

JOINT REGIONAL PLANNING PANEL

Sydney East Region

JRPP No:	2014SYE004
DA No:	DA2013/1519
Address / Property Description:	Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, Dee Why.
APPLICANT:	Dee Why Properties Pty Ltd
REPORT BY:	GLN Planning on behalf of Warringah Council (Council)

Assessment Report and Recommendation

Address: Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, Dee Why.

Proposal: Staged Development Application (**DA**) involving a concept approval for the Development of the site and Stage 1 development comprising demolition of existing structures, tree removal, subdivision and construction of a residential flat building fronting Sturdee Parade.

Development Application No: DA 2013/1519

Plans Reference: **Architectural Plans**
Stage 1 Sturdee Parade & Stage 2 Pacific Parade
A000 General
 DA 0.01 Cover Sheet
 DA 0.02 Site Analysis
 DA 0.03 Demolition Plan
 DA 0.04 Landscape Open Space Plan
A100 Plans
 DA 1.01 Site Plan
 DA 1.02 – 1.04 Basement Level Floor Plans
 DA 1.05 – 1.11 Ground Floor & Upper Level Floor Plans
 DA 1.12 Roof Plan
 DA 1.13 Pre and Post Adaptable Units
A200 Elevations
 DA 2.01 North and South Elevations
 DA 2.02 East and West Elevations
A300 Sections
 DA 3.01 Section Through Carpark Ramp
 DA 3.02 Section Through Communal Open Space
 DA 3.03 Pacific Parade Ramp Detail
 DA 3.04 Sturdee Parade Ramp Detail

A400 Shadow Diagrams

DA 4.01-06 Shadow Diagrams 01-06

A500 Exterior Material Finishes

DA 5.01 Exterior Material Finishes.

Amended Plans:	Amended plans and details were submitted on 3 June 2014 which clarified setbacks, bicycle storage, shadow impact, street façade treatments, view impact and proposed additional privacy screens.
Applicant:	Dee Why Properties Pty Ltd
Owner:	Dee Why Properties Pty Ltd and Warringah Council
Application Lodged:	20/12/2013

Zone:	R3 Medium Density Residential
Permissible Development:	Residential Flat Building
Land and Environment Court Action:	No
Referred to JRPP:	<p>The DA is referred to the JRPP Pursuant to Schedule 4A of the <i>Environmental Planning & Assessment Act 1979</i>, as amended. The Panel is authorised to exercise the consent authority functions of Council as the development proposed:</p> <ol style="list-style-type: none">1. Has a combined capital investment value of more than \$20 million; and2. Has a capital investment value of more than \$5 million where the Council is the owner of any land on which the development is to be carried out.

SUMMARY

Submissions:	A total of twenty eight (28) submissions were received.
Submission Issues:	Desired Future Character, Building Height, Build to Lines, Bulk and Scale, Overshadowing, View Loss, Apartment Mix, Traffic, Parking and Pedestrian Safety, Tree Removal, Noise, Property Values, Construction Impacts.
Assessment Issues:	Building Height, Build to Lines, Traffic, Open Space, Overshadowing, View loss, Removal of Trees.
Recommendation:	Approval, subject to conditions.

LOCALITY PLAN (not to scale)



Site: Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, Dee Why.

Notified Residences: The application was exhibited in accordance with the *Environmental Planning and Assessment Regulation 2000*, Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan to adjoining land owners and occupiers for a period of 30 calendar days from 13 January 2014 to 13 February 2014. The notification process also included an advertisement in the *Manly Daily* on 10 January 2014 and a notification sign placed on the site.

SITE DESCRIPTION

The site comprises six (6) allotments located between Sturdee Parade and Pacific Parade, approximately 170 metres to the east of Pittwater Road, on the fringe of the Dee Why Town Centre. The Sturdee Parade and Pacific Parade frontages are each 60m, the distance between these roads is approximately 90m and the total site area is approximately 5,460m². There is a 4% grade extending from Sturdee Parade down to Pacific Parade.

Improvements on the land include three (3) detached single storey dwellings with several associated outbuildings and disused childcare centres building with play areas and car park. There are a variety of exotic and native trees within the site and the Sturdee Parade and Pacific Parade road reserves.

The adjoining parcels have both been redeveloped within the last 10 years and comprise the following features:

- Dee Why Grand at 834 Pittwater Road is a mixed use development to the west of the site. Above the ground floor commercial use are seven residential apartment buildings. The apartments facing Sturdee and Pacific Parades are 3 levels above the ground floor with a 4th level incorporated in a sloping roof structure. Between these perimeter apartment buildings are mid-block freestanding apartment buildings. The mid-block apartment building closest to the site (Building 3) has 7 storeys above the commercial podium level. This building is angled so that all of its apartments are orientated and enjoy coastal views across the northern half of the site.

The eastern elevation of the podium structure facing the site presents primarily as a solid wall approximately 6m in height with minimal openings. This wall is setback approximately 5m from the western boundary of the site. Within the 5 metre setback is a concrete footpath enabling public pedestrian access between Sturdee and Pacific Parades. This pedestrian path is bordered by narrow landscape areas and contains stormwater infrastructure and is an overland flow path in larger storm events.

- An apartment complex at 24 Sturdee Parade to the east of the site comprises 3 freestanding buildings above basement car parking. The buildings addressing both Sturdee and Pacific Parades are part 3 and part 4 storeys and the apartment building in the mid-block location is 7 storeys. The mid-block building is primarily setback 3.6m from the site whilst the building fronting Sturdee Parade is setback a minimum of 3m. A number of dwellings within these buildings have balconies or windows facing the site.

RELEVANT BACKGROUND

The Dee Why Town Centre is an area of Warringah where significant redevelopment is expected to occur consistent with the Draft Metropolitan Strategy for Sydney (2031) and Draft North East Subregional Strategy. These documents encourage Councils to ensure an adequate supply of land to house the forecast population growth in key locations near jobs, transport and services.

The Dee Why Town Centre Master Plan (**DW TCMP**) is the latest document prepared to ensure Dee Why continues to meet its role consistent with the intent of the broader strategic documents. The DW TCMP was adopted by Council on 6 August 2013 after significant community and stakeholder engagement.

The Key Principles and overall Vision of the DW TCMP (which include increasing height limits in the core of the centre) necessitate a range of amendments to the existing Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011. To date, these have not been progressed for incorporation in the LEP and DCP.

A previous DA (DA No 2013/0206) was submitted for a residential flat building on part of the current site (No. 18-22 Sturdee Parade). This was withdrawn in order to negotiate and consolidate the remaining undeveloped land in this part of the street block. The subject DA now includes the entire infill parcel after execution of an option agreement to purchase additional Council owned land comprising the former Kiah Child Care Centre.

Pre-lodgement meetings have been held with Council on 4 October 2012, 27 November 2012 and 12 June 2013. Matters discussed at these pre-lodgement meetings included JRPP (Sydney East Region) Business Paper – Item 2 – 17 July 2014 – JRPP Reference Page 4

building heights, setbacks, need to assess view loss, access for residents and garbage collection, staged development and basement configuration and detailing.

