Perry Access Report.	Yes

Control	Required	Proposed	Compliance
Kitchen	The kitchen must comply with the requirements of Clause 16 of Schedule 3	Capable of compliance and able to be addressed in detailed design phase, as recommended by Lindsay Perry Access Report.	Yes
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Capable of compliance and able to be addressed in detailed design phase, as recommended by Lindsay Perry Access Report.	Yes
Laundry	The laundry must comply with the requirements of Clause 19 of Schedule 3.	Compliant, as confirmed by Lindsay Perry Access Report.	Yes
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299	Capable of compliance and able to be addressed in detailed design phase, as recommended by Lindsay Perry Access Report.	Yes
Garbage	A garbage storage area must be provided in an accessible location.	Compliant, as confirmed by Lindsay Perry Access Report.	Yes

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

This part is not applicable to the subject site.

Part 6 Development for vertical villages

This part is not applicable to the proposed development.

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

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

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

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

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

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

Control	Required	Proposed	Compliance
Building height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	The maximum height of the development is 8m	Yes

Control	Required	Proposed	Compliance
Density and scale	0.5:1	0.49:1 FSR (1080sqm)	Yes
Landscaped area	30% of the site area is to be landscaped	45% / 1000sqm (landscaped area as defined in the SEPP, includes planter boxes)	Yes
Deep soil zone	15% of the site area. Two thirds (66%) of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3 metres.	28% (621sqm) site area is deep soil (minimum 3m dimensions) 49% (307sqm) of the deep soil area is in the rear of the site. Although non-complaint with the control for the amount of deep soil in the rear of the site, the control anticipates that 327sqm (15%) of the site will be deep soil, therefore 2/3 in the rear of the site is 215sqm. As 307sqm is provided in the rear of the site, this already exceeds what is anticipated by the control. Therefore, this is acceptable on merit, providing beyond the requirement of the control overall.	No - However acceptable on merit.
Solar access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	100% of the dwellings achieve compliant solar access to the outdoor private open space. 90% of the dwelling achieve compliant solar access to the living rooms (unit 5 does not).	Yes
Private open space	(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open	Units 1, 4, 5, 8, 9 and 10 are single storey or partly on the ground floor. Each provide minimum 15sqm POS with dimensions of 3m x 3m directly accessible from the living room. Units 2, 3, 6 and 7 provide a minimum of 10sqm POS on a balcony, 2m x 2m and	Yes

Control	Required	Proposed	Compliance
	space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area	accessed directly off the living room.	
Parking	0.5 spaces per bedroom	5 x 2 bedroom dwellings 5 x 3 bedroom dwellings Total 25 bedrooms = 12.5 spaces required (13 rounded up) 13 Accessible spaces are provided	Yes
Visitor parking	No requirements in the SEPP for visitor parking.	None required in accordance with the SEPP.	Yes

Chapter 4 – Miscellaneous

Comment: No matters relevant in chapter 4 Miscellaneous provisions.

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 who provided a response stating that the proposed development has no impact on Ausgrid assets.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Max. 8m	N/A	Yes

Compliance Assessment

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

Detailed Assessment

Zone R2 Low Density Residential

The development is permitted within the R2 Low Density Residential Zone pursuant to the SEPP (Housing for Seniors and People with a Disability) 2004 which is the overriding instrument with regards to permissibly.

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

(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, and

(b) to allow earthworks of a minor nature without requiring separate development consent.

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

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

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

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

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

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

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

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

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties and the application is accompanied by a Geotechnical Report which demonstrates there is unlikely risk to adjoining properties, subject to following the recommendations of the report.

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

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

(f) the likelihood of disturbing relics

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

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

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

6.4 Development on sloping land

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

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) the development will not cause significant detrimental impacts because of stormwater discharge

from the development site, and

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.7m	-	Yes
B3 Side Boundary Envelope	4m (East)	Within envelope	-	Yes
	4m (West)	Within envelope	-	Yes
B5 Side Boundary Setbacks	0.9m (East)	1.25m-3m	-	Yes
	0.9m (West)	1.6m-3m	-	Yes
B7 Front Boundary Setbacks	6.5m	8m	-	Yes
B9 Rear Boundary Setbacks	6m	6m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	30% - In accordance with the SEPP (Housing for Seniors or People with a Disability) 2004	45% (in accordance with landscape definition of the SEPP)	-	Yes - Complies with the SEPP which is the prevailing legislation

