

<b>JRPP No:</b>	2010SYE043
<b>DA No:</b>	N0391/10
<b>PROPOSED DEVELOPMENT:</b>	Commercial Office Industrial Development - 2 Daydream Street & 96 Mona Vale Road, Warriewood
<b>APPLICANT:</b>	M Livingstone
<b>REPORT BY:</b>	Gina Hay, Exective Planner, Pittwater Council

## Assessment Report and Recommendation SUMMARY OF RECOMMENDATION

### CONSENT WITH CONDITIONS

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<b>REPORT PREPARED BY:</b>	Gina Hay
<b>APPLICATION SUBMITTED ON:</b>	12/07/2010
<b>APPLICATION SUBMITTED BY:</b>	LIVPAC DEVELOPMENTS PTY LTD PO BOX R215 ROYAL EXCHANGE 1225
<b>OWNER(S):</b>	LIVPAC DEVELOPMENTS PTY LTD (Own) LIVPAC DEVELOPMENTS PTY LTD (Own)

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### INTRODUCTION

The proposal is for the erection of a commercial office industrial development with ancillary preparatory site works, water management facilities, café, landscaping, parking and signage in two (2) stages. It has a stated construction cost of \$21,294,308, and as such must be sent to the Joint Regional Planning Panel for determination.

The site is located in Sector 7 of the Warriewood Valley Release Area. This Sector was identified for employment generating development within the release area. The proposed building is being purpose built for a manufacturer of audio visual equipment to a range of users, including private sector and government users. This use will occupy the area of the building that is the subject of the current Development Application. A future Development Application will be lodged to construct the last phase of the building for which a specific end user has not yet been identified.

## 2.0 BACKGROUND

*R0001/07* – Request for the re-zoning of Lot 17, DP 5055 and Lot 18 DP 659518 being 2 Daydream Street and 96 Mona Vale Rd from 1(b) (Non-urban “B”) to 3(e) (Office Business “E”) under Pittwater Local Environmental Plan 1993. The sites are in Sector 7 which forms part of the Warriewood Valley Urban Land Release. The agreed planning strategy for the land release is the *Warriewood Valley Urban Land Release Draft Planning Framework* (1997). This document identifies Sector 7 as being suitable for industrial and/or commercial development.

The rezoning was gazetted on 19 December 2008.

*N0166/10* – Application approved for demolition of existing structures on site on 1 June 2010.

A pre-lodgment meeting was held on 15 February 2010 between Council staff and the applicant's proponents regarding the current proposal. The applicant was provided with advice regarding the permissibility of the proposal on the site, with issues relating to the possibility of the proposal being integrated development and being determined by the JRPP also being raised.

## 3.0 SITE DETAILS

The site is known as 96 Mona Vale Rd and 2 Daydream St, and has a legal description of Lots 16 & 18, DP 659518 and part Lot 17 DP 5055. It has an area of 2.979 hectares and is bounded by Mona Vale Road to the north, Daydream Street to the east, Boundary Street to the west and the Uniting Church landholding to the south, which is accessed via Jubilee St. Mona Vale Rd is classified as a regional road by the NSW Roads & Traffic Authority (RTA). Daydream St is a local road and the road from which access to the site will be gained. Boundary St is a minor unformed road which is accessed via Jubilee St and the Uniting Church landholding. There is no through road to Mona Vale Rd from either Daydream St or Boundary Rd.

There are scattered dwellings and other structures on the site, for which demolition has previously been granted permission. The site was previously used for agricultural and horticultural purposes, although this use appears to have ceased some time previously, as the site is now overgrown with a number of exotic plants and noxious weeds apparent.

The site has a slope down from the western boundary, on Boundary St, to the Daydreams St frontage, where the site is predominantly flat. The low point is the watercourse which starts on the southern side of Lot 18 before running down the middle of lots 17 & 16 and exiting on Daydream St. There is also a steep slope from the Mona Vale Rd which flattens significantly at the site boundary, and there is another steep slope to the south to the site, where the Uniting Church landholding rises steeply from the subject site. The site forms part of the transition from the wooded sandstone uplands of Ingleside to the flatter open land of the Warriewood Valley.

Surrounding the site is a variety of uses. To the east, across Daydream St, is a development of small industrial units in a variety of uses. To the north of the site, across Mona Vale Rd is a residential subdivision which is currently under construction. To the west of the site, across Boundary St is a small landholding still used for agricultural purposes. To the south of the site is the Uniting Church landholding, which comprises a church and administration centre, a youth hall, a childcare centre and two dwellings. Of these, the youth hall and one of the dwellings, both of which are sited close to the northern boundary of the church landholding, are the buildings closest to the subject site. Also to the south of the site, on Daydream St, is

a commercial industrial campus with a variety of uses, the northern most building of which is currently under construction.

#### **4.0 PROPOSAL IN DETAIL**

The proposal is for the erection of a large building containing offices and production areas for a company supplying audio visual equipment to a range of users. The proposal has a Gross Floor Area totaling 13,085m<sup>2</sup>, comprising the following

##### **Construction Stage 1 – GFA 6045 m<sup>2</sup>**

- Office space 3260 m<sup>2</sup>
- Production Storage Area 1998 m<sup>2</sup>
- Loading Area 527 m<sup>2</sup>
- Site Officer 130 m<sup>2</sup>
- Café 130 m<sup>2</sup>
- Carparking for 133 vehicles

##### **Construction Stage 2 – GFA 7040 m<sup>2</sup>**

- Office Area 3180 m<sup>2</sup>
- Production Storage Area 3033 m<sup>2</sup>
- Loading Area 827 m<sup>2</sup>
- Parking for 101 vehicles

The construction stages generally match the lot boundaries. While Construction Stage 3 is shown on the submitted plans, it is not proposed to substantially develop this lot (Lot 18) at present, but to submit a separate DA for this section of the site. The current proposal does however seek consent for some works on this lot, being a temporary turning circle for Construction Stages 1 & 2 and a sprinkler tank on the southern side of the building and carparking on the northern side of the building, incorporating an emergency vehicle turning area.

The building itself is generally rectangular, with a low pitched roof and simple horizontal detailing around the exterior of the building. Each phase of the building has a slightly different design to provide interest, especially along the long northern elevation to Mona Vale Road. The building has been designed so that the offices are positioned along the building facades adjacent to the road and the production/storage areas are on the southern side of the building. The building is sited closer to the southern boundary than the northern boundary, with carparking at grade between the northern boundary and the building. Extensive landscaping is proposed along the northern and western sides of the development with a smaller amount along the southern boundary and the building entrance on Daydream Street.

When all stages, including the third stage which does not form part of this DA are complete, there will be an access road running around three sides of the site, excluding Daydream Street, with an entrance and exit onto Daydream Street. No traffic from the development will access Mona Vale Rd from Daydream Street and the existing closure of Daydream Street at Mona Vale Road will remain intact.

In the interim, a temporary turning circle for heavy vehicles will be constructed on the concrete slab of Stage 3, so that trucks accessing the site can operate in safety.

## 5.0 DEVELOPMENT CONTROLS

The site is zoned 3(e) - Office Business "E" under the provisions of the Pittwater LEP 1993. The site is also subject to Council's Geotechnical Risk Management Policy and is bushfire prone land. The site is also flood prone.

In the 3(e) zoning, commercial premises are permitted, as are industries (other than those referred to in Schedules 1 & 4).

The definition of "commercial premises" in the Model Provisions, as adopted by Clause 6 of the Pittwater LEP 1993 means;

*a building or place used as an office or for other business or commercial purposes but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.*

There is no other definition in the LEP which could describe the office and business component of the development. As such the office & business component of the proposal is permissible in the zone, with development consent.

With regard to industry, the definition contained in the Model Provisions includes the breaking up or dismantling of goods or any article for sale or gain, and more pertinently "any manufacturing process within the meaning of the Factories, Shops and Industries Act 1962".

The definition of manufacturing given here is;

any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, and includes any handicraft or process declared by the Governor, pursuant to this Act, to be a manufacturing process.

It is considered that the proposal, by virtue of the fact that the submitted Statement of Environmental Effects, describes the operation as including "testing, adapting, modifying and preparing internationally sourced equipment to comply with Australian Standards prior to domestic supply and distribution", falls within the above definition, as it can be considered to be altering or preparing goods for trade or sale or gain. As such it can be described as "industry" under the LEP.

However two lists of industry are specifically excluded from the zone, being those listed in Schedules 1 & 4.

Schedule 1 lists "electric machinery manufacture". Schedule 4 lists a number of uses, of which two, "electrician's workshop" and 'radio mechanic's workshop" may have relevance to the subject application.

No definition of any of these uses is given in the Pittwater LEP or the Environmental Planning & Assessment Model Provisions 1980, as adopted by the Pittwater LEP. The Macquarie Dictionary states that an electrician is one who "installs, operates, maintains or repairs electrical devices".

A “mechanic” is described as “one who repairs machinery, motor vehicles etc, with radio having the commonly ascribed meaning of being “apparatus for receiving radio broadcasts”. From this a reasonable definition of “radio mechanic” would be a person who repairs radios.

The SEE states that the premises will be used for modification, testing and preparation of goods for the audio/visual market. From information provided in the SEE and on the company’s website, it would appear that the proposal is considerably broader in nature than being either an electrician’s workshop or radio mechanic’s workshop. No electricians or radio mechanics will be employed and the storage proposed is incidental to the main use for office and industrial purposes. As such, the proposed industrial use is not considered to fall into any of these prohibited categories and can thus be seen to be permissible with consent.

## **6.0 ISSUES – Pittwater 21 DCP**

- B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B4.18 Heathland/Woodland Vegetation
- B3.6 Contaminated Land and Potentially Contaminated Land
- A1.7 Considerations before consent is granted
- 5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007
- C2.1 Pollution Control
- C2.6 Adaptable Housing and Accessibility
- C2.12 Protection of Residential Amenity
- C6.11 Natural Environment - Warriewood Valley Land Release Area
- D16.2 Building colours and materials
- D16.14 Height

## 7.0 COMPLIANCE TABLE

**T - Can the proposal satisfy the technical requirements of the control?**

**O - Can the proposal achieve the control outcomes?**

**N - Is the control free from objection?**

Control	Standard	Proposal	T	O	N
<b>Development Engineer</b>					
B3.1 Landslip Hazard			Y	Y	Y
B3.18 Flood Hazard - Flood Category 1 - High Hazard - Shop Top Housing, Business and Light Industrial Development			Y	Y	Y
B3.19 Flood Hazard - Flood Category 1 - High Hazard - Other Development			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting		Adequate details provided. There are no issues of concern.	Y	Y	Y
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.7 Access driveways and Works on Road Reserves on or Adjacent to a Main Road			Y	Y	Y
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy		Submissions have been received expressing approval of proposed re-opening of Daydream Street at Mona Vale Rd as shown on the submitted plans. This is discussed in more detail in the body of the	Y	Y	N

		report.			
B8.1 Construction and Demolition - Excavation and Landfill		An objection has been received raising concerns about the extent of cut on the southern boundary – see discussion in Section A1.7 Considerations before consent is granted	Y	Y	N
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
C6.5 Flood - Warriewood Valley Land Release Area Employment Generating Sectors			Y	Y	Y
C6.18 Utilities and services - Warriewood Valley Land Release Area			Y	Y	Y
C6.21 Provision of Infrastructure - Warriewood Valley Land Release Area			Y	Y	Y
C6.22 Landscaping on the Existing and Proposed Public Road Reserve Frontage to Subdivision Lots - Warriewood Valley Land Release Area		Council's Landscape Architect is satisfied with the proposed landscaping on the public road reserve.	Y	Y	Y
<b>Health</b>					
C2.10 Pollution Control	Compliance with the POEO Act 1997 and Industrial Noise Policy	Council's EHO believes compliance is achievable subject to conditions of consent.	Y	Y	Y
C2.21 Food Premises Design Standards	Compliance with Australia New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment).  Compliance with Australia Standard 4674-2004 Design, Construction and Fit-out of Food Premises	As no details of the proposed café fitout have been provided, a condition of consent that a separate DA be lodged for this element has been in the draft determination.	N	Y	Y
<b>Bushfire</b>					
B3.2 Bushfire Hazard	Referral to the RFS	No objection subject to imposition	Y	Y	Y