The DA was lodged with Warringah Council on 20 December 2013.

On 6 May 2014, a meeting was held with the Applicant to request additional information including a view assessment based on the principles of *Tenacity Consulting v Warringah [2004] NSWLEC 140* as well as confirmation of setbacks and build-to-lines, tree removal, bicycle storage and overshadowing.

PROPOSED DEVELOPMENT

The DA proposes Staged Development seeking consent for an overall concept plan and Stage 1 development comprising demolition and removal of all existing buildings and most vegetation (including some trees on the footpath), re-subdivision of the land into 2 parcels (one with frontage to Sturdee Parade and one with frontage to Pacific Parade) with easements for drainage and garbage truck access, and the construction of the residential flat building fronting Sturdee Parade.

As the proposal has been lodged as a Staged DA under the *Environmental Planning and Assessment Act 1979*, the determination of any future DA (i.e. Stage 2) cannot be inconsistent with the Staged Development Consent (see Section 83D)(2) of the Act). Accordingly, the assessment must include the overall concept, but only aspects of Stage 2 relating to building envelope, its massing and siting in relation to Stage 1 and adjoining development. If approved, a further DA will be required for all other aspects of the Stage 2 residential flat building including apartment design and layout, car parking and the like.

The proposed subdivision is not supported by any plans, but is described as being consolidation of Lot 1 DP 776401, Lots 8-9 DP 8207 and Lots 23-25 DP 8207 to create one allotment with a site area of 5,462m². It is then proposed to subdivide the consolidated allotment to create two allotments with equal site areas of 2,731m² with the creation of easements for stormwater and garbage truck access as well as the stratum entitlements for car parking associated with Stage 2 (which will be located partially under the Stage 1 site).

The design, siting and massing of the buildings on each site is similar. The buildings are rectangular and each has an open central courtyard. The buildings present as a 3 and 4 storey façade to the street and step back to achieve a 7 level building at the rear of the building fronting Sturdee Parade and an 8 level building at the rear part of the building fronting Pacific Parade. The building proposed to the Sturdee Parade frontage has a height of 22.5m to the roof and 24m to the top of the lift overrun. The building proposed to the Pacific Parade frontage has a height of 23m to the roof and 24.5m to the top of the lift overrun. This translates to a variation to the LEPs maximum 21m height control for each building of about half of the top most storey plus lift overrun.

At ground level, both buildings have been setback 8 metres from the street kerb. An 8.5 metre setback is proposed to the eastern side boundary, within which is a pedestrian path that can also provide access for garbage truck waste collection. A 2.5m setback is proposed from the western boundary which contains the public pedestrian pathway.

Above ground level, the buildings step back from both the Sturdee and Pacific Parade street frontages at Levels 4, 5 and 6 as required to meet the height plane embodied in the planning controls. At the eastern boundary the buildings step back 2.5m at Level 4 and 1m at Level 7 minimising overshadowing and increasing separation to the adjoining residential flat

development to the east. The setback of both buildings to the western boundary adjacent to the Dee Why Grand building steps in an additional 1m to achieve a 3.5m setback from the western side boundary at Level 7 only.

The separation of the Stage 1 and Stage 2 buildings at the ground level is 11m and then increases at Level 4 to 17m and at Level 7 to 23.5m. The specific features of the residential flat buildings shown in the DA are as follows:

STAGE 1

Seven (7) storey residential flat building with basement car parking, comprising the following:

- 98 residential units, including 74 x 1 bedroom units and 24 x 2 bedroom units;
- 148 car parking spaces over two levels of basement car parking.

STAGE 2

Eight (8) storey residential flat building with basement car parking, comprising the following:

- 107 residential units, including 2 x studio units, 80 x 1 bedroom units and 25 x 2 bedroom units;
- 144 car parking spaces over two levels of basement car parking.

AMENDMENTS TO THE SUBJECT APPLICATION

Amended plans were submitted on 3 June 2014 detailing bicycle storage, additional privacy screens to upper level balconies adjacent to the Dee Why Grand, apartment storage and an artist impression of the facade. Additional arboricultural advice and a view loss assessment were also submitted.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None Applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	The EPA Regulations 2000 requires the consent authority to consider: <ul style="list-style-type: none"> ▪ The provisions of the Building Code of Australia.

Section 79C 'Matters for Consideration'	Comments
	<p>This matter can be addressed via a condition of consent.</p> <ul style="list-style-type: none"> ▪ Clause 92 of the EPA Regulations 2000 relating to the Demolition of Structures under AS 2601-1991. This matter can be addressed via a condition of consent. ▪ Clause 50(1A) of the EPA Regulations 2000, which requires the submission of a design verification certificate from the designer at lodgement of the DA. This documentation has been submitted from Marchese Partners International Pty Ltd (Architects), which satisfied this requirement.
<p>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>Environmental Impacts</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed in the earlier sections of this Report. In summary, the impacts associated with the development of the site include removal of trees and building construction as well as reasonable outcomes for maintaining solar access and views.</p> <p>Social Impacts</p> <p>The proposed development would increase the availability of housing in the locality including the provision of adaptable housing and be of a positive social impact.</p> <p>Economic Impacts</p> <p>The proposed development would have a minor positive impact on the local economy in conjunction with other new residential development in the locality by generating an increase in demand for local services.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered to be suitable for the proposed development for the following reasons:</p> <p>Location – The site is located in close proximity to infrastructure and services.</p> <p>Amalgamated Site – The proposal applies to a development parcel consolidating 6 existing allotments with 2 street frontages. The resulting size and shape of the land provides a significant opportunity to complete a responsive and integrated design outcome on this infill parcel.</p> <p>Topography – The topography of the site is predominantly level with a gentle fall of approximately 4% along the western boundary of the site. The slope of the site and large level footprint of a residential flat building will result in some difference in levels at the centre of the site preventing direct access between</p>

Section 79C 'Matters for Consideration'	Comments
	<p>building and open space areas, there remains a high degree of connectivity.</p> <p>Vehicular Access – The site has frontage to both Sturdee Parade and Pacific Parade providing direct separate access to the proposed basement car parking areas in each building and therefore limiting traffic impacts to the street in which the proposed development is located.</p>
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion under “Notification and Submissions Received” in this report.
Section 79C (1) (e) – the public interest	<p>The public interest is an overarching requirement, which includes the consideration of the matters discussed throughout this Report. Implicit to the public interest is the achievement of a future built form, which adequately responds to and respects the future desired outcomes expressed in environmental planning instruments and development control plans.</p> <p>The DA is considered to have satisfactorily addressed these matters and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would not be contrary to the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION AND SUBMISSIONS RECEIVED

Consideration of Submissions

The DA was notified in accordance with the Act accompanying Regulation and Warringah Development Control Plan 2011.