***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

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	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
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	Yes	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
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The development provides the following on-site car parking:

Use	SEPP Calculation	Required	Provided	Difference (+/-)
Self Care	0.5 spaces for	5 x 2 bedroom	13 provided	Compliant

In-Fill Housing <i>Clause 50</i> <i>(h) SEPP</i> <i>(Housing</i> <i>for</i> <i>Seniors of</i> <i>People</i> <i>with a</i> <i>Disability)</i> <i>2004</i>	each bedroom	units (5 spaces) 5 x 3 bedroom units (7.5 spaces) Total = 13 (12.5 rounded up)		
Total		13	13	0

D2 Private Open Space

The controls contained within the SEPP (Housing for Seniors or People with a Disability) 2004 override the DCP Private Open Space requirements in this scenario. See detailed assessment against the SEPP earlier in this report.

D8 Privacy

A detailed analysis has been carried out with regards to the proposed developments impact upon privacy. The consideration for the siting of the development, in comparison to the position of the existing neighbouring dwellings, has been considered as part of the assessment.

- The raised terraces upon units 7 and 8 are provided with reasonable separation from the side boundaries and are centralised within the site to mitigate direct visual overlooking and acoustic impacts. Fixed privacy screens have been provided upon the east and western elevation of the raised balconies for units 7 and 8 to assist with this, as well as landscape planting within the 3m side setback to further reduce opportunity for overlooking.
- The first floor terraces of Units 2 and 3 overlook the front setback area and street, thus not having a privacy impact.
- The terrace upon Unit 10 (single storey) is setback a sufficient amount from the western boundary to limit direct overlooking along with landscape planting. The terrace upon unit 8 (single storey) is not directly adjacent to a living area or private open space area which is directly attached to a living area for the property to the east, thus not having a direct overlooking impact. In addition, landscaping is provided between the side boundary to further assist privacy.
- The remaining ground level units are not considered to result in unreasonable privacy impacts, as they do not do directly overlook the adjoining properties living areas or private open space areas.
- The first floor Unit 7 provides bedroom windows upon the western elevation, thus not considered to result in unreasonable overlooking.

- The first floor Unit 6 has one living room window (U6-W7) which may present an overlooking impact. A condition of consent has been recommended that this particular window consist of fixed obscure glazing (noting, this window is nominated as fixed already).
- There will be no direct overlooking of the rear properties (to the south) due to the slope of the land and single storey nature of the three rear units (units 8, 9 and 10).

Overall, the proposed development has appropriately responded to the existing adjoining buildings and retains a reasonable level of privacy for neighbours.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$58,670 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$5,867,000.

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

In summary, a detailed assessment has been required for the following specific issues:

- Character of the development and relationship to the existing streetscape
- Traffic and parking
- Privacy impact upon neighboring properties
- The access requirements as set out by the SEPP (Housing for Seniors or People with a Disability) 2004.

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2020/0511 for Demolition works and construction of a Seniors Housing Development on land at Lot B DP 415552, 89 Iris Street, BEACON HILL, Lot A DP 415552, 87 Iris Street, BEACON HILL, 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
A102 - Issue C	11/12/2020	Playoust Churcher
A103 - Issue C	11/12/2020	Playoust Churcher
A104 - Issue C	11/12/2020	Playoust Churcher
A105 - Issue C	11/12/2020	Playoust Churcher
A200 - Issue B	11/12/2020	Playoust Churcher

Engineering Plans		
Drawing No.	Dated	Prepared By
C1 - Issue D	2/12/2020	ACOR Consultants
C2 - Issue D	2/12/2020	ACOR Consultants
C3 - Issue D	2/12/2020	ACOR Consultants
C4 - Issue D	2/12/2020	ACOR Consultants
C5 - Issue D	2/12/2020	ACOR Consultants

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1086782M	24/03/2020	Gradwell Consulting
Preliminary Geotechnical Investigation, Ref R.001.Rev0	25/02/2020	Douglas Partners
Aboriginal Impact Assessment and Tree Management Plan	9/04/2020	Horticultural Management Services
Disability Access Report, Ref LP_19044, Rev 1	27/03/2020	Lindsay Perry Access

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
20/2140 - Issue E - Sheet 1 of 3	9/12/2020	Paul Scrivener Landscape
20/2140 - Issue E - Sheet 2 of 3	9/12/2020	Paul Scrivener Landscape
20/2140 - Issue E - Sheet 3 of 3	9/12/2020	Paul Scrivener Landscape

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	14/04/2020	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. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of Seniors Housing, as follows:

Seniors housing means a building or place that is—

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—*
- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.*

(development is defined by the Warringah Environment Plan 2011 (as amended) Dictionary)

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

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

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- (k) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$58,670.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$5,867,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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 the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

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 are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

The applicant is to lodge a bond of \$15,000 as security against any damage or failure to complete the construction of stormwater drainage works in the Road Reserve as part of this consent.