		of standard conditions of consent.			
<b>Natural Resources</b>					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.18 Heathland/Woodland Vegetation			Y	Y	Y
C6.6 Bushfire Protection - Warriewood Valley Land Release Area			Y	Y	Y
C6.11 Natural Environment - Warriewood Valley Land Release Area			Y	Y	Y
<b>Planner</b>					
22. Development on land within Zone No. 3(e)	The Council shall not consent to the carrying out of development on land within Zone No 3(e) for a purpose specified in item 2 of the matter relating to that zone in the Table to clause 9 if the development provides for vehicular access from that land to Pittwater Rd or Mona Vale Rd	All access to and from the site is via Daydream St and there is no proposal to access the site from Mona Vale Rd. Submissions have been received indicating approval for re-opening of Daydream Street, however this is not proposed by the applicant or Council. See discussion in body of report.	Y	Y	N
EPA Act Section 147 Disclosure of political donations and gifts	Application and public submissions made in accordance with S.147 of Act	Application and submissions accompanied by relevant statements.	Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee		All required information has been submitted.	Y	Y	Y
3.2 Submission of a Statement of Environmental Effects		Statement of Effects in accordance with requirements received.	Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings		Plans and supporting documentation in accordance with requirements received.	Y	Y	Y
3.4 Notification		Undertaken in accordance with P21 DCP	Y	Y	Y
3.5 Building Code of Australia	Compliance with the BCA	Design Certification provided that proposal is capable of meeting BCA	Y	Y	Y
3.7 Designated Development		The proposal is not designated development.	-	-	-
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment	Referral to NSW Industry and Investment (Fisheries)	Department of Industry & Investment does not believe the proposal represents integrated development from a Fisheries	Y	Y	Y



		perspective and has no further comment to make.			
	Referral to NSW Department of Water & Energy	Following assessment of the proposal, the Dept of Water does not believe the proposal represents integrated development from a waterways perspective but has suggested conditions of consent.			
5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007	Referral to NSW Roads and Traffic Authority	A referral has been sent to the RTA in accordance with the requirements of SEPP (Infrastructure) 2007. This is discussed in detail later in the report.	Y	Y	Y
5.2 Referral to the NSW Police Service	Referral to the NSW Police Force	Report from NSW Police Service has been received and recommendation incorporated into conditions of consent	Y	Y	Y
6.6 Section 94 Contributions - Warriewood Valley	Contributions, and dedication of land to be in accordance with Warriewood Valley S.94 Contributions Plan	A contribution of \$3,767,541.30 for provision of public infrastructure	Y	Y	Y
A1.7 Considerations before consent is granted	Consistency with Pittwater LEP 1993 & the development controls applicable to the development. Council to have regard to section 79C of the EPA Act 1979	The proposal is considered to be consistent with all relevant planning instruments applicable on the site. An objection from a neighbouring property has been received. See discussion in body of report.	Y	Y	N
B1.3 Heritage Conservation - General		The site is not listed as having any heritage significance. It across Mona Vale Rd from Mona Vale Cemetery, which is listed as a Heritage Item, however it is not considered that the proposal will have any impact on the cemetery.	-	-	-
B2.4 Subdivision - Light Industrial Zoned Land and Office Business 3(e)	Controls any proposed subdivision of site	Proposal involves consolidation of three lots rather than subdivision	-	-	-
B3.6 Contaminated Land and Potentially Contaminated Land	SEPP 55, and Remediation of land in accordance with Contamination Land Management Act and Guidelines	A report by Douglas Partners was submitted with the rezoning application in 2007. See comments later in report	Y	Y	Y
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)	A climate change assessment shall be provided and shall assess the impacts of climate change over the life of the development and the adaptive measures to be	The required scenarios have been considered by the Worley Parsons Stormwater Management Report. Council's Project Leader - Floodplain Management has			

	incorporated in the design of the project. The assessment shall consider: Scenario 1: Impacts of sea level rise only; Scenario 2: Impacts of sea level rise combined with increased rainfall volume	reviewed the report and concludes that assumptions and outcomes are considered reasonable.			
B5.1 Water Management Plan		Adequate details provided.	Y	Y	Y
C2.2 Safety and Security	Development shall address the Crime Prevention through Environmental Design principles. Lighting to be designed and located so that it minimises possibility of vandalism or damage. Security lighting must meet AS4282 The control of the obtrusive effects of outdoor lighting.	Safety and security deemed acceptable to the NSW Police subject to imposition of conditions of consent.	Y	Y	Y
C2.5 View Sharing	A reasonable sharing of views is achieved	No likely impacts on views	Y	Y	Y
C2.6 Adaptable Housing and Accessibility	An assessment from an accredited access consultant as to its compliance with P21 DCP and AS1428 Design for Access and mobility is required as the proposed building is publicly accessible	No access report has been submitted, however the applicant has stated that this will be addressed at CC stage. Given the design of the proposal, and the fact that it is a new building, it is considered that this can be conditioned to be addressed at CC stage.	N	Y	Y
C2.7 Building Facades	Façade not to contain stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place	Façade does not include these and condition has also been included in consent.	Y	Y	Y
C2.8 Energy and Water Conservation	Buildings to be designed to be energy and water efficient.	The building has been designed with energy efficiency in mind and conditions have been included on the consent.	Y	Y	Y
C2.9 Waste and Recycling Facilities		Garbage bay sits against southern side of building and under the awning. It complies with the setbacks and is not anticipated to cause loss of amenity.	Y	Y	Y
C2.11 Business Identification Signs			Y	Y	Y
C2.12 Protection of Residential Amenity		Nearest residential dwelling is located on rural zoned land owned by the Uniting Church to the south of the site and the proposal is unlikely to cause an amenity issues resulting from privacy or overshadowing issues.	Y	Y	Y

		A discussion of hours of operation can be found later in this report.			
C2.14 Commercial Swimming Pools			-	-	-
C2.15 Car/Vehicle/Boat Wash Bays			-	-	-
C2.16 Undergrounding of Utility Services	All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road at full cost to the developer	Condition included on draft consent to this effect.	Y	Y	Y
C2.20 Public Road Reserve - Landscaping and Infrastructure		See comments regarding landscaping.	Y	Y	Y
C2.22 Plant, Equipment Boxes and Lift Over-Run	Plant and equipment boxes be integrated internally into the built form of the building. Locate and design all noise generating equipment to protect the acoustic privacy of workers, residents and neighbours.	No lift overrun proposed	Y	Y	Y
C6.1 Warriewood Valley Land Release Area (Stage One)		The subject land is in Sector 7 of the Warriewood Valley Release Area. This Sector was identified for employment generating development within the release area. The current proposal for an industrial development is consistent with the Warriewood Valley Planning Framework 2010.	Y	Y	Y
C6.19 Floor Space Ratio - Warriewood Valley Land Release Area Industrial and Office Business Zone	FSR 1:1 - Site area of Lots 16 & 17 calculated as 19,596.296m <sup>2</sup>	For stage 1 & 2 total area - 12,471.201 m <sup>2</sup> FSR = 0.63:1	Y	Y	Y
D14.2 Scenic protection - General			Y	Y	Y
D16.1 Character as viewed from a public place	Use of design elements (roof forms, textures, materials, windows, modulation, spatial separation, landscaping etc). Blank street frontage facades without windows shall not be permitted. Walls without articulation shall not have a length > 8m to any street frontage.	Proposal is for a large building which uses a number of design elements in order to present a modern and attractive building when viewed from a public place.	Y	Y	Y
D16.2 Building colours and materials	Dark and earthy tones, recessive colours, low reflectivity finishes	Roof - Colourbond Jasper Walls - Alucobond Champagne Metallic, Indiana Copper & Grey Blue Metallic Roller Shutters - Bronze Metallic finish Windows Grey Tint glass	N	Y	Y
D16.3 Front building lines	Building line to Mona Vale Rd 30	30 metres to Mona Vale Rd, 10	Y	Y	Y

	metres building line to Daydream Street 6.5 metres	metres to Daydream Street			
D16.9 Utilities and Telecommunication Services	Adequate utility services capacity	The site has adequate utility service capacity.	Y	Y	Y
D16.12 Landscaping		Council's Landscape Architect has assessed the proposal and has no objections subject to the imposition of conditions.	Y	Y	Y
D16.14 Height	11 metres (as stated in Appendix 4 P21 DCP.)	11.5 max height. This minor non-compliance is discussed in the body of the report.	N	Y	Y

\*Issues marked with an N are discussed later in the report.  
Issues marked with a - are not applicable to this Application.

## 8.0 NOTIFICATIONS

### 171 property owners notified

#### Five (5) submissions received from the following

- Pittwater Uniting Church – 10 Jubilee Ave, Warriewood - Objection to aspects of the development
- Strata Plan 57385 - 92A Mona Vale Rd, Mona Vale - Support provided Daydream St re-opened.
- Strata Plan 79027 – 6 Jubilee Ave, Warriewood - Concern re Traffic
- Kennards Self Storage 90 Mona Vale Rd Mona Vale – Support, and
- Fordham Laboratories PO Box 255 North Sydney - Support

## 9.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The application of SEPP NO. 1 is not required.

## 10.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

## 11.0 DISCUSSION OF ISSUES

The Pittwater 21 DCP issues are specifically highlighted for consideration. All relevant matters have been assessed under Clause 79(c) of the Environmental Planning & Assessment Act 1979 relevant provisions and state legislation and the requirements of the applicable local controls of P21 DCP.

Pittwater 21 DCP embeds the economic, social and environmental sustainable development (ESD) principles in the development application assessment process .

**P21 DCP Control B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy**

Council's Principal Engineer, Roads and Transport made the following comments:

*"Daydream St is to remain closed and the Applicant required as a condition of consent to construct half a turning circle ( northern side of site adjacent to access driveway to the site) as part of providing kerb and guttering across the Daydream St frontage of the site . Council to arrange completion of the turning circle . The applicants plan is wrong as Council was not consulted on this matter , though the closure is shown in the WVRMP . Closure was in consultation with the RTA ( 5 roads were closed at the time Daydream was closed ) to improve traffic safety on Mona Vale Rd between Ponderosa Pde and Powderworks Rd . RTA may consider permitting left in/left out only when they upgrade Mona Vale Rd at some future time."*

**P21 DCP Control B4.18 Heathland/Woodland Vegetation**

Council's Natural Resources Officer made the following comments

*"The property consists of a large field which is currently vacant and contains predominantly rough grasses and pasture weeds. The proposed works involve construction of a commercial office and industrial development with ancillary preparatory site works, water management facilities, parking, cafe, landscaping and signage. Consent is also sought for the occupation and use of Office Area 1 and Production Storage Area 1 and the occupation of the site office."*

*The site is not considered to have ecological significance despite its close proximity to the natural bushland of the Warriewood Escarpment. Canopy trees occur along the Council road reserve bordering Mona Vale Road, and in the northwestern corner of the subject site, of which include native specimens. These areas also contain understorey vegetation which consists partly of weeds such as lantana.*

*An arborist report (Urban Forestry Australia July 2007) from a previous DA on the site has been re-submitted, which assesses 75 trees on the site and neighbouring road reserve area. This arborist report was submitted as part of a rezoning for subdivision application in 2007, and some of the tree removal recommendations no longer apply to the current application (e.g Tree 8 and 10 are proposed to be removed in the report due to being in footprint of "Lot 18" - these are indicated on the new landscape plan to be retained).*

*In relation to the latest proposed works, Trees 37, 38, 50 and 52 are clearly within the development footprint of the proposed buildings, and Trees 28, 30, 31, 32, 33, 34, 35, 36, 39, 40 and 53 are in the footprint of a proposed retaining wall and bioretention basins surrounding the building to the north and south. Trees 41 to 49 are located on the Council road reserve along Daydream Street. They are in mainly poor condition, having been severely gully-pruned for the overhead wires, and are proposed to be removed. Trees 45 and 46 (Turpentine) are not affected by the wires and look to be in better condition. A recommendation for removal or retention of these trees will be sought from Council's Tree Preservation Officers who will also need to give owners consent for any removal.*

*All trees within the Mona Vale Road reserve can be retained without any impact, which has the added benefit of instant screening of the site from this aspect and thoroughfare. Weeds are prolific on the site and weed control is required prior to any site works or landscaping. Weed control is also required in the Mona Vale Road road*

*reserve area, with a bush regeneration programme in this area the most appropriate way of recreating habitat given that limited opportunity exists elsewhere onsite.*

*This should be undertaken over a 24 month period commencing at Stage 1 of the development works. A landscape plan (Selena Hannan Landscape Design Drawing No. LC01 B 11th June 2010) has been submitted which provides a number of new plantings including additional canopy trees for the northwest corner which will enhance habitat. All proposed species are locally native and appropriate, and are considered to be acceptable."*

## **P21 DCP Control B3.6 Contaminated Land and Potentially Contaminated Land**

Under Clause 7 of SEPP 55 – Remediation of Land, the consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A detailed Phase 1 land contamination report, compiled by Douglas Partners was submitted with the 2007 rezoning application. It stated that there was some potential for asbestos debris given the former use of the site for horticulture and farming and the presence of dwellings and glasshouses on the site, however these would most likely be localised. This report states that tests for commonly occurring contaminants showed that the site falls within the acceptable Health based site assessment criteria for commercial/industrial land uses.