A total of 28 submissions were received raising various issues including inconsistency with the character of the area, excessive bulk and scale, loss of views, reduction in property values, traffic and pedestrian safety impacts, parking, increased overshadowing of adjoining properties, removal of trees, apartment mix, inadequate setback to adjoining residences, loss of breezes, excessive noise and construction related impacts. These submissions are discussed in more detail later in this Report.

A list of those who made formal submissions is at **Attachment B** to this Report.

The matters raised within the submissions are addressed as follows:

Inconsistency with the Character of the Area

The context of the site is defined by the Special Area Controls of the Warringah Development Control Plan 2011 (**WDCP**). The site forms part of the WDCP “R3 Medium Density Residential Bound by Sturdee Parade, Pacific Parade and Land Zoned B4 Mixed Use”. This Precinct has been nominated to *remain primarily a medium density residential area. The scale of development at the street frontage is not to be overbearing, and is to be consistent with the scale of existing nearby residential buildings when viewed by pedestrians on either side of Pacific or Sturdee Parades.*

The proposal has been assessed in detail against the relevant legislation and built form controls throughout this Report. The proposed development is of a modern and contemporary character and design, which possesses many good architectural and urban design qualities. If approved, the proposal would contribute positively to the streetscape of Sturdee Parade.

On balance, the proposal is considered appropriate in its context and does not represent an overdevelopment of the site.

Excessive Bulk and Scale

The proposal has been assessed in detail against the provisions of Clause D9 Building Bulk of WDCP and found to be acceptable. The proposal has also been assessed against the objectives of the R3 Medium Density Residential Zone and all other relevant provisions of the WDCP and has been found to be compatible with the character and appearance of the streetscape.

Loss of views

Stage 1 of the proposed development is not considered to result in view loss from residences within the Dee Why Grand development situated to the west.

It is however, noted that proposed Stage 2 will directly impact on the views currently afforded to the primary living areas of residences within the upper levels of Building 3 of the Dee Why Grand development. The views to be lost as a result of the Stage 2 building comprise scenic coastal landscape features, including Long Reef Headland and Golf Course, Dee Why Lagoon and surrounding wetlands, vegetated hind dunes and part of the northern end of Dee Why Beach and ocean.

A Visual Impact and View Sharing Assessment has been submitted in response to a request made by Warringah Council for further information regarding the extent of the view loss. The Visual Impact Assessment, prepared by Richard Lamb and Associates undertook a detailed analysis of views based on the principles of *Tenacity Consulting v Warringah Council*. A review of the Visual Impact Assessment is provided above at Clause 4.6 of the WLEP. The review guided the recommendation to reduce the envelope of the future Stage 2 building.

Reduction in property values

Impacts on property values are not a material planning consideration in the determination of a DA. Therefore, the objection should not be given determining weight.

Traffic and pedestrian safety impacts

The traffic report and supplementary information submitted to support the application has been reviewed by Council's Traffic Engineer. The Traffic Engineer has confirmed that despite minor differences used for the AM peak volumes to Council's model the overall result on intersection performance would not be significantly different and is acceptable. The Traffic Engineer has also agreed to the applicant's submission that appropriate bicycle storage provision is 1 bike per 2 units.

The pedestrian and vehicle access points on Sturdee Parade have been located near each other and away from the pedestrian pathway to the west of the site where a low point will mean overland flows are conveyed down the path in higher storm events. The proposed Stage 1 building includes secure entries and CCTV to ensure security for residents and visitors entering the building. The Sturdee Parade frontage and common areas have good casual surveillance from adjoining dwellings addressing those spaces.

Adequacy of Parking

Discussion in relation to parking is provided under Clause C3 of the WDCP earlier in this Report. In summary, the parking provided is found to be adequate for the proposed development.

Increased Overshadowing of adjoining properties

Hourly shadow diagrams were submitted with the Application showing the shadows cast by the existing residential flat buildings to the east and west, and those cast by Stages 1 and 2 of the proposed development between the hours of 9:00am and 3:00pm mid-winter (Winter Solstice).

In general, the submitted shadow diagrams demonstrate minor increases in overshadowing as a result of the proposed development of the site.

With regard to the Dee Why Grand development situated to the west, Stage 1 of the proposed development will create a minor overshadowing impact during 9:00am to 10:00am during mid-winter on the eastern façades of Units 6107, 6313 and 6314 (i.e. the building addressing Sturdee Parade) and a number of the lower level units of Building 3. For the remaining hours between 10:00am to 3:00pm, Stage 1 will have no further overshadowing impact.

With regard to the adjoining development at No. 24 Sturdee Parade to the east, the Stage 1 residential flat building will have an overshadowing impact during the hours of 2:00pm and 3:00pm (mid-winter) by overshadowing the western façade of the mid-block building and the western façade of the building fronting Sturdee Parade. The extent of this impact restricts solar access to the lower level balconies (ground floor up to level 2) at 2:00pm and the majority of the balconies by 3:00pm. The extent of this impact is considered to be minor as the western façades will continue to achieve 2hrs of direct solar access during the late morning to early afternoon.

It is noted that Stage 2 of the proposed development will also create a minor overshadowing impact on the adjoining residential properties to the east and west. It is anticipated that

removal of Level 7 of the proposed Stage 2 building, as recommended to mitigate the extent of view loss, would slightly reduce the overshadowing impact on these properties.

Removal of trees

A detailed assessment regarding the impact of the proposed development on trees within the locality is provided under Clause 5.9 of the Warringah Local Environmental Plan 2011 (**WLEP**) and Clauses E1 and E2 of the WDCP later in this Report. The assessment notes that the proposed tree removal is acceptable subject to recommended conditions.

Apartment Mix and investor/renter usage

Council has not adopted a specific development control for a variety of apartment types, including studio, one, two, three and three plus-bedroom apartments, to be provided in large residential developments.

Inadequate Setbacks to Adjoining Developments

Stages 1 and 2 of the proposed development have been assessed in detail against the Residential Flat Design Code (**RFDC**) best practice separations for buildings. Whilst there are a number of minor variations, the proposed separations are considered to be generally acceptable as adequate daylight access and visual and acoustic privacy is afforded to both stages of development as well as to the existing residential developments situated to the east and west.

Loss of Breezes

Collectively, Stages 1 and 2 of the proposed development will alter breezes for surrounding development. Nonetheless, the planning controls allow for a development to a height of 21 metres and covering a significant proportion of the 5,462m² site. In this regard, such changes are inevitable within Dee Why Town Centre and should not be given determining weight.

Excessive noise

A number of objectors raised concern over potential noise impact. An Acoustic Report prepared by Acoustic Logic was submitted with the Application, which includes a number of requirements to ensure that noise related impacts are managed appropriately. Detailed discussion on acoustic privacy is provided under Clause D3 of the WDCP. It has been found that subject to recommended conditions, there would be no unreasonable acoustic impacts as a result of the proposed development.

Construction related impacts

Suitable conditions are recommended in relation to the management of the construction site and the protection of adjoining properties during the demolition and excavation works. Therefore, the objection should not be given determining weight.