Details confirming 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 Security Bond (Crossing / Kerb)**

The applicant is to lodge a Bond of \$25,000 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 confirming 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 (Security Bond)**

A bond of \$10,000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

Details confirming 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.

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

The developer/applicant must lodge with Council a maintenance bond of \$5,000 for the construction of stormwater drainage and footpath works in the Road Reserve. The maintenance bond will only be refunded upon 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: To ensure adequate protection of Council infrastructure.

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

11. **On slab landscape planting and associated works**

- a) Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete slab over which soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
- c) The following soil depths are required in order to be counted as landscaping:
 - 300mm for lawn
 - 600mm for shrubs

- 1metre for trees

Reason: To ensure appropriate and secure waterproofing and drainage and soil volume is installed.

12. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- o Unit 6 living room window (U6-W7) upon the eastern elevation shall have fixed obscure glazing.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

13. **Boundary Identification Survey**

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

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

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

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

14. **Building Code of Australia and Fire Safety Requirements**

The Building Code of Australia works and fire measures as detailed and recommended in the Building Code of Australia Audit Report prepared by BCA Vision P/L, dated 5 February , Report Ref No. P20005 are to be carried out in full to the building.

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

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

15. **On-site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Warringah Water Management Policy PL850 and generally in accordance with the concept drainage plans prepared by ACOR Consultants (CC) Pty Ltd, drawing number CC190048 C1, C2, C3, C4 and C5 Issue D dated 02.12.2020. 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.

The drainage plans must address the following:

- i. Provide a second access grate to gain access to the On-site Detention Tank for maintenance purposes.

- ii. The high level overflow from the detention tank is to be connected to the outlet pipe.
- iii. Subsurface flows are to be adequately collected and connected to Council's piped drainage system in Iris St.

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

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

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

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and 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 the stormwater drainage extension, driveway crossing, footpath fronting the site which are to 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.

1. 5.5 metre wide driveway crossing in accordance with Northern Beaches Council Drawing No. A4-3330/1 N.
2. Reinstatement of all old driveway crossings to kerb and gutter, footpath and grass verge.
3. 1.5 metre wide concrete footpath along the entire frontage of the site.
4. Footpath, bus stop upgrade and associated pram ramp and refuge island works as required by Council's Traffic Network Team to meet SEPP HSPD 2004 requirements.
5. 1.8 metre lintel and grate inlet pit in Iris St with 375mm RRJ concrete pipeline extension to the existing pit downstream of the 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.

17. **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.

18. 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 the proposed inlet pit in Iris 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.

19. Compliance with Standards

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20buildings/good.htm). <www.hreoc.gov.au/disability%20rights%20buildings/good.htm>

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

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)

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.

21. **External Finishes to Roof**

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

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

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

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

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Schedule 3 - "Standards concerning accessibility and useability for hostels and self-contained dwellings". Details demonstrating compliance with the above requirement are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

23. **Construction Traffic Management Plan.**

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

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including

access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;

- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; and

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

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

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.
(DACTRCPC1)

24. Submission of Engineering Plans

The submission is to include four (4) copies of Civil Engineering plans for the design of:

- Footpaths along the frontage and all routes leading to the allocated Bus Stops.
The applicant has to provide a continuous footpath of 1.5m width from the property till the Bus Stop (ID 2100120) on the southern side of Iris Street. The applicant also has to construct a footpath of 1.5m width from the property till the proposed pedestrian refuge island at Iris Street near Jones Street intersection. Further, the applicant has to upgrade the footpath on the northern side of Iris Street, connecting the proposed pedestrian refuge till the Bus Stop (ID 210021) on the northern side to make it 1.5m in width.

- Upgrade of the Bus Stops (ID 2100120 and ID 210021) to be DDA Compliant

- Pedestrian Refuge on Iris Street, enabling safe crossing between bus stops.