The report concludes by saying that in their opinion, a Phase 2 assessment is not warranted given the proposed commercial/industrial use of the site. It makes a number of recommendations, which can be incorporated as conditions of consent. It is also noted in respect of asbestos removal that Development Consent N0166/10 for demolition of existing structures on the site contains a number of conditions regarding the removal of asbestos in accordance with WorkCover regulation.

## **P21 DCP Control A1.7 Considerations before consent is granted**

An objection has been received from the Pittwater Uniting Church (PUC) to the south of the site, raising a number of concerns relating to stormwater drainage, sewer, depth of proposed excavation and landscaping, as follows:

### **Stormwater Drainage**

Council's Project Leader, Stormwater Management has provided the following comments:

- "a. The proposed trunk drainage works are to be fully located within the subject development site. This is stipulated under C13 (ii) (c).*

- b. *The developer will be required to ensure that the stability of all land and existing structures on adjacent properties be maintained during and after completion of construction works. This will include the upstream pond and onsite detention structures on the Pittwater Uniting Church property in the vicinity of the proposed new inlet structure. To this end an additional condition is to be included under C9 (iii) to read "The stability of all land and existing structures on adjacent properties is to be maintained during and after completion of construction works."*

*Condition C12 a) Flood Assessment - requires the developer to ensure that there are no adverse impacts on neighbouring properties (ie upstream, adjacent and downstream) in all flood events."*

## **Sewer**

An issue was raised by the PUC regarding the PUC connection to the sewer and that Council required the PUC to connect with the Board sewer when that site was developed 9 years ago. They state that Pittwater council and Sydney Water agreed that the PUC site would be connected via gravity feed to the Board sewer when the subject site was developed.

Council's Principal Environmental Officer has stated that this is an issue primarily for Sydney Water. Provided that properties are properly connected to the sewer where such is available, Council has no issues with how or where the connection is achieved. This is a matter for the PUC and Sydney Water to reach agreement on.

### **Depth of Excavation**

A geotechnical report prepared by Douglas Partners has been submitted with the application, and addresses these issues in detail. It includes recommendations for ensuring the safety of the site and surrounding sites, both during construction and afterwards which have been included as conditions of consent.

With regard to the request for dilapidation study, this is a standard condition of consent where excavation is proposed and will be contained in any conditions of consent prepared.

Council's Manager - Urban Infrastructure has provided the following comments regarding concerns raised by the PUC about geotechnical issues:

*"The Mathison submission on behalf of the objector raises two issues:*

- 1) The impact of the excavation may have on the stability of the earth embankment and potential slip circle failure in the foundation beneath the PUC Sport & Recreation Centre, and*
- 2) The lateral displacement of the retaining wall system may cause settlement beneath part of the building or generate tensile strains in the ground floor slab that may be reflected in tensile cracking of the ground floor slab.*

*Both of these points are suppositions as it would be assumed that the design of the retaining structure would not have been undertaken at this point in the development process*

*The retaining wall structure would be dealt with in the normal course of detail design for the Construction Certificate phase of the project and certified by the Structural Engineer*

*A condition should not be necessary as this matter would be picked up under the structural engineering requirements of the BCA."*

### **Landscaping**

Concern has been raised by the PUC, which currently enjoys a leafy, somewhat rural outlook, that they will be looking straight onto an industrial building. The PUC has requested additional mature planting along the top of the retaining wall to soften this view. Council's Landscape Architect has been consulted and agrees the proposed planting is acceptable. The submitted landscape scheme shows all work along this boundary to be completed in Stage 1, with shrubs and trees to a height of 5 metres to be planted along the top of the retaining wall. The planting schedule lists these as being a mix of Heath Banksia, Bottlebrush, Christmas Bush, Honey Myrtle, Bastard Rosewood, Lillipillis and Coastal Rosemary.

Suggestions that the building be moved further north to increase screening along this boundary are not practical due to the greater need to screen from Mona Vale Road as well as issues surrounding any potential future road reservation.



It is noted that the PUC itself has ample space on its own land to plant screening trees.

## **P21 DCP Control 5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007**

The proposal was referred to the Roads & Traffic Authority (RTA) as required under SEPP (Infrastructure) 2007 as there is a pedestrian entrance to the site which is within 400 metres of, and with direct access to, an arterial road, being Mona Vale Rd.

A reply was received from the RTA stating that the proposal had been considered at a meeting of the Sydney Regional Development Advisory committee (SDRAC) on 12 August 2010. A Request for Additional Information was made, which included SIDRA modelling to ascertain the additional impact of the development on the Mona Vale Rd/Ponderosa Pde intersection, and clarification of the proposed percentage of large vehicles access the site and their path of travel during peak hours. Council forwarded this request to the applicant with a reply received 26 August 2010. The applicant's reply was sent to the RTA on 7 September 2010. To date, no reply has been received from the RTA indicating the adequacy or otherwise of this information.

The RTA also stated that the proposal was partially affected by a "County Road Reservation" and that the subject property was affected by an easement to drain water in favour of the RTA. Clarification was requested of the RTA as to the provenance of this road reservation as it does not appear on Council's zoning maps, was not raised as an issue at the rezoning stage and does not appear on the S.149 certificate for the property.

This issue is of concern as the applicant has proposed bio retention basins, substantial retaining walls as well as substantial screening landscaping in the area of dispute, as shown on a sketch diagram from the RTA.

This is the first time that the RTA has identified to Council a road reservation on the subject property, and it is noted that during the rezoning of the site, which was gazetted in 2008 (R0001/07) the RTA was notified and failed to disclose to Council the presence of any road reservation, or any desire for such, on the subject site.

In a letter dated 14 September 2010(attached) the RTA stated that the site has a "Concept Road Reservation Scheme" in place, under the "Mona Vale to Macquarie Park Corridor Strategy" (RTA September 2009 and that consequently the RTA would "strongly oppose the erection of any structures in the road reservation".

Council responded to the issue by letter, endorsed by Council's solicitors dated 4 November 2010 noting the following (attached):

- a "the Mona Vale to Macquarie Park Corridor Strategy contains no specific road widening proposal;
- b the terms "Concept Road Reservation Scheme" and "Approved Road Reservation Scheme" are not defined in any publicly available document or legislation;
- c no submission has been made to the Minister under the Roads Act 1993 for the widening of the road at the subject site;
- e the land is not currently designated for acquisition within the meaning of the Land Acquisition (Just Terms Compensation) Act 1991;
- f the land is not currently subject to any reservation under the Pittwater LEP 1993 nor has any request or submission been made to Council to have the land rezoned; and
- g the RTA made no submissions against the rezoning of the subject premises in 2007."

In light of these issues, Council advised the RTA that there appears to be no proper basis for Council to recommend refusal of the application. The RTA were invited to furnish Council with additional information demonstrating any more conclusive and timetabled plans for the road widening by 11 November 2010. To date, no reply has been received.

#### **P21 DCP Control C2.6 Adaptable Housing and Accessibility**

The applicant has not submitted an accessibility report, as required by Section C2.6 of the Pittwater DCP 21. Although this would normally be required prior to consent being recommended, it is considered that under the circumstances, an accessibility report can be submitted at Construction Certificate stage. The proposal is for a completely new building, and as such it is capable of being constructed to ensure full accessibility for all users of the building, with at most, minor changes being made to ensure compliance.

#### **P21 DCP Control C2.10 Pollution Control**

1. Council's Environmental Health Officer has provided the following comments with regard to the proposal:

*"Councils Environmental Health team feel that the application will be capable of complying with the POEO Act 1997 and Industrial Noise Policy as required under this control. The application is for commercial purposes and any noise amplification activities to occur are stated to take place in sound proof room. From experience it is usually industrial activities with noise emitting plant equipment that cause surrounding residents issues with these developments. An acoustical assessment and report stating compliance has been requested prior to the release of a Construction Certificate which ensures compliance will be met."*

2. Appendix 4 of Pittwater 21 DCP  
Part 4.2 is titled 'Acoustic Development Areas'  
The relevant area is '4. Office Business area bounded by Mona Vale Road and Jubilee Avenue'.

Table 2 and Table 3 have noise parameter requirements that the development must meet.

As previously stated above the application is for commercial/industrial purposes and any noise amplification activities to occur are stated to take place in sound proof room (see comments in previous response). From experience it is usually industrial activities with noise emitting plant equipment that cause surrounding residents issues with these developments.

An acoustical assessment and report stating compliance has been requested prior to the release of a Construction Certificate which ensures compliance will be met."

#### **P21 DCP Control C2.12 Protection of Residential Amenity**

No detail was provided as to the hours of operation. Given that the proposal has some dwellings in the immediate neighbourhood, in particular those belonging to the PUC and also others located in Boundary St, it needs to be addressed.

Appendix 4 of the Pittwater 21 DCP states that in Office Business 3(e) zones the trading and/or operating hours are to be confined to Monday – Friday 7am – 5pm, Saturday 7am – 1pm and no work on Sundays where it is the opinion of the Council that the use may interfere with the amenity of the neighbourhood as a result of emissions, including noise.

Given that there are neighbouring properties it is considered that the development comply with these hours of operation as it relates to delivery of goods, production and testing until such time as the proposal can be shown not to cause noise impacts on the adjoining residential properties.

#### **P21 DCP Control D16.2 Building colours and materials**

The proposal seeks consent for a number of colours and materials that are not strictly speaking part of the colour palette. However, it is considered that the proposed colour scheme does comply with the outcomes of the control as discussed below.

The roof of the proposal will be Colorbond Jasper, a dark brown, low reflective colour that is suitable for the building and the site, given that the proposal has a very large roof which will be the most prominent feature when viewed from a public place, in this instance, Mona Vale Rd, particularly when seen from the descent eastwards into Warriewood Valley

The external façade is to be grey tinted glass on the windows, which is of suitably low reflectivity, However, the wall are proposed to be of a metallic finish, being “champagne metallic” a lightish-mid silver colour, “Indiana copper” a rich medium copper brown colour, and “blue grey metallic” a mid-silver colour.

Despite the fact that the control states that colours should be recessive, on merit it is considered that these colours should be permitted. The roof, which is the largest element potentially seen from a public place, is both dark and recessive and it is considered that the wall colours will then add a lighter tone to the building and provide visual interest on what, due to the length of the building, will be a very long façade. They will not be as visible from Mona Vale Road due to the landscaping on both the site and the road verge. The majority of the elevations in any case are glass rather than solid elements.

It is considered as such that the proposal does comply with the outcomes of the control. There is no defined character stated for this area of Warriewood and it is concluded that the proposal will provide a positive streetscape in the locality.

#### **P21 DCP Control D16.14 Height**

Appendix 4 of Pittwater 21 DCP gives a maximum height of 11 metres above natural ground level for buildings in the 3(e) zone. The proposed development has a maximum height of 11.5 metres.

The overall size and scale of the development, means that an additional 0.5 metre height at the easternmost end of the building will not be noticed, and the building will not read as being significantly higher or out of character with others in the vicinity. The non-compliance is minor in the overall context of the development and as such the variation is supported.

## **12.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP and other relevant Council policies.

The proposal is permissible within the 3(e) Office Business “E” zone as defined by Pittwater Local Environmental Plan 1993 and is considered to be acceptable and consistent with the controls, outcomes and variations for development within the zone and locality as discussed within this report.

While there are some minor non-compliances with Council’s codes and policies, the development will bring substantial economic benefits to the municipality and its population. The building itself is attractive and will be a worthy gateway building on one of the main routes into Pittwater. The proposal is generally supported by the local community. This Sector was identified for employment generating development within the release area with the current proposal for an industrial development being consistent with the Warriewood Valley Planning Framework 2010.

An important issue has arisen as a result of RTA correspondence where it suggests a ‘road reservation’ affects the site. The RTA did not raise this at a rezoning stage in 2007/2008. There is no reservation in LEP 1993 nor have the RTA replied to Council’s letter dated 4 November 2010 seeking confirmation as to the status of the RTA’s intentions.

There are works proposed by the applicant in the area shown by the RTA as road reservation. Should the RTA, at a future date require acquisition of this portion of the site, direct negotiations would proceed between the RTA and the landowners.

Whilst not a optimum outcome, the proposal will still be viable from a planning perspective subject to the future landowners providing a solution to the relocation of water management facilities (bio retention), retaining walls and adequate landscaping to Mona Vale Road.

As such, it is recommended that the Development Application be approved.