MEDIATION

No mediation request was received.

REFERRALS

External Referrals

Referral Body External	Summary of Comments	Consent Recommended
AUSGRID	Under Clause 45(2) of State Environmental Planning Policy (infrastructure) 2007 AUSGRID need to ensure the safety and compatibility of the development on Ausgrid's assets, o the compatibility of proposed developments with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric and Magnetic Fields (EMFs), Noise, Visual Amenity and other matters that may impact on Ausgrid or the development. A number of conditions are recommended.	Yes, subject to conditions
NSW Roads and Maritime Services	Under Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, RMS raises no objection to the DA.	Yes.
NSW Police	On Crime Prevention through Environmental Design (CPTED) no formal response was received by the NSW Police within 21 days. It is assumed that there are no objections to the proposal and no conditions required.	Yes.

Internal Referrals

Referral Body Internal	Comments	Consent Recommended
Natural Environment Unit – Drainage	Comments incorporated in Development Engineering conditions. For any relevant stormwater drainage asset comments and conditions.	Yes, subject to conditions
Natural Environment Unit – Flood	The proposed development complies with the relevant flood related development controls outlined in Part E11 of the DCP.	Yes, subject to conditions
Waste Management Officers	Council's Waste Management Officers have reviewed the proposal and have provided the following comments: On condition of consent, the applicant is required to comply with the below: <ul style="list-style-type: none"> Bin room for Sturdee, the bin room must accommodate for 12 x 660L garbage, 9 x 660L paper and 6 x 660L bottles. Bin room for Pacific, the bin room must accommodate for 12 x 660L garbage, 9 x 660L paper and 6 x 660L bottles. The width of the door on the garbage room must be a min. 1.9m wide. The door must not be lockable and able to be latched in an open position. The path between the garbage room and the garbage collection/loading area must be concrete and free of obstruction. 	Yes, subject to conditions
Environmental Health and Protection Unit – Contaminated Lands	Council's Environmental Health and Protection Unit have reviewed the proposal in relation to Phase 1 and 2 contaminated land matters. The following comments were provided: <ul style="list-style-type: none"> The site is not potentially contaminated, The information submitted, and/or the imposition of conditions, allow the site to be validated safe for its intended use. 	Yes, subject to conditions

Referral Body Internal	Comments	Consent Recommended
Landscape Officer	Council's Landscape Officer has reviewed the proposal and has advised: <i>If the proposal is to be approved, recommended conditions have been included in relation to landscape issues.</i>	Yes, subject to conditions
Development Engineers	Council's Development Engineers have reviewed the proposal in relation to the likely impacts on drainage regimes. The following comments were provided: <ul style="list-style-type: none"> <i>The plans and hydraulic report prepared by CPM Engineering suggest that the development is protected in the 100 year flooding. The concept stormwater management plan requires certification from a qualified Engineer and is recommended in the conditions of consent.</i> <i>Development Engineer has no objection raised to the proposed development subject to complying with Traffic Branch comments and recommended conditions.</i> 	Yes, subject to conditions
Traffic Engineers	Council's Traffic Engineer has reviewed the proposal and has provided the following comments: <ul style="list-style-type: none"> despite minor differences used for the AM peak volumes to Council's model, the overall result on intersection performance would not be significantly different and is acceptable. that appropriate bicycle storage provision is 1 bike per 2 units. 	Yes, subject to conditions

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

State Environmental Planning Policy (State and Regional Development)

Clause 20 of the SEPP and Schedule 4A of the EP&A Act provides that the JRPP exercise the consent authority functions of Council where development has a capital investment value of more than \$20 million, or \$5 million if Council is the owner of any land on which the development is proposed.

The DA has an estimated capital investment value of \$54.5 million (Stages 1 and 2 combined) and Council is the owner of part of the land. Therefore, the JRPP is the consent authority for the determination of the Application.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of the ISEPP applies to development:

- Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);*
- Immediately adjacent to an electricity substation; or*
- Within 5 metres of an overhead power line.*

By letter dated 7 January 2014, AUSGRID advised that the proposed development will comply with the statutory clearances from AUSGRID's electrical mains and have recommended a number of conditions.

Clause 104 of the ISEPP requires traffic generating development of “relevant size or capacity” identified in Schedule 3 of the SEPP to be referred to the RMS. Schedule 3 of the SEPP applies as Stages 1 and 2 provide more than 200 car parking spaces (collectively). By letter dated 29 April 2014, the RMS advised it had no objection to the DA.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development (Stages 1 and 2) has been assessed against the requirements of State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004. The Application includes a BASIX Certificate for the units within the proposed development confirming compliance with the requirements on the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 (**SEPP 55**) provides that Councils must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and/or requires remediation for the intended land use.

The Application included a Phase 1 and Phase 2 assessment under the SEPP. Council's Environmental Health and Protection Unit has reviewed the report and determined that the site is not potentially contaminated. Notwithstanding, a number of conditions have been recommended to ensure that the site is validated for its intended use.

State Environmental Planning Policy No. 65 – Design Quality for Residential Flat Development

Clause 30(2) of State Environmental Planning Policy No. 65 (**SEPP 65**) requires consideration of the design quality of the residential flat development when evaluated in accordance with the “Design Quality Principles”, and the Residential Flat Design Code (**RFDC**).

As per Clause 50 of the Regulations, the Applicant has submitted a Design Verification Statement prepared by a qualified architect, Mr Steve Zappia (Principal Architect) of Marchese Partners International Pty Ltd responding to each of the Design Quality Principles. This has been reviewed and **Table 1** below provides responses to the Design Quality Principles after considering the Design Verification Statement.

Table 1: Assessment of SEPP 65 Design Quality Principles

Design Quality Principle	Assessment	Compliance
1 - Context	<p>The site is an undeveloped infill parcel located between recent developments in the B4 Mixed Use Zone and the R3 Medium Density Residential Zone and contains a number of significant trees.</p> <p>The planning controls provide for the development of the site with residential flat buildings between the Dee Why Grand development and apartment buildings further down the street block.</p> <p>The adjoining developments have varied setbacks, massing and scale. The build-to-lines mean that the majority of the existing trees on the site will not survive (confirmed through arboricultural advice). However, the proposed buildings can provide a transition from the mixed use façade of the Dee Why Grand to the more articulated façade of the residential development to the east.</p>	Yes