- The location should not impede on driveway accesses or on Bus Movements

(It should be noted that council has got approval for a pedestrian refuge island at Iris Street near Jones Street intersection on 7th July Traffic Committee Meeting under item number 4.16 and is scheduled to be constructed in the future program. The applicant has to construct the pedestrian refuge prior to occupation certificate at its own cost provided council does not construct in the mean time)

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

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

Reason: To ensure compliance with Council's specification for engineering works.
(DACTRCPC2)

25. Waste and Recycling Requirements

Details demonstrating compliance with Warringah Development Control Plan – Part C9 Waste Management, including the required Warringah 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 Warringah Development Control Plan – Part C9 Waste Management, 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

26. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties: 85 and 91 Iris Street, Beacon Hill

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

27. Tree protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees and vegetation within the site not indicated for removal on the approved plans, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation not approved for removal.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with the Arboricultural Impact Assessment and Tree Management plan dated 9 April 2019 prepared by Horticultural Management Services and Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with the Project Arborist,
 - iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
 - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by the Project Arborist on site,
 - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with the Project Arborist including advice on root protection measures,
 - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
 - viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be

undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.

xi) the tree protection measures specified in this clause must:

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

c) The Certifying Authority must ensure that the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. Any request to remove a tree approved for retention under the development application is subject to a Section 4.55 modification application, or an assessment by an Arborist with minimum AQF Level 5 in arboriculture that determines that the tree presents an imminent risk to life or property.

Reason: tree and vegetation protection.

28. **Project Arborist**

- a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with the Arboricultural Impact Assessment and Tree Management plan dated 9 April 2019 prepared by Horticultural Management Services and Australian Standard 4970-2009 Protection of Trees on Development Sites.
- b) The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.
- c) The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.
- d) All tree protection measures specified must:
 - i) be in place before work commences on the site, and
 - ii) be maintained in good condition during the construction period, and
 - iii) remain in place for the duration of the construction works.
- e) The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the

works and at completion.

Note: A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: tree protection.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

29. **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.

30. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

31. **Survey Certificate**

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

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

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

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

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

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

approved plans.

32. **Civil Works Supervision**

The Applicant shall ensure all civil works approved in the Section 138 Roads Act application with Council 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.

33. **Notification of Inspections (infrastructure works to be handed over to Council)**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter, driveway crossing and associated footpath works
- (e) Subgrade level / basecourse level / subbase
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification.

Reason: To ensure new Council infrastructure is constructed in accordance with Auspec 1 Council's design and specification standards.

34. **Waste Management During Development**

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

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

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

35. **Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

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

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

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

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

37. Implementation of Construction Traffic Management Plan.

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

Reason: to ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent. (DACTREDW1)

38. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled [INSERT] and dated [INSERT].

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

39. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible. (DACWTE02)

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

40. Landscape completion certification

a) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect, landscape designer or qualified horticulturalist 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.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

41. Condition of retained vegetation

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

a) Compliance to Arborist recommendations for tree protection and excavation works.

- b) Extent of damage sustained by vegetation as a result of the construction works.
- c) Any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites.

42. **Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- o Compare the post-construction report with the pre-construction report,
- o Clearly identify any recent damage and whether or not it is likely to be the result of the development works,
- o Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

43. **Consolidation of lots**

The two sites 87 and 89 Iris Street are to be consolidated and the lot consolidation to be registered through the NSW Land Registry. Evidence of lot consolidation shall be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

Reasons: To facilitate the orderly development of land.

44. **Certification of Civil Works and Works as Executed Data on Council Land**

The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works in the Road Reserve have been constructed in accordance with this consent and the approved Section 138 application. 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 acceptance prior to the release of any security deposits and activation of the maintenance period.

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

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

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

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

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater disposal 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 the Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

46. **Required Planting**

- a) Trees, shrubs and groundcovers are to be planted as indicated on Landscape Plans Dwg Nos.1, 2 Rev E prepared by Paul Scrivener Landscape
- b) 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.

47. **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)

48. **Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)**

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website Unit Numbering for Multi-Unit Developments Form

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

49. **Waste Management Confirmation**

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

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

50. **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.

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

A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies. The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

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

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

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

AND

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

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

Reason: Statutory requirements.