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## **RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That the Joint Regional Planning Panel, as the consent authority pursuant to the Environmental Planning and Assessment Act 1979, grant consent to development application N0391/10 for commercial office industrial development with ancillary preparatory site works, water management facilities, café, landscaping, parking and signage in two (2) stages and use of the Stage one (1) building for office and for the preparation of audio visual equipment and ancillaries , at 2 Daydream St & 96 Mona Vale Rd, Mona Vale subject to conditions of consent as contained in the draft determination.

### **Report prepared by**

Gina Hay  
**EXECUTIVE PLANNER**

**DRAFT DETERMINATION**  
**CONSENT NO: N0391/10**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)**  
**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:  
LIVPAC DEVELOPMENTS PTY LTD  
PO BOX R215  
ROYAL EXCHANGE 1225

Being the applicant in respect of Development Application No N0391/10

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0391/10 for:

The erection of a commercial office industrial development with ancillary preparatory site works, water management facilities, café landscaping, parking and signage in two (2) stages use of the building for office and the purposes of preparation and ancillary storage of audio-visual equipment.

At: 2 DAYDREAM STREET, WARRIEWOOD (Part Lot 17 DP 5055), 96 MONA VALE ROAD, WARRIEWOOD (Lot 16 DP 651226)

**Decision:**

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

**DA01, DA02, DA03, DA04 & DA05 all dated 1 July 2010, DA06, DA07 & DA08 all dated June 2010 and all drawn by Leffler Simes Architects, Drawing 01A "Staging Plan" dated 10<sup>th</sup> December 2010 drawn by Leffler Simes Architects, Landscape Concept Plan dated 11/06/2010 and drawn by Selena Hannan Designs, Statement of Environmental Effects prepared and collated by Don Fox Planning dated July 2010 and including all reports attached as appendices**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:

## Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
3. 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:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - b. 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
  - c. 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.

4. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.
5. Pursuant to Section 83B of the Environmental Planning and Assessment Act, this Consent does not authorize the carrying out of work indicated as "Stage 3" on plan numbered DA01, dated 1/07/10 and drawn by Leffler Simes Architects. A separate development application is required to be submitted and approved prior to this work being carried out. Pursuant to Section 83D(2) of the Environmental Planning and Assessment Act, this future Stage 3 development application must be consistent with this Consent or this Consent should be modified accordingly to ensure consistency.

**B. Matters to be incorporated into the development and maintained over the life of the development:**

1. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be located above the Flood Planning Level as determined in the Water Management Report. B4. All new construction and services shall comply with the Pittwater 21 Development Control Plan Flood Hazard Controls.
2.
  - a. All structural elements below the Flood Planning level shall be of flood compatible materials.
  - b. All structures must be designed and constructed to achieve low risk of damage and instability due to flood hazard.
  - c. All foundation structures, where the floor level is greater than 500mm above the existing ground level are to incorporate a suspended floor on open pier/pile footings to allow the flow of surface water and flood storage.
  - d. All electrical equipment, wiring, fuel lines or any service pipes and connections must be waterproofed to the Flood Planning level.
  - e. The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute floodwaters is not permitted below the Flood Planning level.
3. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
4. The Stormwater Harvesting and Reuse Scheme shall be maintained as appropriate in accordance with best practice to ensure optimum performance of the stormwater treatment system.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. All existing trees as indicated in the Survey Plan and/or approved Landscape Plan and Arborist report shall be retained except where required to be removed as a result of this consent. A tree preservation Order permit (TPO) is required for the removal of any tree not required to be removed as a result of this consent.

For all other tree issues not related to a development application, application must be made to Council's Tree Management Officers. All existing native trees in the Mona Vale Road reserve are to be retained and protected. Locally native canopy trees are to be planted onsite to replace trees approved for removal.

Canopy tree species and quantities are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping in the Native Plants for Your Garden link on Council's website [www.pittwater.nsw.gov.au/environment/plants\\_and\\_animals/native\\_plants](http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants).



All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

7. Any vegetation planted outside approved landscape zones is to be consistent with:
  - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan
  - b. Species listed from the Endangered Ecological Community
  - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and *Native Plants for Your Garden* link available from Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)
8. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for noxious/environmental weed lists.
9. No environmental weeds are to be planted on the site. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for environmental weed lists.
10. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.
11. Street lighting facilities to Daydream Street along the development frontage are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.
12. All services, including electrical and telecommunications, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan. The location of any trenching shall have regard for future and proposed landscaping in the public domain.
13. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be located above the Flood Planning Level as determined in the Water Management Report.
14. All new construction and services shall comply with the Pittwater 21 Development Control Plan Flood Hazard Controls.
15. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
16. The adjustment of all public utilities and services is to be at the full cost of the developer.

17. All service vehicles for the life of the development must use Mona Vale Road, Ponderosa Parade, Jubilee Avenue and Daydream Street to access and leave the site.
18. The commitments reported in the Water Management Report that forms part of the consent, are to be maintained for the life of the development.
19. The water management facilities are to be maintained over the life of the development.
20. Water conservation devices with an AAA rating must be installed and maintained, including tap flow regulators, shower head roses and dual flush toilets. All new hot water systems are to have a minimum rating of 3.5 stars.
21. All garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
  1. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
  2. The area used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted.
  3. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
  4. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
  5. Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
  6. The garbage and recycling enclosure shall be made vermin proof.
  7. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
  8. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
22. All utility services including overhead power supply and communication cables located in Daydream Street & those to service the development within the site are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
23. All external glazing is to have a maximum reflectivity index of 25%.
24. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
25. Roofs to all structures are to be dark grey, brown and/or green tones only.

26. The operating hours for the development relating to delivery of goods, production and testing of equipment shall be confined to Monday – Friday 7am – 5pm, Saturday 7am – 1pm and no work on Sundays where it is the opinion of the Council that the use may interfere with the amenity of the neighbourhood as a result of emissions, including noise.
27. Recommendations contained in the NSW Police Force referral date 28 July 2010 (copy attached) shall be incorporated into the development.

28. At least five (5) nest boxes (refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/plants\\_and\\_animals/native\\_animals/hollow\\_bearing/nest\\_boxes](http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_animals/hollow_bearing/nest_boxes) for suggested models) are to be appropriately installed in trees not affected by development. This must be certified by a Bushland Management Consultant as being complete and adequate. A Bush Regeneration contract is to be entered into to ensure that ongoing restoration works required to occur post Occupation Certificate is adequately completed. The bush regeneration company is to certify that such a contract has been entered into.
29. A separate development application is to be submitted and approved for the fitout, occupation and use of the café in Stage 1.
30. The development is to be staged in accordance with the staging plans numbered DA01 and DA03 dated 6 July 2010 and drawn by Leffler Simes Architects.
31. All of the conditions of this consent, as relevant to each stage, are to be satisfied at each stage of the development.

### **C. Matters to be satisfied prior to the issue of the Construction Certificate:**

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Engineering details showing the Stormwater Harvesting and Reuse Scheme are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Pittwater 21 DCP.
2. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
  - (a) Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
  - (b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
  - (c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
  - (d) Councils Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.

3. An updated Arborist Report is to be provided with tree retention/removal recommendations that relate to the currently proposed development and not the previous proposal from 2007. Many of the recommendations will remain applicable however some native trees can now be retained in the current development and these are to be documented as such in an updated arborist report so that conditions can be designed which reference the approved arborist report and put into the consent.
4. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
5. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

6. Prior to the issue of the Construction Certificate for **Stage 1** of the development as described in "Drawing 01A Staging Plan" dated 10 December 2010 a contribution of **\$1,916,399.70** is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public infrastructure in accordance with Warriewood Valley Section 94 Contributions Plan. The breakdown of the contribution for **Stage 1** is as follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$924,333	SWTT
Multi-functional creek line corridors (works)	\$203,504.79	SWCW
Multi-functional creek line corridors (land)	\$354,731.73	SWCL
Pedestrians/Cycleways	\$38,488.62	SWPC
Bushfire Protection	-\$1,060.71	SWBF
Ponderosa Parade drainage	\$332,608.35	SWVP
Plan Management	\$63,794.13	SWPM

Prior to the issue of the Construction Certificate for **Stage 2** of the development as described in "Drawing 01A Staging Plan" dated 10 December 2010 a contribution of **\$965,724.92** is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public

infrastructure in accordance with Warriewood Valley Section 94 Contributions Plan. The breakdown of the contribution for **Stage 2** is as follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$465,796	SWTT
Multi-functional creek line corridors (works)	\$102,551.48	SWCW
Multi-functional creek line corridors (land)	\$178,758.76	SWCL
Pedestrians/Cycleways	\$19,395.44	SWPC
Bushfire Protection	-\$534.52	SWBF
Ponderosa Parade drainage	\$167,610.20	SWVP
Plan Management	\$32,147.56	SWPM

The Warriewood Valley Section 94 Contributions Plan may be inspected at Pittwater Council, 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate, unless otherwise agreed by Council.

The applicant has the opportunity to negotiate with Council for the direct provision of facilities nominated in the traffic and transport, multi-functional creek line corridors, public recreation and open space and pedestrian / cycleway elements, pursuant to the material public benefit, works in kind, and dedication of land provisions in the Warriewood Valley Section 94 Contributions Plan.

When payment is made, the contribution rates will be adjusted and will be the contribution rates extracted from the financial model in the Warriewood Valley Section 94 Contributions Plan (Amendment No. 16) applicable at the time of payment. The contribution rates are adjusted annually on 1 July each year and are applicable for a 12- month period.

7. Engineering plans and specifications for all roads, drainage and other civil engineering works (as set out in condition C9) within an existing Public Road reserve (excluding Mona Vale Road) must be submitted and approved in writing by the Council prior to the issue of any Construction Certificate.

Payment of the Engineering Plan Assessment fee (in accordance with Council's adopted Fees and Charges) is required prior to Council releasing the approved engineering plans.

The installation of traffic facility signs and markings, including parking signs and speed restrictions will require the approval of Council and Council's Traffic Committee prior to commencement of installation.

8. The plans required by Condition C8 are to include and provide for the following matters: The works in relation to that part of the Daydream Street frontage of the development site and including the works in relation to the vehicular access to the Development:
  - a) Kerb and Guttering for the full length of the roadway (vertical faced kerb only will be permitted) in the location shown on Council plan no 2002-79 (Daydream Street – Concept Plan of Cul-de-sac);

- b) Road pavement construction, to the criteria set out in the Warriewood Valley Roads Masterplan, up to the road centre line or previously constructed pavement to appropriate standards (whichever is the lesser) in Daydream Street;
- c) Footpath 1.2 metres wide for the full length of the kerb and gutter installation, including the turning circle adjoining to the existing footpath in Daydream Street;
- d) Associated stormwater drainage to drain the road pavement;
- e) All entrances to the development via access driveways (including layback crossings) constructed to Council's issued driveway profiles;
- f) Street landscape to match up to existing landscaping for the full length of the Daydream Street frontage. Landscaping north of the turning circle from the boundary to adjacent pavement edge.
- g) Street lighting facilities to the Daydream Street frontage in accordance with the requirements of Energy Australia; and
- h) Undergrounding of all existing and new utility services for the full frontage of Daydream Street.

NOTE: - no works are required under this consent for the road reserve in Mona Vale Road.

9. The plans required under Condition C8 & C9 must meet the objectives and requirements of:

- (i) The Warriewood Valley Roads Master Plan;
- (ii) Austroads;
- (iii) AUSSPEC; and
- (iv) Pittwater 21DCP,

and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007. The stability of all land and existing structures on adjacent properties is to be maintained during and after completion of construction works.

10. The engineering design and plans for road and drainage works must be certified as meeting the requirements of conditions C8, C9 and C10 by an experienced civil engineer who is NPER accredited by the Institution of Engineers (Australia).

11. Prior to the issue of a Construction Certificate, an updated Water Management Report is to be submitted to provide additional detailed designs, plans, specifications and the required information for all works needed to achieve full compliance with the Warriewood Valley Water Management Specification February 2001 (WMS 2001) and the Pittwater 21 Development Control Plan, based on:

- a) Worley Parsons – Warriewood Valley Sector 7 (2 Daydream Street & 96 Mona Vale Road) Stormwater Management Report DA Stage (Amended Layout), 28 June 2010 - Prepared for Livpac Developments Pty Ltd.