Design Quality Principle	Assessment	Compliance
2 – Scale	<p>The scale of future development within the Precinct is set by the 21m height control in the WLEP and other controls in the WDCP that establish a height plane and stepping of built form back from the street frontage after achieving a specific height at the build to line. Both proposed buildings exceed the height limit at the top residential level and lift overrun.</p> <p>Contrary to the maximum height in the WLEP, the WDCP proposes a maximum 26m height limit for development at the western boundary of the site sloping down toward the end of the street block. Whilst this control does not supersede the WLEP height limit, the intent was to allow a transition in scale from the Dee Why Grand development (i.e. a decrease in height as the distance from this development increased).</p> <p>It is considered that there is scope vary the WLEP height control in the circumstances to enable greater heights above the 21m provided this forms a reasonable transition and does not impact on views or cause additional overshadowing. The proposed variation of the height controls of the western half of the building fronting Pacific Parade (Stage 2) impacts on the upper level views from the Dee Why Grand. The scale of the building in this part of the site should be reduced by deleting the 8th storey (ie Level 7 apartments) and ensuring that the lift overrun complies with the maximum 21m height limit in the WLEP. These recommendations will be imposed as conditions applying to any future DA for Stage 2 of the site.</p>	No, but acceptable subject to conditions
3 – Built Form	<p>The WDCP includes planning controls for height, setbacks and articulation, which help set the future built form of the Precinct. The proposed Stage 1 building is appropriately sited, (responding to the setback of buildings on adjoining sites), modulated and articulated to reduce massing and bulk and to express the residential character of the Precinct.</p> <p>The Stage 1 building, through stepping of built form, recessed bays, fenestration, textures and materials, will relate to the built form of the Dee Why Grand development when viewed from street level.</p>	Yes
4 – Density	The site density is regulated by the statutory height control of 21m and the building controls contained within the WDCP. As detailed later in this Report, the proposal is generally consistent with the development controls of the WDCP.	Yes
5 – Resource, Energy and Water	<p>The proposed Stage 1 works include the demolition of all structures and excavation works to accommodate the new development. The Applicant has submitted a Waste Management Plan detailing the proposed disposal and recycling of demolition and excavation materials.</p> <p>A BASIX Certificate for the proposed Stage 1 and Stage 2 buildings was submitted confirming compliance with sustainable water use, thermal comfort and energy efficiency. Masonry Ecotrihex and timber decking is proposed for any key pedestrian pathway which enable water infiltration.</p>	Yes
6 – Landscape	<p>The landscape concept plan proposes to implement a new planting scheme after removal of existing vegetation. This includes a denser landscape buffer along the eastern boundary, including larger trees and understorey plantings.</p> <p>The pedestrian access route through the site will be permeable masonry pavers which will also enable garbage truck access through the site and to collection areas.</p> <p>The Sturdee Parade frontage and western boundary bordering the pedestrian path comprise generally smaller screen plantings interspersed with lawn areas and/or paving areas enabling casual</p>	Yes

Design Quality Principle	Assessment	Compliance
	<p>surveillance and, in some areas, linkages to these public areas.</p> <p>The apartments wrap around an open central courtyard, which includes timber deck walkways and smaller trees, shrubs and ground cover plantings.</p> <p>The landscaping theme for Stage 1 is to be replicated for Stage 2 with the exception that the open space area between the Stage 1 and Stage 2 buildings will only be completed at Stage 2 (interim grass seeding is proposed) and will comprise a meandering path with feature trees and understorey planting, seating and hedging.</p>	
7 - Amenity	The proposed development is generally consistent with the requirements of the RFDC, including requirements for solar access, visual and acoustic privacy, apartment layouts, private open spaces and natural ventilation.	Yes
8 – Safety and Security	<p>The proposed Stage 1 and 2 residential flat buildings provide passive surveillance of access points, common open space areas and public walkways through adjoining sites and the street.</p> <p>The proposed design includes secure access to the basement car parking areas, which has direct access to apartments. CCTV and a colour video security intercom system will also be provided to ensure all visitors are screened by the occupant before being granted access.</p>	Yes
9 – Social Dimensions and Housing Affordability	The provision of a mix of apartment sizes in this location is considered desirable due to the proximity of the site to major bus interchanges, Dee Why Town Centre, as well as the beach, public amenities and facilities.	Yes
10 - Aesthetics	Stage 1 of the proposed development exhibits a high standard of architecture and overall aesthetics, which would contribute positively to the Sturdee Parade streetscape. The building provides a modern contemporary form with well-considered use of materials and articulation to provide distinctive and strongly defined building elements consistent with the quality of urban design envisaged for developments within the R3 Precinct bounded by Sturdee Parade, Pacific Parade.	Yes

Residential Flat Design Code (RFDC)

The RFDC is an assessment tool referenced in SEPP No 65 and contains development controls and best practice benchmarks for achieving the Design Quality Principles in **Table 1** above.

The Applicant did not submit an RFDC Compliance Table stating how the proposed development complies with the Primary Development Controls of the RFDC. An assessment of the RFDC “Rule of Thumb” and “Control Checklist” is detailed in **Table 2** below. The assessment demonstrates that Stage 1 of the proposal generally complies with the recommended development controls and best practice guidelines of the RFDC except for Building Separation, Open Space, Safety, Vehicle Access, Apartment Layout, and Aspect. Where appropriate the assessment has included the Stage 2 residential flat building to ensure appropriate consideration of issues for the overall concept.

Table 2: Assessment of the SEPP 65 Residential Flat Design Code “Rule of Thumb” and “Control Checklists”

Part 01 – LOCAL CONTEXT		
Preliminary Development Controls		
Building Height	Where there is an existing FSR, test height controls against it to ensure a good fit.	Not Applicable – No FSR applies under the WLEP 2011 or WDCP 2011
	Test heights against the number of storeys and the minimum ceiling heights required for the desired building use (2.7m for habitable rooms, 2.4m for non-habitable rooms and 1.5m for attics).	The WDDCP requires buildings at the street frontage not to exceed 3 storeys. The height at the build to line easily incorporates 4 storeys with 2.7m ceiling heights. The additional storeys within the height limit enables transition to the adjoining commercial façade.
Building Depth	Resolve building depth controls in plan, section and elevation.	Yes – See below.
	An apartment depth of 10m -18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	Yes – Stages 1 and 2 provides for two residential buildings each set around an internal courtyard and mid-block landscape space. Both modules have maximum building depths consistent with the 10m -18m standard.
Building Separation	Design and test building separation controls in plan and section. Up to 4 storeys/12m: <ul style="list-style-type: none"> 12m between habitable rooms/balconies. 9m between habitable/balconies and non-habitable rooms. 6m between non-habitable rooms. 5 to 8 storeys/up to 25m: <ul style="list-style-type: none"> 18 metres between habitable rooms and balconies. 13 metres between habitable rooms/balconies and non-habitable rooms. 9 metres between non-habitable rooms. 	No, but acceptable – See detailed discussion after Table.
	Test building separation controls for daylight access to buildings and open spaces.	Yes – See discussion in Apartment Layout below.
Street Setbacks	Identify the Desired Streetscape Character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.	Yes – Stages 1 and 2 of the proposed development are located on the build to line (i.e. minimum street setback)