52. **Signage and Linemarking – External.**

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

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

Reason: To ensure consistent parking amenity.
(DACTRFPOC1)

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

The proposal shall be constructed in accordance with Warringah Development Control Plan – Part C9 Waste Management

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)

54. **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)

55. **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)

56. **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.

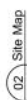
Reason: To create encumbrances on the land. (DACWTF04)

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

57. **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.



DRAWINGS LIST

A100 Cover Sheet and Site Analysis
A101 Site Calculations and BASIX
A102 Lower Ground Floor Plan
A103 Ground Floor Plan
A104 First Floor Plan
A105 Management Plans
A200 Elevations and Sections



4.0 NON PUBLIC MEETING ITEMS

ITEM 4.1 **DA2020/1332 - 1189 BARRENJOEY ROAD & 2 BEACH ROAD, PALM BEACH - ALTERATIONS AND ADDITIONS TO AN EXISTING COMMERCIAL PREMISES (PALM BEACH GOLF CLUB)**

AUTHORISING MANAGER **Matthew Edmonds**

TRIM FILE REF **2021/144094**

ATTACHMENTS **1 Assessment Report**
 2 Site Plan & Elevations

PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as the applicant/land owner is the council.

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. DA2020/1332 for alterations and additions to an existing commercial premises (Palm Beach Golf Club) at Lot A DP 341607 & Lot 1 DP 668492 & Lot 1 DP 1127631 & Lot 7006 DP 1117454, 1189 Barrenjoey Road & 2 Beach Road, Palm Beach subject to the conditions and for the reasons set out in the Assessment Report.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1332
Responsible Officer:	Jordan Davies
Land to be developed (Address):	Lot 7006 DP 1117454, 1189 Barrenjoey Road PALM BEACH NSW 2108 Lot 1 DP 668492, 2 Beach Road PALM BEACH NSW 2108 Lot A DP 341607, 2 Beach Road PALM BEACH NSW 2108 Lot 1 DP 1127631, 2 Beach Road PALM BEACH NSW 2108
Proposed Development:	Alterations and additions to an existing commercial premises (Palm beach Golf Club)
Zoning:	E4 Environmental Living RE1 Public Recreation
Development Permissible:	No
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Palm Beach Golf Club Ltd
Applicant:	Hot House Studio
Application Lodged:	20/10/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	18/11/2020 to 02/12/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 147,000.00

Executive Summary

The proposal is referred to the Local Planning Panel as it is an application categorised as having a 'conflict of interest' as a portion of the land on which the proposed development is located is a Crown Reserve, however Northern Beaches Council is the Crown Land Manager (under the *Crown Lands Management Act 2016*).

The proposed development seeks alterations and additions to two buildings associated with Palm

Beach Golf Club. The proposal seeks alterations and general improvements to the Golf Club Building to improve access and the external appearance. The golf club building is located on 2 Beach Road, Palm Beach and is under private ownership.

The proposal also seeks alterations and additions to the pro shop building which sits upon is Crown Land, however is leased by Northern Beaches Council and forms part of the wider public reserve known as Governor Phillip Park. Due to the land being leased by Council, the application is referred to the Local Planning Panel for Determination.

The application has been publicly notified and no submissions have been received. Both buildings subject to the development application retain the footprint, height and general appearance and seeks changes to the windows and access to each building. The application does not seek any changes to the operation of the golf club or commercial activities associated with the golf club buildings.

The application has been assessed against the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulations 2000 (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs) and Council policies. The outcome of this assessment is detailed within this report.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be approved subject to conditions attached to this report.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for alterations and additions to Palm Beach Golf Club, including the golf club building and the pro shop. The development largely seeks to improve disabled access to each of the buildings and an improvement to the visual appearance of the buildings via the alterations.

Specifically, the proposal consists of:

Golf Club Building (Land South of Beach Road)

- New entrance doors to the Golf Club;
- Passenger lift;
- Two DDA Accessible bathrooms;
- General Accessible circulation improvements;
- General BCA improvements
- Replacement of the timber parapet cladding with colorbond metal cladding

Pro Shop Building (Land North of Beach Road)

- New window opening on the southern elevation (street elevation)
- Replacement of window openings on the east, north and west elevations
- New sensor operated doors and ramp
- New equipment storage shed
- Demolition of internal wall

Consistency with Plan of Management

The 'Governor Phillip Park Palm Beach Plan of Management' is applicable to the golf course land, which includes the pro shop. The Plan of Management identifies that the land is to be used for the purpose of public recreation, including the golf course use. The improvements to the pro shop building are consistent with the plan of management and enable the continued use of the land as a golf club for recreational purposes.