- b) Worley Parsons - Sector 7, Warriewood Valley Amended DA Water Management Report – Addendum #1 (dated 2 August 2010)

12. The updated Water Management Report is to address the following:

a) Flood Assessment

- Undertake flood modelling of the behaviour of the probable maximum flood through the site for pre-development and post-development conditions demonstrating: -
- The extent of the probable maximum flood through the site;
- The determination of the Flood Hazard Classification of the site;
- That there are no adverse impacts on neighbouring properties (i.e. upstream, adjacent and downstream) in all flood events;
- The determination of arrangements for Flood Emergency Response for the site.

b) Flood Emergency Response

A detailed Flood Emergency Response Plan for the site is required to cater for a flood up to the level of the probable maximum flood. The Flood Emergency Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated in to the site's overall disaster/emergency management plan.

c) Water Cycle Management

Groundwater sampling is to be undertaken in the vicinity of the bioretention systems to ensure that any elevated nutrient concentrations in the groundwater system are managed through the design and construction process.

d) Mosquito Risk Assessment

A detailed mosquito risk assessment is to be undertaken by an appropriately experienced and qualified specialist for all proposed water management works to ensure that the mosquito risk is minimised.

e) Staging of project

Staging of the works is to ensure that the objectives of the Warriewood Valley Water Management Specification are achieved for each stage prior to the release of any Occupation Certificate. Sufficient water quality and water quantity facilities must be provided to service each stage.

13. The detailed engineering design, construction plans and specifications for the water management system are to be in accordance with the updated Water Management Report in accordance with condition C12 and C13.

The water management system is to include the design for: -

- (i) A stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The system is to include combined piped and overland flow components, which convey the 1% AEP and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.



- (ii) The trunk drainage system including plans, longitudinal sections, cross sections, pit and pipe sizes and types and related civil engineering works. The detailed design is to include: -
- f) Reinforced concrete rubber ring jointed pipes.
  - g) Lateral pipelines and associated drainage structures to connect flow from adjacent sites along the southern boundary.
  - h) Pit and headwall inlets to the drainage systems are to be hydraulically efficient, provide ease of access for maintenance, be easy to maintain and provide for public safety. These structures are to be fully located within the subject development site.
  - i) inlet structure at the upstream end of the site to ensure all flow up to the design capacity enters the new system;
  - j) 2 x 90 degree bends at the downstream end of the site to ensure hydraulic losses are not excessive
  - k) transition structure into the existing culvert under Daydream Street to ensure flooding is not made worse in all flood events up to the probable maximum flood
14. The Water Management Report, and all associated plans and detailed design are to be certified as being in accordance with the Warriewood Valley Water Management Specification (February 2001) and as meeting the requirements of conditions C12, C13, and C14. The certification is to be provided by a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in urban stormwater (quantity & quality) and flood plain management. A copy of the revised and certified Water Management Report is to be submitted to the Council for its records.
15. Certification from an Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the relevant Australian Standards, must be submitted to the Accredited Certifier or Council before the issue of the Construction Certificate.
16. A photographic survey of adjoining property, being the hall on the southern boundary of 10 Jubilee Ave, Warriewood, detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to Council and the Certifying Authority (where Council does not issue the Construction Certificate) prior to the issue of any Construction Certificate. A survey of the adjoining structure on 10 Jubilee Ave is to be undertaken by a registered surveyor as to whether it has moved as a result of works on the development site. The submission is to be prepared by an appropriately qualified person/s agreed to by both the applicant and the owner of the adjoining property.

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

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

have failed. Written concurrence must be obtained from Council in such circumstances.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.)

17. A certificate prepared by an appropriately qualified and practicing structural engineer, at no cost to the Council, detailing the structural adequacy of adjoining hall at 10 Jubilee Ave, Warriewood, which is located adjacent to the southern boundary of the subject site and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Certifying Authority for approval with the Construction Certificate.
18. Landscape Plan to be approved by certifier prior to release of construction certificate including the following elements/actions:
  - Generally to be in accordance with landscape plans as prepared by Selena Hannon Landscape Design, Dwg No Lc01, Issue B.

The landscape plan, to be prepared at 1:100 scale, is to incorporate:

*Daydream Street Frontage*

- Use of 15 x 400 litre super advanced trees to site frontage to provide core landscape character.
- Shrub planting to all landscape areas to be one shrub per 1.5m<sup>2</sup> with groundcover planting 4 per m<sup>2</sup>.
- All walling to incorporate sandstone or sandstone fencing and capping. i,§ Three watering points to be provided to frontage.
- Installation of drip irrigation system (drawings to be prepared and independently certified by licensed plumber, hydraulic engineer or irrigation specialist.

*Southern Boundary*

- Planting to be made up of shrub planting at 1.5m centres and groundcovers 4 per m<sup>2</sup>. Where retaining walls finish, trees to be planted at 4m centres at 400 litre size. The outcome of this condition is to provide a visual buffer between the development and the adjoining building on 10 Jubilee Avenue.

*Northern/Western Boundary*

- Planting to bio retention basins to be 4 per m<sup>2</sup> and to incorporate groves of native Eucalypts 6-10 at 5 litre sizes.
- A two year bushland regeneration strategy to be prepared by qualified regeneration consultations and ultimately approved by Council's Natural Environment and Education officer.
- Strategy to incorporate relevant OH&S safety strategies in relation to works in the vicinity of Mona Vale Road, a major arterial, high speed route.
- To concentrate on weed litter removal, ground preparation and ultimate planting with native/rainforest species.

- All works as undertaken to be maintained for a 24 month period.
  - Edge of retaining walls/ exact perimeters of bushland/road reserve edge to be clearly shown and surveyed on site prior to release of construction certificate.
  - All terraced planters to have planting density of 4 plants per m2.
  - All terraced plants to have drip irrigation system.
19. An Acoustic assessment be submitted from a qualified Acoustic engineer confirming that the development will comply with the POEO Act 1997, the criteria contained within DCP 21 Appendix 4 –Area 4 and the intent of the Industrial Noise Policy
20. Prior to issue of the Construction Certificate, details are to be submitted to the Principal Certifying Authority that include, but are not limited to, all of the recommended conditions in the Geotechnical Report prepared by Douglas Partners Pty Ltd, “Report on preliminary Geotechnical Investigation, 2 Daydream Street, Warriewood, Project 44849A, July 2007”, and addendum by Douglas Partners Pty Ltd, “Supplementary Geotechnical Assessment Proposed Commercial Development 2 Daydream Street and 96 Mona Vale Road, Warriewood”
- Form 2 of the *Geotechnical Risk Management Policy for Pittwater* is to be completed and submitted with the above details before issue of the Construction Certificate.
21. All of the conditions of this consent required to be satisfied prior to the issue of a Construction Certificate, as relevant to each stage, are to be satisfied prior to the issue of the Construction Certificate for that stage of the development.

**D. Matters to be satisfied prior to the commencement of works and maintained during the works:**

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. No works are to be undertaken in Council’s Road Reserve without the written approval of the Council under Section 139 of the Roads Act, 1993.
2. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council’s road reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed on site.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
5. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

6. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
7. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
8. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
9. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
10. No skip bins or materials are to be stored on Council's Road Reserve.
11. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  1. The builder's name, builder's telephone contact number both during work hours and after hours.
  2. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  3. That a Road Opening Permit issued by Council has been obtained.
  4. That no skip bins or materials are to be stored on Council's Road Reserve.
  5. That the contact number for Pittwater Council for permits is 9970 1111.
12. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
  1. Quantity of material to be transported
  2. Proposed truck movements per day
  3. Proposed hours of operation
  4. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
13. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the updated arborist report by (to be provided prior to the issue of the Construction Certificate as conditioned), are required to be complied with before and throughout the development period, particularly with regard to the following:
  1. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;

2. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
  3. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree;
  4. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees; and
  5. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
- 
14. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.
  15. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
  16. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
  17. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
  18. A Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant for the contractor is required to be submitted for approval by Council prior to the commencement of any site works. The CTMP is to detail: -
    - Quantity of material to be transported
    - Proposed truck movements per day
    - Proposed hours of operation
    - Traffic route to Mona Vale Road via Ponderosa Parade, Jubilee Avenue and Daydream Street
    - Proposed traffic routes, noting that 3 Tonne load limits apply to some roads in Warriewood Valley.
    - No direct access to Mona Vale Road or stopping of trucks on Mona Vale Road.

19. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, on front-on and one from each side of the property, are to be submitted to Pittwater Council with the notification of the commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
20. Vibration from works is to be undertaken in accordance with industry best practice, to ensure excessive levels of vibration do not occur to minimise adverse effects experienced on any adjoining land.

21. The development shall be carried out in accordance with the conclusions and recommendations of the "Report on Phase 1 Contamination Assessment for 2 Daydream Street, Warriewood, prepared by Douglas Partners Pty Ltd, project 44849 dated June 2007"

**E. Matters to be satisfied prior to the issue of Occupation Certificate:**

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the accredited certifier, prior to release of the Occupation Certificate.
2. All appropriate infrastructure is to be provided to service the development, including roads and access ways, drainage facilities, landscaping, water management facilities, and siltation and sedimentation control measures.
3. The following documents and evidence of payments are to be submitted to Council in a single package to ensure the efficient release of the Occupation Certificate: -
  1. Payment of the Section 94 Contribution.
  2. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
  3. Copies of the Subdivision Plans (original plus 9 copies).
  4. The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia).
  5. Where Material Public Benefits are involved, a Bank Guarantee for the difference between the value of the Material Public Benefit (MPB) and the value of the MPB works constructed for that stage.
  6. Works-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council.

The plans are to be in paper and electronic format (dwg or dxf file) and comprise at least the following: -



- Boundary layout;
  - Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls;
  - Signage (including type and wording), line marking;
  - Easements, survey numbers and marks, reduced levels and co-ordinates;
  - Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
  - Water quality devices;
  - Significant landscaping.
  - A security deposit to the value of 5% of the value of the works is to be made to Council to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.
4. Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to Daydream Street and the development site have been carried out and completed in accordance with the engineering plans and specifications required under conditions C8, C9 and C10 of this consent.
  5. All roads, drainage and civil engineering works required under Conditions C8, C9 and C10 of this consent are to be completed prior to the issue of the Occupation Certificate.
  6. A maintenance period is to apply to all civil engineering works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or would reasonably be expected under the design conditions.
  7. Work-as-executed plans are to be provided certified by a Registered Surveyor for all structures or facilities which will be dedicated to Council, or which are located on Council land, or which are located within drainage easements or which will require ongoing maintenance by Council.
    1. The plans are to be submitted in both paper and electronic format [AutoCAD (R14) dwg or dxf file] and are to comprise at least the following:
    2. Boundary layout;
    3. Kerbing and guttering, road pavement, footpaths, traffic devices, retaining walls;
    4. Signage (including type and wording), line marking;
    5. Easements, survey numbers and marks, reduced levels and coordinates;
    6. Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains;
    7. Water quality devices; and



8. Significant landscaping.
8. A Certificate by a qualified Engineer or Architect confirming that all access driveways in the public road reserve have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate.
  9. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained.
  10. Certification is to be provided to Council, by an appropriately qualified professional as prescribed in this development consent, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under conditions C8 of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).
  11. A copy of the updated Water Management Report required under condition C12 of this consent must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).
  12. Notification to Council, certified by an appropriately qualified professional, will be required to change Council's Flood Hazard Classification of the properties, for the purpose of changing notations on the Section 149(2) Planning Certificates of the properties issued under the Environmental Planning and Assessment Act, 1979. Any change in Flood Hazard Classification and accompanying change in Section 149(2) Planning Certificate notations must be adopted by the elected Council and so should be submitted in sufficient time to complete this process.
  13. Creation of an easement to drain water (in accordance with Pittwater 21 DCP Control B5.14) over the proposed trunk drainage system along the southern boundary in favour of Council.
  14. Extinguish the existing 1.83 metre wide and variable width easement (Vide 9236981 DP438892) and create a new easement to drain water (minimum 2.5 metres wide) over the proposed trunk drainage system from Mona Vale Road to the junction of the proposed trunk drainage system along the southern boundary in favour of Council.
  15. Creation of interallotment drainage easements over the proposed pipelines from the southern boundary to the proposed trunk drainage system along the southern boundary in favour of the adjacent upstream properties.
  16. A positive covenant is to be created on the title of the lots over the overland flow corridor, restricting any alteration to the surface levels or placement of any obstruction unless approved by Council.
  17. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

18. Street numbers are to be affixed to the building prior to occupation.
19. A Report prepared by registered landscape architect certifying that all works have been carried out in accordance with approved plans and conditions of consent.
20. A Report prepared by qualified bush regeneration consultant that all regeneration works have been carried out in accordance with adopted bushland regeneration plan.
21. Contractual evidence of a 24 month maintenance period of all constructed landscape works by a qualified horticulturist or landscape contractor.
22. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* is to be completed and submitted to the Principal Certifying Authority.
23. All of the conditions of this consent required to be satisfied prior to the issue of a Occupation Certificate, as relevant to each stage, are to be satisfied prior to the issue of the Occupation Certificate for that stage of the development.