	Test street setbacks with building envelopes and street sections.	Yes – Building height plane at the street setback is complied with.
Side and Rear Setbacks	Relate side setbacks to existing streetscape patterns.	Yes – Stages 1 and 2 of the proposed development respond to the existing side setbacks of adjoining development to ensure appropriate separation and streetscape patterns
	Test side and rear setback with building separation, open space and deep soil zone requirements.	Yes – See discussion on Building Separation, Open Space and Deep Soil Zones.
	Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.	Yes – See discussion in Daylight Access. Adjoining properties will achieve the minimum prescribed requirements for solar access.
Floor Space Ratio	Test the desired Built Form outcome against proposed floor space ratio to ensure consistency with building height-building footprint the three dimensional building envelope open space requirements.	Not Applicable – No FSR applies under the WLEP or WDCP.
Part 02 – SITE DESIGN		
Site Configuration		
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	Yes – Based on Stages 1 and 2 collectively, the proposed development provides 1,482m ² , ie approximately 27% of the total proposed open space area. The proposed landscaping schedule provides for a deep soil landscape zone along the perimeter of each of the site boundaries.
Open Space	The area of communal open space required should generally be between 25 and 30% of the site area.	Yes – Stage 1 provides approximately 930m ² of communal open space, ie approximately 33% of the Stage 1 site area.
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² ; the minimum preferred dimension in one direction is 4 metres. (See 'Balconies' for other private open space requirements)	No, but acceptable See detailed discussion following the Table.
Safety	Carry out a formal Crime Risk Assessment for all residential developments of more than 20 new dwellings.	No, but acceptable – A formal Crime Risk Assessment was not submitted with the Application. However, the proposal provides for secure entries and the passive surveillance of the public domain from both the ground level and upper level residential apartments.

		The Application was referred to the NSW Police. As no comments were received within 21 days, it is assumed there are no objections or other requirements.
Visual Privacy	Refer to building separation minimum standards.	Yes – Refer to discussion on Building Separation above.
Pedestrian Access	Identify the access requirements from the street or car parking area to the apartment entrance.	Yes – The proposed development incorporates clearly defined and activated building entrances from both the street and basement car parking areas.
	Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.	Yes – Subject to appropriate conditions of consent.
	Provide barrier free access to at least 20 percent of dwellings in the development.	Yes – An Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated November 2013 notes that the proposed design provides for 100% barrier free/visitable access to the entry and doorways of all apartments.
	Generally limit the width of driveways to a maximum of six metres.	Yes – can be conditioned to comply.
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	No, but acceptable – There is no secondary road frontage for the Stage 1 lot on Sturdee Parade. The proposed entry is located adjacent to the basement driveway rather than near the public pathway to avoid potential minor flooding from the overland flow/public pathway. This should not warrant refusal of the application.
Part 03 – BUILDING DESIGN		
Building Configuration		
Apartment Layout	Single-aspect apartments should be limited in depth to 8 metres from a window. The back of a kitchen should be no more than 8 metres from a window. Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).	No, but acceptable – There are a small number of dwellings, generally in corner locations which marginally exceed the requirement for the back of kitchen to be within 8m of a window. Most of the kitchens are at the rear of large open plan living areas and receive good natural light. There is one apartment type, ie 1.01 where the kitchen is not off a living area, but the depth to kitchen area is 8m and the back of kitchen is 10m. This is not considered grounds for refusal.
Apartment Sizes	If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing	Yes – Council has not standardised apartment sizes. Nonetheless, the proposed development complies with the suggested minimum apartment

	<p>Service suggest the following minimum apartment sizes, which can contribute to housing affordability:</p> <ul style="list-style-type: none"> ▪ 1 bedroom apartment 50m² ▪ 2 bedroom apartment 70² ▪ 3 bedroom apartment 95m² 	sizes.
Balconies	Provide primary balconies with a minimum depth of 2m.	Yes – The proposed minimum depth of balconies comply and mostly exceed the 2m standard.
Ceiling Heights	<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL):</p> <ul style="list-style-type: none"> • 2.7 metres minimum for all habitable rooms on all floors, • 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. 	Yes – Ceiling heights of 2.7m are proposed.
Ground Floor Apartments	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Yes – The proposed ground floor apartments that have a frontage to Sturdee Parade are provided with private open space in the form of a courtyard. The proposed apartments orientated to the centre of the site have winter gardens (balconies) above the level of the rear common open space. Direct access between these areas is not achievable given the levels.
	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	Yes, subject to conditions – The landscape plans show no entry from the private courtyards to Sturdee Parade. However, the artist impressions of the building frontage submitted subsequent to the DA lodgement show entries to the courtyard. The levels suggest entries are achievable to Sturdee Parade (but not to the winter gardens at the rear of the building) without unreasonably losing courtyard space to stairs. This requirement to include entries can be satisfied by imposing a condition on any consent granted.
Corridors	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	Yes – Double loaded corridors occur off a single lift core above Level 4. All cores and corridors serve less than 8 dwellings.
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • Studio apartments – 6m³ • One bedroom apartments – 6m³ • Two bedroom apartments – 8m³. 	Yes – The proposal includes built-in robes and kitchen cupboard storage. The basement level car parks also include individual and shared storage areas for residents. To confirm this requirement is achieved, an appropriate condition can be attached to any consent granted.

Building Amenity		
Acoustic Privacy	Provide a high level of amenity by protecting the privacy of residents both within the apartments and in private open space.	<p>Yes – An Acoustic Assessment prepared by Acoustic Logic dated 11th December 2013, was submitted with the DA. The Assessment identified the main environmental noise sources, which may have an impact on the site (mainly traffic noise from Sturdee Parade and Pacific Parade) as well as noise sources from the proposed development, which may have an impact on adjoining residential developments (mainly mechanical plant serving the site, tenants using the proposed underground car park, and operation of the garbage loading areas).</p> <p>A suitable condition can be attached to any consent granted to implement the recommended acoustic measures identified in the Assessment.</p>
Day Light Access	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.	Yes – The site is within a planned high density urban environment. The proposed design provides that 70% of all apartments receive a minimum of 2 hours of direct sunlight between 9am and 3pm in mid-winter.
Aspect	Limit the number of single aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed.	No, but acceptable – A total of 27 apartments have a southern aspect which is a function of the width of the allotment. The design does provide high windows to the north which will achieve light but no direct sunlight. The number of south facing apartments is acceptable given the orientation.
Natural Ventilation	Building depths, which support natural ventilation typically range from 10 to 18 metres.	Yes – The proposed apartments do not exceed the recommended depth of 10-18m.
	Sixty percent (60%) of residential units should be naturally cross ventilated.	Yes – Almost all (99%) of the proposed apartments are naturally cross ventilated.
Building Performance		
Waste Management	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	Yes – Council's Waste Management Officers support approval subject to conditions.
Water Conservation	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Yes – Subject to appropriate conditions of consent, the Application would be worthy of approval in this regard.

The following provides a discussion of those aspects of the proposal highlighted for further discussion that do not comply with the numeric standards of the RFDC.