Crown lands has provided a letter of owners consent for the lodgement of the development application. Council's property team have also provide a letter consenting to the lodgement of the application, being the land manager. The development is a kind referred to under Clause 2.23(2) of the *Crown Lands Management Act 2016* and therefore it is taken that the Minister has given consent on behalf of the Crown for its Crown Land Manager or holder of a lease or licence over the land to make a development application for the proposed development relating to the pro shop (noting the alterations are within the footprint of the building).

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 5.10 Heritage conservation
Pittwater 21 Development Control Plan - A4.12 Palm Beach Locality

SITE DESCRIPTION

Property Description:	Lot 7006 DP 1117454 , 1189 Barrenjoey Road PALM BEACH NSW 2108 Lot 1 DP 668492 , 2 Beach Road PALM BEACH NSW 2108 Lot A DP 341607 , 2 Beach Road PALM BEACH NSW 2108 Lot 1 DP 1127631 , 2 Beach Road PALM BEACH NSW 2108
Detailed Site Description:	The subject site consists of two land holdings separated by Beach Road. The golf club building is located on the southern side of Beach Road and comprises of three sites being Lot 1 DP 1127631, Lot A DP 341607 and Lot 1 DP 668492. The three sites together are known as 2 Beach Road, Palm Beach and comprise of a total area of 1216.2sqm. This site is zoned E4

Environmental Living and is under private ownership of Balm Beach Golf Club Pty Ltd. The site contains a two storey golf club building containing ground floor locker rooms, amenities, storage, entry foyer and outdoor area. The first floor contains a bar and restaurant with associated seating and amenities and a balcony at the Beach Road frontage. There is parking at the rear (northern) side of the building.

The pro shop building is located on the northern side of Beach Road and sits within the golf course land. The specific site which the pro shop sits is within Lot 7006 DP 1117454 and is known as 1189 Barrenjoey Road. This site sits within Governor Phillip Park comprising of the Golf Course, park lands/recreation areas, surf club and parking areas. This land is owned by the Crown, however is managed by Northern Beaches Council and managed as per the 'Governor Phillip Park Palm Beach Plan of Management' which was adopted by Council 9 December 2002. The land to the north of Palm Road is zoned RE1 Public Recreation. The land is classified as Community Land under the *Local Government Act 1993*.

The portion of the site which the pro shop sits is clear of any significant vegetation and comprises of a single storey cottage containing the pro shop.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a cafes, parklands, golf course and residential dwellings. Directly to the south of the Golf Club Building is a residential dwelling, to the east of the site is a residential dwelling and to the west is a cafe. The land surrounding the Pro Shop comprises of the golf course.

Map:



SITE HISTORY

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

- Development application N1044/99 for works to the existing clubhouse was approved under the delegation of the Development Unit on 27/04/2001;
- Modification application N1044/99/S96/1 was lodged with Council and subsequently approved on 16/11/2017;
- Modification application N1044/99/S96/2 was lodged with Council due to an error in the original assessment as part of N1044/99/S96/1 and subsequently approved on 5 December 2017.
- MOD2018/0209 seeking to modify the conditions of N1044/99 in relation to the hours of operation of the alfresco area. The application was refused on 7 June 2018 by Northern Beaches Council. An appeal was lodged against the refusal with the Land and Environment Court and was subsequently upheld on 20 March 2020.

Re notification of Development Application

The application was notified for a period of 14 days as submitted to Council. No submissions were received during this notification period. However, the notification of the application did not reference the land known as 1189 Barrenjoey Road, Palm Beach which contains the pro shop building. Therefore, the application was renotified for a period of 14 days which included reference to the land on which the Golf Club Building sits (2 Beach Road, Palm Beach) and the land on which the Prop Shop building sits (1189 Barrenjoey Road, Palm Beach). No submissions were received during the second notification period.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for golf club for an extended period of time. The proposed development retains the golf club use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider “Prescribed conditions” of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to owners consent from Crown Lands. This has been provided by the applicant.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

The use of the site comprising of the Golf Clubhouse Building can be categorised as a 'registered club' and is not a permitted use in the E4 Environmental Living Zone.