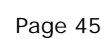
**F. Advice:**

1. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
2. You are advised that best practice advice and Council policies on climate change are likely to change with time, as more definitive information becomes available from climate change scientists around the world. Consequently Council's Flood Hazard Classification on this property may change with time. Any change in Flood Hazard Classification must be adopted by the elected Council, owners notified in writing and be placed on public exhibition for a minimum of 28 days.
3. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
4. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
5. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
6. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.

7. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
8. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
9. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
10. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
11. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA)1992.
12. The Rural Fire Service Endorses the Report from the Australian Bushfire Protection Planners, Graham Swann.



N 0391/10



2752  
DA02  
1 MAY 2010

LEFFLER SIMES ARCHITECTS

2752  
DA02  
1 MAY 2010

LEFFLER SIMES ARCHITECTS





# STAGING PLAN

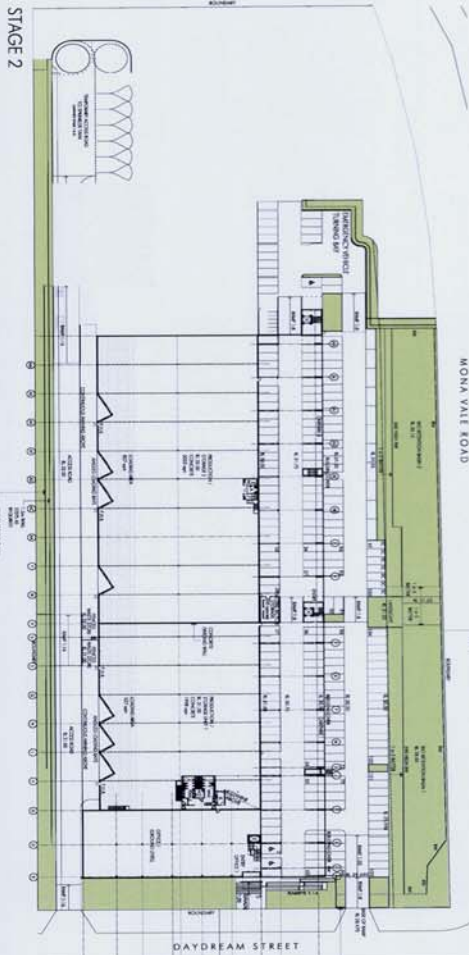
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STAGING 1: MONA VALE ROAD

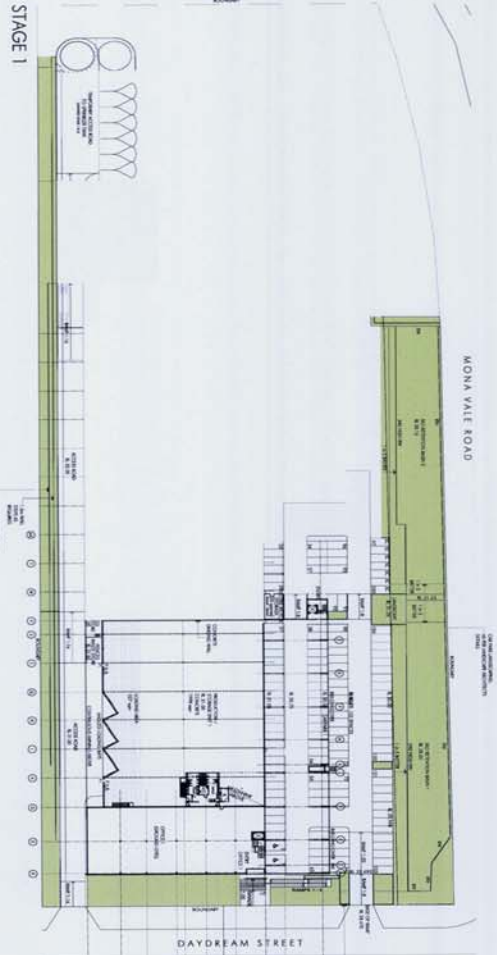
27/2 2008 LEFFLER SMITH ARCHITECTS

PENINSULA BUSINESS ESTATE  
Daydream Street  
WARREWOOD NSW

STAGE 2



STAGE 1



NO. AMENDMENT DATE

# SECTIONS SHEET 1

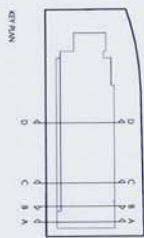
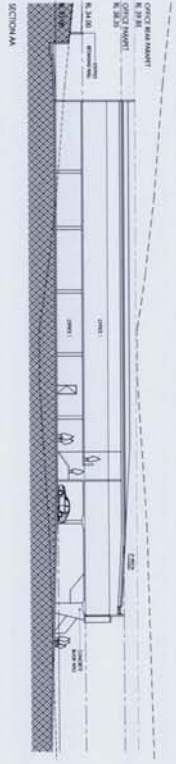
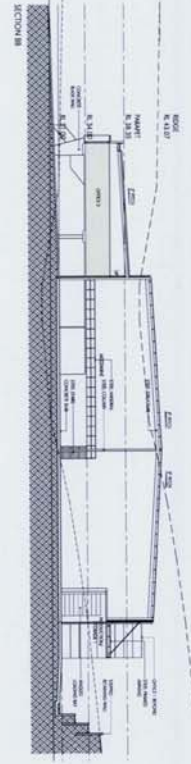
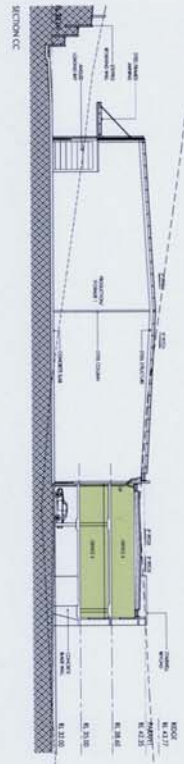
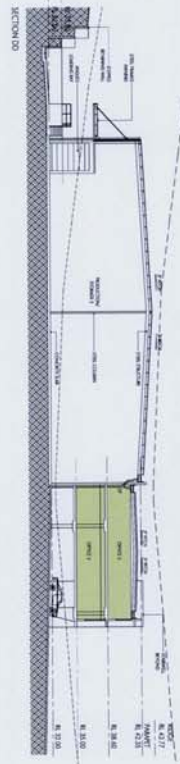
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2762 LEFFLER SIMES ARCHITECTS

2762

LEFFLER SIMES ARCHITECTS

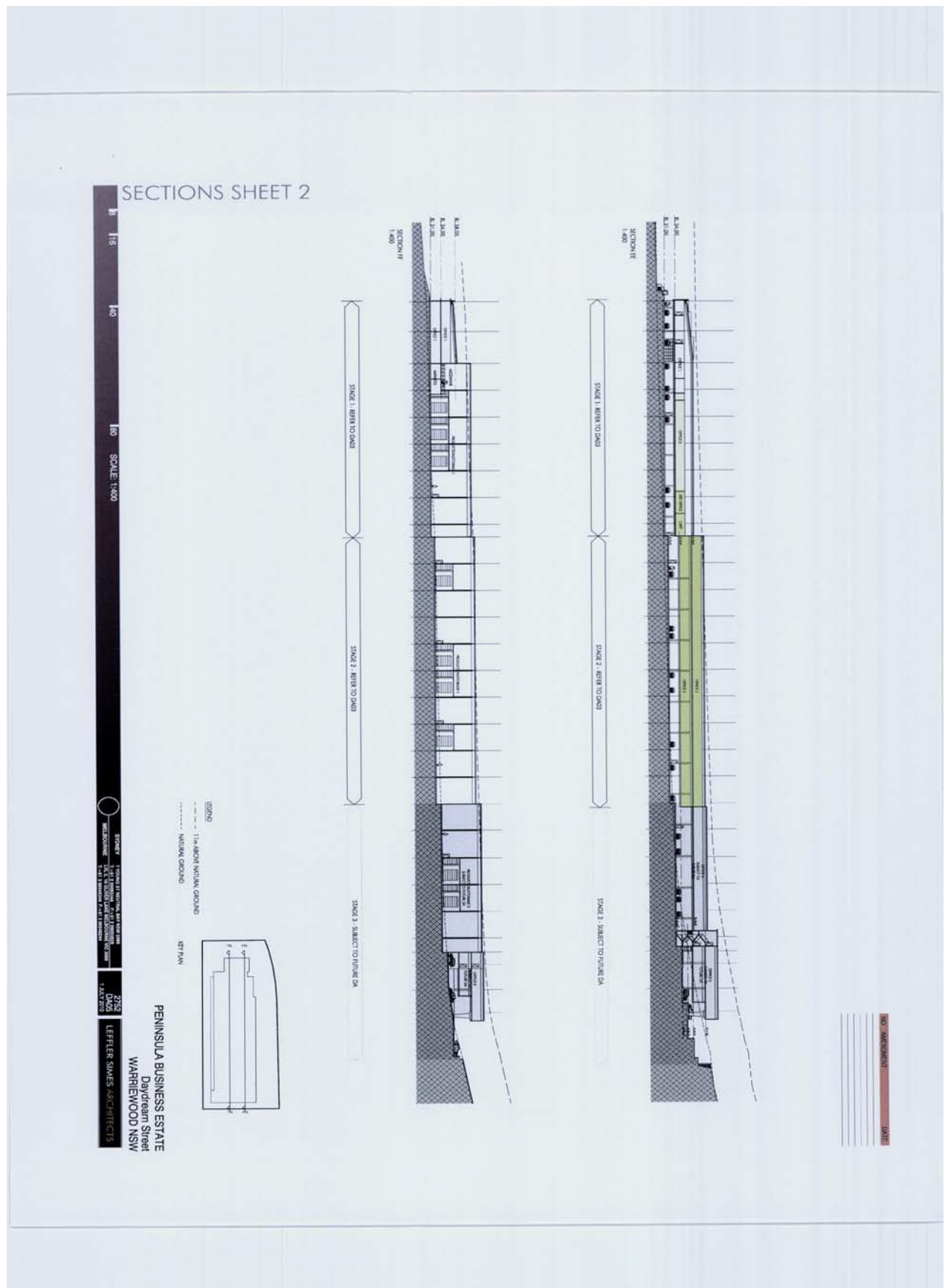
PENINSULA BUSINESS ESTATE  
Daydream Street  
WARRIEWOOD NSW



LEGEND  
1:10-4000 NATURAL GROUND  
NATURAL GROUND

NO.	DESCRIPTION	DATE
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2		
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4		
5		





The rendering shows the North Elevation of the Peninsula Business Estate, divided into three parts. Part A is the tallest section, reaching a height of 1200 feet. Part B is a shorter section, reaching a height of 1200 feet. Part C is the shortest section, reaching a height of 1200 feet. The building features a mix of dark and light-colored panels, with a prominent central section. The elevation is set against a light blue sky and a dark brown ground plane. A scale bar at the bottom indicates a scale of 1/8" = 100'.

PART A

PART B

PART C

NORTH ELEVATION 1,200

NORTH ELEVATION PART A STAGE 1 1,200

NORTH ELEVATION PART B 1,200

NORTH ELEVATION PART C 1,200

SUBJECT TO FUTURE DA

SCALE 1/8" = 100'

DATE: 1/20/2020

PROJECT: PENINSULA BUSINESS ESTATE NORTH ELEVATION

DESIGNED BY: [Firm Name]

1/20/2020

2752  
DA06  
JUN '10

LEFFLER SIMES ARCHITECTS

# PENINSULA BUSINESS ESTATE SOUTH ELEVATION



NO	AMENDMENT	DATE
1	Initial	2010
<b>MATERIALS SCHEDULE</b>		
1	Concrete	Concrete
2	Brickwork	Brickwork
3	Roofing	Roofing
4	Windows	Windows
5	Doors	Doors
6	Cladding	Cladding
7	Paintwork	Paintwork
8	Lighting	Lighting
9	Landscaping	Landscaping
10	Other	Other
11	Other	Other
12	Other	Other
13	Other	Other
14	Other	Other
15	Other	Other
16	Other	Other
17	Other	Other
18	Other	Other
19	Other	Other
20	Other	Other
21	Other	Other
22	Other	Other
23	Other	Other
24	Other	Other
25	Other	Other
26	Other	Other
27	Other	Other
28	Other	Other
29	Other	Other
30	Other	Other
31	Other	Other
32	Other	Other
33	Other	Other
34	Other	Other
35	Other	Other
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37	Other	Other
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81	Other	Other
82	Other	Other
83	Other	Other
84	Other	Other
85	Other	Other
86	Other	Other
87	Other	Other
88	Other	Other
89	Other	Other
90	Other	Other
91	Other	Other
92	Other	Other
93	Other	Other
94	Other	Other
95	Other	Other
96	Other	Other
97	Other	Other
98	Other	Other
99	Other	Other
100	Other	Other