Building Separation

Separation between Stages 1 and 2

The proposed building separation between Stages 1 and 2 of the proposal is inconsistent with the RFDC as follows:

Proposed Floor Level	Proposed separation between habitable rooms/balconies	Recommended separation between habitable rooms/balconies	Compliance
Ground Floor Level	7.5m between the Stage 1 winter-gardens and the Stage 2 courtyards and 11m between building elements.	12m	No
Levels 1 and 2	11m between the Stage 1 and 2 winter-gardens.	12m	No
Level 3	11.5m between the Stage 1 balconies and the Stage 2 winter-gardens.	12m	No
Level 4	14.5m between the Stage 1 winter-gardens and the Stage 2 balconies.	18m	No
Level 5	17m between Stage 1 and 2 winter-gardens	18m	No
Level 6	23.5m between the Stage 1 balconies and the Stage 2 winter-gardens.	18m	Yes
Level 7 (Stage 2 only)	N/A	N/A	N/A

The proposed variations sought are considered to be acceptable on the grounds that:

- At the ground level the separation includes a ground level courtyard to balcony. Landscaped common open space is proposed between these two areas and hence this is an acceptable separation.
- The minor departures to the first 3 levels can be mitigated by proposed landscaping within the communal open space area between the 2 buildings.
- The wintergardens/balconies on all levels are deeper than the recommended 2m minimum and hence cause the numerical departure to the separation requirement.
- The proposed building separation provides adequate daylight access for both Stages.

Separation to the Dee Why Grand Development

The proposed building separation between Stages 1 and 2 of the proposal and the residential component of the Dee Why Grand development to the west is inconsistent with the RFDC as follows:

- Stages 1 and 2 of the proposal provides for a 7.75m separation between the habitable rooms from the Ground Floor up to Level 2, to the podium level of the Dee Why Grand development. The recommended separation is 9m.
- Stage 2 of the proposal provides for a variable separation of 8.5m to 23.5m between the habitable rooms/balconies of Levels 3 – 7, to the balconies of the Dee Why Grand development. The recommended separation is 12m (up to the 4th storey) and 18m (from the 5th to 8th storey).

The proposed separation to the podium level of the Dee Why Grand development is considered to be acceptable on the grounds that the existing and proposed landscaping elements will provide for a suitable visual buffer and the podium presents as a solid façade with minimal openings, angled to view the pedestrian path.

With regard to the proposed separation of the upper levels of Stage 2, the variation sought to this requirement is considered acceptable given that the Dee Why Grand apartment building angles away from the boundary, the closest point being approximately mid-point between Sturdee and Pacific Parades. The proposed building separations achieve adequate daylight access and privacy for both developments.

Open Space

The RFDC recommends the minimum area of private open space for ground level apartments (or similar space on a structure such as on a podium or car park) of 25m²; the minimum preferred dimension in one direction is 4 metres.

The 8 ground floor apartments at the rear of Stage 1 are located immediately above the basement car park structure which is some 3m above the level of the common open space below and hence compliance cannot be practically achieved. The proposed balconies for these dwellings are either 10m², 14m² or 18m² in area with a minimum dimension of 2.5m.

It is noted that Clause D2 of the WDCP 2011 prescribes a total private open space area of 10m² with minimum dimensions of 2.5m for residential flat buildings with which the proposal complies.

Local Environment Plans

Warringah Local Environmental Plan 2011

The following reviews the Application against the relevant sections of the Warringah Local Environment Plan 2011 (**WLEP**):

The fundamentals	
Definition of proposed development: (ref. WLEP Dictionary)	Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.
Zone:	R3 Medium Density Residential Zone
Permitted with Consent or Prohibited:	Permitted with Consent
Objectives of the Zone	

Objectives of Zone:

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

The proposed development is considered to be consistent with the objectives of the zone for the following reasons:

- The proposal is for housing in the form of residential flat buildings within the R3 Medium Density Residential Zone.
- The proposal comprises a mix of 1 and 2 bedroom apartments. A number of the proposed apartments are 'Adaptable'.
- Landscaped planting including the use of native plants within common areas will improve the landscape setting.
- Details of the design include a range of quality materials, articulation and good amenity outcomes for residents within the proposed residential flat buildings. An attractive streetscape presentation is provided to the public domain.

Principal Development Standards:

Standard	Permitted	Proposed	Complies
Minimum subdivision lot size:	N/A	Subject to consolidation, proposed Lots 101 and 102 are to have site areas of 2,731m ²	N/A
Height of Buildings:	21 metres.	24.5m	No. Refer to the discussion below.

Relevant Miscellaneous and Additional Local Provisions

Provision	Comment/Compliance
Preservation of Trees or Vegetation	<p>Clause 5.9 prescribes that a person shall not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies, without the consent of the Council.</p> <p>The Arborist Impact Assessment prepared by Footprint Green Pty Ltd dated November 2013, notes there are 9 trees to be retained (4 trees on site, 3 on adjacent allotments and 2 trees within the road reserves), and 64 trees that are proposed to be removed (61 trees on site and 3 trees within the road reserves).</p> <p>Of the 64 trees proposed to be removed:</p> <ul style="list-style-type: none"> - 16 are classified as an environmental pest species, which are exempt from the WDCP; - 24 are of low landscape significance; - 16 are of moderate landscape significance (with 9 having safe useful life expectancies (SULEs) within the medium to long-term of 15-40 years); - 7 are of high landscape significance (with 6 having

	<p>SULEs within the medium to long-term of 15-40 years);</p> <ul style="list-style-type: none"> - 1 is of very high landscape significance; - 5 are unstable and require removal; <p>The zoning and anticipated development outcomes for this site make it difficult to retain existing vegetation. Further alternative basement designs were considered to try and keep the tree of high landscape significance but would still impact detrimentally on the root zone. New landscaping plans and tree replacement is proposed in the landscape plans prepared by 360° Design Pty Ltd,</p> <p>Recommended conditions of consent will ensure the trees proposed to be retained will be protected throughout all phases of the development.</p>
Earthworks	<p>Clause 6.2(3) provides that before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> a) <i>The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> b) <i>The effect of the proposed development on the likely future use or redevelopment of the land,</i> c) <i>The quality of the fill or the soil to be excavated, or both,</i> d) <i>The effect of the proposed development on the existing and likely amenity of adjoining properties,</i> e) <i>The source of any fill material and the destination of any excavated material,</i> f) <i>The likelihood of disturbing relics,</i> g) <i>The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i> <p>The proposed excavation is considered appropriate in the context of concealing car parking, garbage store areas and mechanical plant, and will not result in adverse impacts on the quality of the existing environment.</p> <p>The Geotechnical Investigation prepared by JK Geotechnics Pty Ltd, dated December 2013, did not identify any subsurface or groundwater conditions that would prevent construction of the proposed development.</p> <p>Recommended conditions of consent will ensure the proposed earthworks would not adversely impact on the quality of the existing environment.</p>
Flood Planning	<p>Clause 6.3(3) provides that development consent must not be granted to development on land to which this Clause applies unless the Council is satisfied that the development:</p> <ul style="list-style-type: none"> a) <i>Is compatible with the flood hazard of the land, and</i> b) <i>Is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,</i> c) <i>Incorporates appropriate measures to manage risk to life from flood, and</i> d) <i>Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the</i>