However, there is sufficient evidence to demonstrate that the site has operated as a registered club for a period of time and benefits from Existing Use Rights for the purpose of a registered club. This includes a development consent for 'Additions to Golf Clubhouse' approved by Pittwater Council on 27/04/2001.

Further, a modification application MOD2018/0209 to 'Extend the operating hours of the alfresco area' was approved by the Land and Environment Court on 20 March 2020.

These two most recent approvals clearly demonstrate that the site benefits from existing use rights for the purpose of a Registered Club.

The applicant seeks consent to alter the existing golf clubhouse under the provisions of s4.67 of the Act and clause 43 of the Environmental Planning and Assessment Regulations 2000. Section 4.67 (1)(a) are as follows:

- (1) *The regulations may make provision for or with respect to existing use and, in particular, for or with respect to*
- (a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being*

Clause 43 of the Environmental Planning and Assessment Regulations 2000 states the following:

- 1) *Development consent is required for any alteration or extension of a building or work used for an existing use.*
- 2) *The alteration or extension:*
 - (a) *must be for the existing use of the building or work and for no other use, and*
 - (b) *must be erected or carried out only on the land on which the building or work was erected*

The application seeks consent to make alterations and additions relating to the use of an existing registered club. The modifications will allow for the continuing use as a registered club, and will not alter the use, and are contained within the same land. As existing use rights have been established via previous consents issued for development for the purpose of a registered club, development consent can be sought for alterations and additions to the existing use.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 18/11/2020 to 02/12/2020 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions to ensure compliance with the Building Code of Australia and/or upgrading to the degree necessary, where deemed appropriate.
NECC (Bushland and Biodiversity)	<p>Council's Bushland and Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Pittwater Local Environmental Plan (PLEP) - 7.6 Biodiversity Protection Pittwater Development Control Plan (PDCP) - B4.4 Flora and Fauna Habitat Enhancement Category 2 and Corridor - B4.6 Wildlife Corridors</p> <p>The proposal seeks to remove no vegetation, and does not indirectly impact on nearby biodiversity values.</p> <p>Council's Bushland and Biodiversity referral team has no objections to the proposed application and find it to be consistent against relevant environmental controls.</p>

Internal Referral Body	Comments		
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development is for alterations to a existing building including a new lift and entrance doors. Subject to conditions the proposal is compliant with Council's flood prone land development controls.		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	The proposal has been referred to Heritage as it is within a heritage conservation area		
	C1 Barrenjoey Conservation Area - Barrenjoey Head and sand isthmus		
	Details of heritage items affected		
	Details of the item as contained within the Pittwater inventory is as follows:		
	<u>Statement of significance:</u> The Barrenjoey Heritage Conservation Area includes sites associated with the earliest phase of European settlement in Pittwater. It retains rare evidence of natural and both Aboriginal and European cultural heritage in a scenic location. It is included within Ku-ring-gai Chase National Park, which contains an outstanding representation of the species that contribute to the high endemism value of the Sydney region.		
	<u>Physical description:</u> "This is a natural conservation area, consisting of the Barrenjoey Headland and the sand isthmus or tombolo which links the headland to Palm Beach."		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
Australian Heritage Register	No	The clubhouse and proshop are not on the register	
NSW State Heritage Register	No	The clubhouse and proshop are not on the state register	
National Trust of Aust (NSW) Register	No	The clubhouse and proshop are not on the register	
RAIA Register of 20th Century Buildings of Significance	No	The clubhouse and proshop are not on the register	
Other	N/A		
Consideration of Application			
The proposal seeks consent for alterations and additions to the Palm Beach Golf Club. The proposed works are mostly			

Internal Referral Body	Comments
	<p>accessibility upgrades and includes works to the clubhouse building and the pro shop which is located within the golf course. As the pro shop sits within the golf course, it is included within the Barrenjoey Heritage Conservation Area. The works on the proshop include widening the opening, installing a new door and pathways. The proshop is not considered significant fabric and Heritage raises no objections to these works as they will not impact upon the conservation area or its significance.</p> <p>The proposed works to the clubhouse building are mostly internal with some minor changes to the entryway and roof. The clubhouse is separated from the conservation area by Beach Road, and these works are also considered to not impact upon the conservation area or its significance.</p> <p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of PLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p> <p>Further Comments</p> <p>COMPLETED BY: Brendan Gavin, Principal Planner</p> <p>DATE: 26 October 2020</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 golf club 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 golf club land use.