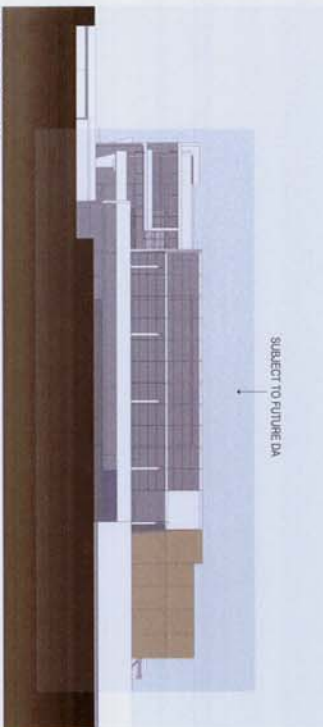
2010  
DA07  
LEFFLER SIMES ARCHITECTS

## 11

EAST (DAYDREAM ST) ELEVATION 1:200



WEST ELEVATION 1:200



## NO AMENDMENT DATE:

## MATERIALS SCHEDULE

- | Q1 | Q2 | Q3 | Q4 | Q5 | Q6 | Q7 | Q8 | Q9 | Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 | Q22 | Q23 | Q24 | Q25 | Q26 | Q27 | Q28 | Q29 | Q30 | Q31 | Q32 | Q33 | Q34 | Q35 | Q36 | Q37 | Q38 | Q39 | Q40 | Q41 | Q42 | Q43 | Q44 | Q45 | Q46 | Q47 | Q48 | Q49 | Q50 | Q51 | Q52 | Q53 | Q54 | Q55 | Q56 | Q57 | Q58 | Q59 | Q60 | Q61 | Q62 | Q63 | Q64 | Q65 | Q66 | Q67 | Q68 | Q69 | Q70 | Q71 | Q72 | Q73 | Q74 | Q75 | Q76 | Q77 | Q78 | Q79 | Q80 | Q81 | Q82 | Q83 | Q84 | Q85 | Q86 | Q87 | Q88 | Q89 | Q90 | Q91 | Q92 | Q93 | Q94 | Q95 | Q96 | Q97 | Q98 | Q99 | Q100 |
|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  | 32  | 33  | 34  | 35  | 36  | 37  | 38  | 39  | 40  | 41  | 42  | 43  | 44  | 45  | 46  | 47  | 48  | 49  | 50  | 51  | 52  | 53  | 54  | 55  | 56  | 57  | 58  | 59  | 60  | 61  | 62  | 63  | 64  | 65  | 66  | 67  | 68  | 69  | 70  | 71  | 72  | 73  | 74  | 75  | 76  | 77  | 78  | 79  | 80  | 81  | 82  | 83  | 84  | 85  | 86  | 87  | 88  | 89  | 90  | 91  | 92  | 93  | 94  | 95  | 96  | 97  | 98  | 99  | 100  |



# PENINSULA BUSINESS ESTATE PERSPECTIVES

A

B

C

D

E



BLADE TO FUTURE CA

A. FROM DAYDREAM STREET LOOKING S-E  
B. AERIAL FROM N-W  
C. FROM DAYDREAM STREET LOOKING NORTH  
D. SOUTH SERVICE ENTRY  
E. VEHICULAR ENTRY

LEATHER SIMES ARCHITECTS

## APPENDIX A

### CORRESPONDENCE RECEIVED FROM THE RTA REGARDING THE ROAD RESERVATION

Your Reference: Our Reference: Contact: Telephone	RDC I0M1501a – SYD10/00566 N0391/10 Angela Malloch (EP) 8849 2041	 
--	--	---

The General Manager  
Pittwater Council  
DX 9018  
Mona Vale NSW 1660

Attention: Gina Hay



2 DAYDREAM STREET & 96 MONA VALE ROAD, WARRIEWOOD

Dear Sir/Madam

Reference is made to Council's correspondence dated 7 September 2010 (Council Ref: N0391/10), which seeks clarification to issues raised in the Sydney Regional Development Advisory Committee correspondence dated 12 August 2010. Council notes in the correspondence that the above mentioned Development Application will be considered by the Joint Regional Planning Panel (JRPP). The RTA has reviewed Council's correspondence and provides the following response:

#### COUNTY ROAD RESERVATION AND AREA OF LAND DECLARED PUBLIC ROAD

1. The County Road Reservation along the frontage of the subject site on Mona Vale Road can be confirmed as a Concept Road Reservation Scheme which is why it was not included in the RTA's response to Council's Draft LEP. However following the "Mona Vale to Macquarie Park Corridor Strategy" RTA September 2009, the RTA is in the process of converting the reservation to an Approved Road Reservation Scheme.

The "Mona Vale to Macquarie Park Corridor Strategy" (RTA, September 2009) has identified a requirement to enhance capacity (i.e. widen) single lane sections of Mona Vale Road including the section along the frontage of the subject site. Such major infrastructure works are/would be subject to infrastructure contributions by developers of the Warriewood Valley area, nearby Ingleside Land Release and funding by NSW Government. Should the take up of these development areas proceed faster than expected then funding and demand for the infrastructure works may also occur sooner.

Considering the above, the RTA would strongly oppose the erection of any structure (including the retaining wall proposed by the developer) on the Road Reservation scheme as it is likely to result in further challenges, delay and cost to the future widening works. It is noted that widening cannot occur on the other side of the Mona Vale Road due to the existing cemetery and other constraints.

Roads and Traffic Authority

27-31 Argyle Street Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2150 DX28555 Parramatta  
[www.rta.nsw.gov.au](http://www.rta.nsw.gov.au) | 13 17 82

The RTA will agree to the provision of the detention basin on the Road Reservation provided that it will be removed and an alternative treatment installed when the widening of Mona Vale Road occurs in the future at no cost to the RTA. The RTA will require the developer and future owners to enter into an agreement (such as a Memorandum of Understanding) with the RTA to ensure the removal of the detention basin occurs.

#### REQUEST FOR SIDRA MODELLING AND ADDITIONAL INFORMATION

2. The RTA agrees with Council that it would be unreasonable for this development to fund and construct traffic signals at the intersection of Mona Vale Road / Ponderosa Parade as this development is part of an overall urban development. The RTA also supports Council's request for the applicant to provide the following information:

- o SIDRA Modelling of the intersection of Mona Vale Road/Ponderosa Parade;
- o Proposed percentage of large vehicles in peak hours and proposed travel routes.

#### REQUIREMENT FOR TRAFFIC SIGNALS AT MONA VALE ROAD AND PONDEROSA PARADE INTERSECTION

3. We understand that there was an existing contributions plan which requires funds to be collected for signals at Mona Vale Road/Ponderosa Parade to the amount of \$446,209.

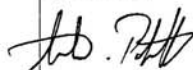
Your correspondence dated 7 September 2010, notes that there is currently no available Section 94 funding for traffic signals at this intersection to meet a recent Ministerial Direction (i.e. Comprehensive Housing Supply Strategy, June 2010).

Nevertheless the future upgrade of the existing roundabout to traffic signals at the intersection Mona Vale Road/Ponderosa Parade is to facilitate future traffic generated from the intensification of the developments within Warriewood Valley area. For Council's information, the RTA has attached a copy of recent correspondence where the RTA was consulted by the Department of Planning on the Warriewood Valley Strategic Review. This correspondence identified the need for further traffic analysis/modelling at the intersection of Mona Vale Road/Ponderosa Parade and that if any upgrades are identified (including traffic signals) that satisfactory arrangements are to be put in place so the RTA can collect funds from developers which may include works in kind.

It is understood that it may not be appropriate to collect funds from this development for the installation of traffic signals however, the RTA wishes to work with Council and the DoP to ensure that the appropriate funding mechanism is in place for future intensification of development within the Warriewood Valley area so that traffic signals can potentially be installed at the appropriate time to the benefit of the Warriewood Valley community.

Please refer further inquiries regarding this development application to the contact officer named at the top of this letter.

Yours faithfully



Andrew Popoff  
Senior Land Use Planner  
Transport Planning  
Sydney Region  
14 September 2010

Our Reference:  
Contact:  
Telephone:

479.5314 Vol 14 - SYD10/00615  
Angela Malloch  
8849 2401



The Regional Director  
Sydney East Region  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

*Copy*

Attention: Margaret Kirton

#### WARRIEWOOD VALLEY STRATEGIC REVIEW

Dear Sir/Madam,

Reference is made to Department's correspondence dated 25 June 2010 regarding the above mentioned document forwarded to the RTA for review and comment.

The RTA advises that the submitted Warriewood Valley Strategic Review is insufficient in addressing traffic impacts on the classified road network in the Warriewood Valley area. The RTA requires the following comments to be addressed and submitted to the RTA for review prior to any development approval by the Department of Planning in the Warriewood Valley area:

In accordance with the Warriewood Valley Strategic Review the Warriewood Valley Roads Masterplan is to be updated as the development potential has been revised. This review shall include traffic modelling (RTA would prefer SIDRA analysis) of the daily and peak traffic movements likely to be generated by any proposed development including the impact on nearby intersections and the need/associated funding for upgrading or road improvement (if required).

The intersections to be modelled shall include but not be limited to:

- o Pittwater Road/Jacksons Road
- o Pittwater Road/Warriewood Road
- o Mona Vale Road/Foley Street
- o Mona Vale Road/Ponderosa Road

If any upgrades are identified on a classified road or at traffic control signals the Department of Planning shall ensure that satisfactory arrangements are in place with the RTA to collect funds from the developers which may include works in kind.

Until such time as this review is completed the RTA is not in a position to make further comment on the Warriewood Valley area.

Note: The RTA provided a response to the Department for development application at 14-18 Boondah Road, Warriewood dated 18 May 2010.

Roads and Traffic Authority

27-31 Argyle Street Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2150 DX28555 Parramatta  
[www.rta.nsw.gov.au](http://www.rta.nsw.gov.au) | 13 17 82



Please refer further inquiries regarding this development application to the contact officer named at the top of this letter.

Yours faithfully,



Ken Moon  
Land Use Planning and Assessment Manager  
Transport Planning, Sydney Region

18 August 2010

Your Reference:  
Our Reference:  
Contact:  
Telephone

RDC 10M1501 – SYD10/00566  
N0391/10  
Angela Malloch  
8849 2041

**SRDAC**

**SYDNEY  
REGIONAL  
DEVELOPMENT  
ADVISORY  
COMMITTEE**

The General Manager  
Pittwater Council  
DX 9018  
Mona Vale NSW 1660

Attention: Gina Hay

**2 DAYDREAM STREET & 96 MONA VALE ROAD, WARRIEWOOD**

Dear Sir/Madam

Reference is made to Council's correspondence dated 13 July 2010 (Council Ref: N0391/10), regarding the above mentioned Development Application referral to the Roads and Traffic Authority (RTA) for comment in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. The Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 12 August 2010.

1. The subject property is partly affected by a County Road Reservation as shown by broken purple line on the attached plan (A). Also an area of land coloured grey on the attached plan (B) has previously been declared as Public Road.

The subject property is also affected by an easement for drainage in favour of the RTA. However, the RTA has no objections provided any new buildings or structures are erected clear of the land designated by the County Road Corridor and the integrity and access to the easement is not compromised (see attached letter dated 15<sup>th</sup> July 2010).

2. The RTA requires SIDRA modelling to be undertaken to demonstrate the additional impact of this development on the intersection of Mona Vale and Ponderosa Parade. An electronic copy of the modelling is to be provided to the RTA for review and comment prior to the determination of the development application.

Note: For single intersections the RTA prefers SIDRA intersection modelling to be submitted.

3. Clarification is required on the proposed percentage of large vehicles in the peak hours and the proposed travel routes of large vehicles to the site.
4. The Warriewood Valley Roads Masterplan 2006 review identifies the need to replace the existing roundabout at Mona Vale Road and Ponderosa parade with traffic signals. It would be appreciated if Council could advise the RTA on the timing of the works and whether Council

Roads and Traffic Authority  
ABN 64 400 155 255



27-31 Argyle Street,  
Parramatta NSW 2150

PO Box 971 Parramatta CBD NSW 2124  
DX 26855 Parramatta

T 131 780

www.rta.nsw.gov.au

has sufficient funds in its section 94 contributions plan to fund this works. An indicative cost of traffic control signals is \$4 million.

5. It is essential that discussions are held with the RTA for all classified road upgrades, installation and upgrade of all traffic control signals in the Warriewood Valley Area.
6. Daydream Street is to remain closed to Mona Vale Road. No direct vehicular access is permitted from this site to Mona Vale Road.

In accordance with Clause 104 (4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of the determination of the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Please refer further inquiries regarding this development application to the contact officer named at the top of this letter.

Yours faithfully



Ken Moon  
Chairman, Sydney Regional Development Advisory Committee

12 August 2010

## APPENDIX B

### CORRESPONDENCE SENT FROM COUNCIL TO RTA REGARDING ROAD RESERVATION

Gina Hay, Executive Planning Officer (Development)  
8:00am to 5:30pm Monday - Thursday, 8:00am to 5:00pm Fri  
Phone 9970 1116

4 November 2010

Andrew Popoff, Senior Land Use Planner  
Transport Planning  
NSW Roads & Traffic Authority  
PO Box 973  
**PARRAMATTA NSW 2150**

Dear Mr Popoff,

**Re: N0391/10 - 2 DAYDREAM STREET, MONA VALE**

We refer to your letter dated 14 September 2010 in which you indicate that the northern edge of the subject site is subject to a "County Road Reservation" which is in the process of being converted to an "Approved Road Reservation Scheme".

To date Council's enquiries have revealed that no such reservation exists. We note in particular that:

- a) **the *Mona Vale to Macquarie Park Corridor Strategy* contains no specific road widening proposal;**
- b) **the terms "Concept Road Reservation Scheme" and "Approved Road Reservation Scheme" are not defined in any publicly available document or legislation;**
- c) **no submission has been made to the Minister under the *Roads Act 1993* for the widening of the road at the subject site;**
- d) **the land is not currently designated for acquisition within the meaning of the *Land Acquisition (Just Terms Compensation) Act 1991*;**
- e) **the land is not currently subject to any reservation under the *Pittwater LEP 1993* nor has any request or submission been made to Council to have the land rezoned; and**
- f) **the RTA made no submissions against the rezoning of the subject premises in 2007.**

In light of the above, the Council does not see any proper basis for it to recommend that the JRPP refuse consent to the pending development application on the basis of the RTA's submission.

The report to the JRPP must be finalised by **18 November 2010**. If the RTA wishes to make any further information available which demonstrates the steps it is taking in relation to the land and the timetable which applies to those steps it should do so by **11 November 2010** to enable that information to be incorporated into the report to the JRPP.

Yours sincerely

Gina Hay  
**EXECUTIVE PLANNING OFFICER (DEVELOPMENT)**

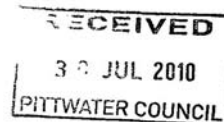
## APPENDIX C

### REFERRAL ADVICE FROM NSW POLICE

28/7/2010  
Senior Constable Denis Goodwin  
Northern Beaches Police  
Corner Fisher Road & St David Avenue  
Dee Why 2099  
Phone 9971 3399  
Fax 9971 3366



Ms Gina Hay  
Executive Planner  
Pittwater Council  
P O Box 882  
Mona Vale 1660  
Phone 9970 1111  
Fax 9970 7150



Dear Ms Hay,  
Police report E-41262437 relates

**Re Development Application DA No: NO391/10**

**Address. 2 Daydream Street and 96 Mona Vale Road Warriewood NSW 2102**  
**Lot 16 DP 651226, Part Lot 17 DP 5055, Lot 18 DP 65918**  
**Proposal Proposed commercial office and industrial development with ancillary preparatory site works, water management facilities, parking, café, landscaping and signage. Consent is also sought for the occupation and use of Office Area 1 and Production Storage Area 1 and occupation of the site office**

**Applicant LIPVAC DEVELOPMENTS PTY LTD**

**Owner. LIPVAC DEVELOPMENTS PTY LTD**

#### Site

The subject site is legally described as Lot 16 DP651226, Lot 17 DP505 and Lot 18 DP65918 and is also known as No 2 Daydream Street and No 96 Mona Vale Road, Warriewood The site is a rectangular shaped allotment as shown on the site survey plans

The site is largely undeveloped and is characterised by highly disturbed vegetation created by the almost total removal of trees and shrubs The site contains fenced paddocks of pasture and several buildings being detached dwellings and sheds

Since the late 1970's Lot 18 has been used for rural residential purposes The previous agricultural use of Lots 16 and 17 had gradually ceased with these allotments appearing vacant for much of this time

#### Surrounds

**Northern Beaches LAC**  
**Corner Fisher Road & St David Avenue**  
Dee Why 2099

Telephone 02 9971 3399 Facsimile 02 9971 3366 ENet 52399 EFax 52366 TTY 9211 3776 (Hearing/Speech impaired)  
ABN 43 408 613 180

**NSW POLICE FORCE RECRUITING NOW 1800 222 122**  
WWW.POLICE.NSW.GOV.AU/RECRUITMENT

The subject site is located on the north western fringe of Warriewood Valley. Much of the land located in Warriewood Valley has been developed for commercial, light industrial and residential purposes over the last decade as part of the Warriewood Urban Land Release.

#### **Proposed Development**

The proposal involves a commercial office industrial development with ancillary preparatory site works, water management facilities, cafe, landscaping, parking and signage. The architecturally designed proposal will be a commercial industrial development.

#### **Building Form and Design**

Construction Stages 1 and 2 comprise an "L-shaped" multi level office building extending along the eastern and northern sides of the development, overhanging the at-grade parking. The office design essentially wraps around the centre of the site. At grade parking, landscaping and storm water facilities are provided within the 30 metre set back to the northern side of the boundary.

#### **Proposed Occupation and Land Uses**

Office Area 1 and Production Storage Area 1 which form part of Construction Area 1 are proposed to be occupied by Ambertech. Ambertech operates in the professional and audio video markets within the Oceania region. It is envisaged that 90 people will be initially employed at the premises leased by Ambertech, with this figure potentially increasing to 115 in the future.

Office Area 1 will incorporate the following facilities:

- Office space
- Equipment demonstration and display area
- Staff amenities
- Training facilities

The following activities will be carried out from Production Storage Area 1:

- Testing, adapting, modifying and preparing internationally sourced equipment to comply with Australian Standards prior to domestic supply and distribution
- Assembling audio and video equipment
- Storage of equipment prior to unpacking, testing and modification
- Spare parts storage
- Storage of large equipment used in broadcasting for the major networks and Government contracts

#### **Signage**

Consent is sought for two building identification signs. The first being a tenancy board located within the front landscaped setback to Day Dream Street adjacent to the northern driveway.

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The signage board will measure 4.5 metres wide X 1.5 metres high. It is proposed to be finished as a painted metal board with 3d plastic letters.

Consent is also sought for building signage associated with Ambertech. It will be located at the eastern end of the parapet of the northern building façade.

### **Landscaping**

The majority of the trees found on the site are located along the allotment boundaries and are able to be retained as part of the development proposal. The Arborist Report prepared by Urban Forestry Australia for inclusion in the rezoning submission identifies 75 trees on or immediately adjacent to the site and details whether each tree is proposed to be removed or retained as part of the development proposal.

### **Introduction**

In April 2001, the NSW Minister for Planning introduced Crime Prevention Guidelines to section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised.

The guidelines contain two parts. Part A details the need for a formal crime risk assessment (Safer by design Evaluation- Not conducted on this site) to be done in conjunction with trained police and Part B outlines basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification or proposals to minimise risk (DUAP 2001.2).

### **Crime Prevention through Environmental Design (CPTED)**

**Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.**

**Offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating social and environmental conditions that**

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- 
- **Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension)**
  - **Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)**
  - **Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards), and**
  - **Minimise excuse-making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour)**

**CPTED employs four key strategies These are Surveillance, Access Control, Territorial Reinforcement and Space/Activity Management.**

#### **SURVEILLANCE**

*Natural surveillance* is achieved when normal space users can see and be seen by others This highlights the importance of building layout, orientation and location, the strategic use of design, landscaping and lighting *Natural surveillance* is a by-product of well-planned, well-designed and well-used space

*Technical/mechanical Surveillance* is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels Technical/mechanical surveillance is commonly used as a 'patch' to supervise isolated, higher risk locations

*Formal (or Organised) Surveillance* is achieved through the tactical positioning of guardians An example would be the use of on-site supervisors at higher risk locations

#### **General Comments**

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- Entry and exit points should be designed so as to maximize surveillance opportunities to and from these areas from both inside as well as outside
- The placement and orientation of common entry areas foyers, reception areas etc should maximise opportunities for natural surveillance by employees and other guardians
- Laminated glass walls and windows facilitate supervision of common entry areas and public areas such as car parks and gardens
- Set backs act as a transition of buffer between private and public space These areas require good sight lines from private vantage points to public areas
- Any enclosed areas can create significant visual obstruction From a criminal's perspective, obstructions reduce supervision and provide opportunities for cover and entrapment

#### **Recommendations.**

- Take into account that any glazed glass used around the foyer area or other public areas can be hazardous at night At night, vision of departing occupants can be affected by the reflections on the interior of the glass (can't see outside) Mirroring can be reduced by using the appropriate external lighting Lighting levels in and around the development should be designed to the Australian Standards
- It is recommended that any glass windows or doors be made from reinforced, hardened, toughened glass which when properly fitted is resistant to breakage Ensure that all glass foyers areas or areas which are open to public access are not covered with more than %15 promotional material as this will restrict natural surveillance
- Any uneven areas of building alignment, inset doors, hidden entrances etc should be avoided These areas can facilitate predatory crimes, thefts, malicious damage and other offences
- There is no reference in relation to the type of lighting used in and around the remodelled smoker's terrace There should be sufficient lighting within this area to allow security and staff to have clear surveillance of the area at all times
- Landscaping can be used to enhance the appearance of the development and assist in reducing the opportunities for vandalism However, landscaping can also provide concealment or entrapment areas for people involved in criminal behaviour When selecting vegetation, consideration should be given to future maintenance and the possibility of areas becoming entrapment sites Poorly designed garden mounds, retaining walls and grade changes can reduce natural surveillance and

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create entrapment opportunities. Ensure that there is a maintenance plan. Keep all landscaping well trimmed, thinned out, not bushy with good visibility. Do not allow natural ladders to grow.

- Consideration should be given to using anti-graffiti based paint in a darker colour scheme on the building. This would assist in the prevention of graffiti vandalism within the site.
- In the event that graffiti vandalism does occur in the future the method of 'rapid removal' (removal within 24 to 48 hours) of the graffiti should be utilised.
- **ENSURE THAT THERE ARE LANDSCAPING, LIGHTING AND MAINTENANCE MANAGEMENT PLANS (GRAFFITI)**

#### **ACCESS CONTROL**

##### **General Comments:**

Access control measures restrict, channel and encourage people, bicycles and motor vehicles into, out of and around targeted sites. Way-finding, desire lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. Natural access control (NAC) includes the tactical use of landforms and waterways features, design measures including building configuration, formal and informal pathways, landscaping, fencing and gardens. Technical/mechanical access control (TAC) includes the employment of security hardware and formal (or organised) access control includes on-site guardians such as employed security officers.

##### **Recommendations:**

- Clear signage should be erected in and around the development to ensure that all persons do not access restricted areas. To minimise excuse making opportunities for offenders to access restricted areas.
- There is no information included with the plans as to the type of lock sets to be used on any of the doors. These should be designed to the Building Code of Australia.
- The roller shutter securing the delivery areas should be made of solid construction and fitted with authorised locks sets as per Building Code of Australia.
- The design of the development should not allow the roof area to be accessed by climbing the building structure or landscaping.

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## **TERRITORIAL RE-ENFORCEMENT**

### **General Comments.**

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

### **Recommendations**

The boundaries of the development are reasonable well defined

- Ensure that all entries and exits to the building are to be clearly signposted. Knowing how and where to enter, exit and find assistance can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should reinforce (not be alternative) to effective design.

## **SPACE/ACTIVITY MANAGEMENT**

### **General Comments:**

Space/ Activity management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

### **Recommendations:**

- The number of entry/exit points to areas should be restricted.
- It may be necessary to install further CCTV within the gaming terrace to assist security monitoring activities within this area. Ensure that the CCTV is of good quality with high definition.

## **Conclusion**

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This report supports the documents prepared for the Dee Why Hotel Development situated at 2 Daydream Street and 96 Mona Vale Road Warriewood. If the reader has any queries in relation to this report please contact the Crime Management Office at Northern Beaches Police.

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained within this evaluation, any person who does so acknowledges that:

- 1 It is not possible to make areas evaluated by the NSW Police absolutely safe for members of the community and their property.
- 2 It is based upon the information provided to the NSW Police at the time the evaluation was made.
- 3 The evaluation is a confidential document and is for use by the consent authority organisations referred to on page 1 only.
- 4 The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the consent authority or organization referred to on page 1.

The NSW Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned please do not hesitate to contact me at Dee Why Police Station 9971 3339.

Yours Faithfully,



Denis Goodwin  
Senior Constable  
Crime Prevention Officer  
Northern Beaches Local Area Command  
9971 3339

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