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.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
 - (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*
 - (iv) *environmental protection works,*
 - (d) *any other development.*

Comment:

Not within coastal wetlands or littoral rain forest area.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

Not within coastal wetlands or littoral rain forest proximity area.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and*

*future
coastal
hazards.*

Comment:

Not within coastal vulnerability area.

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

The proposed development consists of minor alterations to the existing building with no excavation of any undisturbed areas that have potential for coastal vegetation, aboriginal heritage or impacts upon the water quality. No impact to public foreshore areas or access to the foreshore area.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The development has been designed to avoid impact.

14 Development on land within the coastal use area

- (1)
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform*

- for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
- (b) is satisfied that:
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The development does not result in impacts to access to the foreshore are, overshadowing or wind funnelling, view loss or impact to aboriginal cultural heritage. The development has been designed to avoid impacts.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The development does not result in an increase to coastal hazards.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7m (replacement of parapet material)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes

Detailed Assessment

5.10 Heritage conservation

The pro shop sits within a heritage conservation area known as "C1 Barrenjoey Conservation Area". The application has been referred to Council's Heritage Officer who supports the proposal and does not raise concern with the additions to the pro shop or the additions to the Club House which is across the road from the Heritage Conservation Area. It is noted that the Pro Shop does not form part of the heritage fabric of the conservation area.

See detailed referral comments from Council's Heritage Officer in this report.

Pittwater 21 Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C5.22 Environmental Sustainability	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building colours and materials	Yes	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

Detailed Assessment

A4.12 Palm Beach Locality

The proposed development seeks minor external changes to the golf club building and pro shop building. The external cladding used around the golf club building is a dark colours and will improve the fairly dated external appearance of the building. The lift overrun is contained within the roof space of the building and will not add additional building bulk which would result in a detrimental impact for the area. The overall form, height, footprint and appearance of the buildings are largely unchanged. The introduction of new windows/doors to the buildings do not have a detrimental visual impact from the street and is consistent with the character of the locality.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$ 735 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 147,000.

7.12 Contributions

A monetary contribution of \$735.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$147,000.00.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;

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

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

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

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

In summary, a detailed assessment of the proposal has been undertaken along with an assessment by Council's internal referral bodies. The proposed development does not result in any unreasonable impacts upon surrounding residents with regards to noise, traffic and parking, visual bulk and scale or impact upon the heritage conservation area or surrounding Governor Phillip Park.

The proposal is therefore recommended for approval subject to the conditions contained within this report. It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.
It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2020/1332 for Alterations and additions to an existing commercial premises (Palm beach Golf Club) on land at Lot 7006 DP 1117454, 1189 Barrenjoey Road, PALM BEACH, Lot 1 DP 668492, 2 Beach Road, PALM BEACH, Lot A DP 341607, 2 Beach Road, PALM BEACH, Lot 1 DP 1127631, 2 Beach Road, PALM BEACH, 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
DA_1.00, Issue B	30/09/2020	Hot House Studio
DA_1.10, Issue B	30/09/2020	Hot House Studio
DA_1.11, Issue B	30/09/2020	Hot House Studio
DA_2.10, Issue B	30/09/2020	Hot House Studio
DA_4.10, Issue C	25/11/2020	Hot House Studio
DA_6.00, Issue B	30/09/2020	Hot House Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Access Report, Version 2	25/09/2020	Morris Goding Access Consulting
BCA Report, Issue 1, Ref P20109	5/08/2020	BCA Vision

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

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	21/07/2020	Hot House Studio

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.

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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater

- management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$735.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$147,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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 the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

5. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

Authority prior to the issue of the Construction Certificate.

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

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

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

6. **Flooding**

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

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.6m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

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

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

7. **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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- o Work Health and Safety Act;
- o Work Health and Safety Regulation;
- o Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- o Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- o Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- o The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

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

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

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

10. **No Weeds Imported On To The Site**

No Priority or environmental weeds are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

11. **Fire Safety Upgrade**

The fire upgrading measures and works to upgrade the building as detailed and recommended in the BCA Compliance Assessment Report prepared by BCA Vision P/L, Reference No. P20109 dated 5 August 2020 are to be incorporated into the proposal.

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

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.

12. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate (or where applicable, relating to the part of the building,

being the subject of this Consent).

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

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

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

13. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