	<p><i>stability of river banks or watercourses, and</i></p> <p>e) <i>Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p> <p>The Draft Dee Why Flood Study has not identified the site within the 1 in 100 year floodplain but it is affected by the Probable Maximum Flood.</p> <p>CPM Engineering Pty Ltd was commissioned by the Applicant to prepare a Flood Study to determine the capacity of Council's adjacent drainage system, investigate the extent of the overland flow path (if any) through Sturdee Parade and to determine the impacts of the overland flow (if any) on the site and surrounding properties.</p> <p>Council's Natural Environment Unit have reviewed the proposal and accompanying Flood Study (dated December 2012), and have determined that the proposed development complies with the relevant flood related development controls outlined in the WLEP and Part E11 – Flood Prone Land of the WDCP.</p>
Development on Sloping Land	<p>Clause 6.4 provides that development consent must not be granted to development on land to which this Clause applies unless Council is satisfied that:</p> <p>a) <i>The application for development has been assessed for the risk associated with landslides in relation to both property and life, and</i></p> <p>b) <i>The development will not cause significant detrimental impacts because of stormwater discharge from the development site, and</i></p> <p>c) <i>The development will not impact on or affect the existing subsurface flow conditions.</i></p> <p>The site is located within the Landslip Risk Area A – Slope <5°, however it is not a mapped site.</p> <p>The Geotechnical Investigation prepared by JK Geotechnics Pty Ltd, dated December 2013, did not identify any subsurface conditions that would prevent construction of the development proposed (Stages 1 and 2).</p>

Height of Buildings

Pursuant to Clause 4.3 of the WLEP, the height of any building on the land shall not exceed the maximum height of 21 metres above existing ground level for the land shown on the Height of Buildings Map. The dictionary of the WLEP defines building height (or height of building) to mean:

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

The Section Drawings submitted with the Application (Drawing No. DA3.01 and DA3.02) show that the proposal is non-compliant at level 6 (i.e. the 7th storey) of Stage 1, including proposed units 6.01 – 6.05 and the lift overrun; and is non-compliant at level 7 (i.e. the 8th storey) of Stage 2, including proposed units 7.01 – 7.04 and the lift overrun.

A written request to vary the height limit under Clause 4.6 – Exceptions to Development Standards was submitted by Boston Blyth Fleming Pty Ltd dated December 2013.

An assessment of the proposal in relation to the requirements of Clause 4.6 is set out below.

Requirement	21 metres.
Proposed	Variable. <u>Stage 1</u> Level 6 (units 6.01 – 6.5) – 22.5m (max.) Lift Overrun – 24m (max.) <u>Stage 2</u> Level 7 (units 7.01 – 7.04) – 23m (max.) Lift Overrun – 24.5m (max.)
Is the planning control in question a development standard?	Yes.
Is the non-compliance with the clause requirement a Numerical and/or Performance based variation?	Numerical.
If numerical, enter a % variation to requirement.	Variable. <u>Stage 1</u> Level 6 – 22.5m (max.) = 7% variation Lift Overrun – 24m (max.) = 14% variation <u>Stage 2</u> Level 7 – 23m (max.) = 9.5% variation Lift Overrun – 24.5m (max.) = 16.5% variation

The underlying objectives of the standard under Clause 4.3 – Height of Buildings of the WLEP are identified and addressed below:

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

Comment:

Establishing an appropriate height and scale requires a considered response to existing development. As the site is situated within a precinct currently undergoing transition, the proposal also needs to achieve the height and scale identified to express the desired future character of the area.

In terms of compatibility with the height and scale of existing development, the proposal is considered to provide an appropriate scale and transition from the Dee Why Grand development down to the adjoining apartment buildings situated to the east. On this objective alone, the proposed height and scale of the development is appropriate.

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

Comment:

Stage 1 of the proposal is located toward the Sturdee Parade frontage which forms the southern boundary of the site. The height of the Stage 1 building does not impact on view loss or cause unreasonable overshadowing of the adjoining development.

A number of objections in relation to view loss were received from residents and owners of apartments within Building 3 of the Dee Why Grand development, which is situated immediately to the west of the site. These objections accounted for 65% of the total submissions received and related specifically to the proposed Stage 2 residential building.

A Visual Impact and View Sharing Assessment dated May 2014 was submitted in response to a request made by Warringah Council for further information regarding the extent of the view loss. The Visual Impact Assessment, prepared by Richard Lamb and Associates (dated May 2014) provides an analysis and assessment of views from Building 3 of the Dee Why Grand development.

An independent assessment of the extent of the view loss and the Visual Impact Assessment prepared by Richard Lamb and Associates was carried out to determine the disruption of views based on the principles of Tenacity Consulting Pty Ltd vs Warringah Council (2004) NSWLEC and the above objective of the WLEP. There is also a WDCP objective, which is:

To allow for the reasonable sharing of views.

In determining the extent of the potential view loss to Building 3 of the Dee Why Grand development, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd vs Warringah Council (2004) NSWLEC 140m (**Tenacity**), have been considered.

1. Nature of the views affected

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

Comment:

A detailed assessment of the nature of the views to be affected is provided at Section 5.1 of the submitted Visual Impact Analysis. A summary of the nature of the affected views is provided below.

- The relevant façade of Building 3 of Dee Why Grand provides view opportunities to the north/northeast and to the east/southeast.
- The foreground of the views generally comprises retail and commercial buildings situated within the eastern component of the Dee Why Town Centre as well as a more extensive area of residential land, which extends to coastal landscapes in the distance.
- District views toward the north are obstructed by residential development situated on the side slopes of Collaroy Plateau.
- Local views toward the east and south are obstructed by residential development.
- The coastal landscape, which includes the prominent Long Reef Headland and Golf Course, Dee Why Lagoon and surrounding wetlands, vegetated hind dunes and part of the northern end of Dee Why Beach and ocean, is visible to varying degrees.

Whilst there are local and district views both predominantly of urban development, the features that are of greater importance to protect are those associated with the scenic

coastal landscape. According to the Visual Impact Analysis, Long Reef Headland (arguably a local iconic feature), is approximately 3km from the Dee Why Grand development and is visible from a number of the upper levels. The northern section of Dee Why Beach adjacent to Long Reef Headland and in the vicinity of the entrance to Dee Why Lagoon is situated at a distance of approximately 2km and is visible from levels 5-7. The remainder of Dee Why Beach is not visible, however part of the surf zone is visible down to level 3.

As detailed in the Visual Impact Assessment, there are a number of buildings and undeveloped sites that are zoned for medium density and mixed use development within the WLEP and of which have height controls equal to or in excess of that applicable to the site. These building and undeveloped sites were further noted as being directly within the alignment of the views from Building 3 and as such, future development of these sites will result in the inherent loss of views toward the identified scenic coastal background.

Further to the above, the Visual Impact Assessment also identified that the Dee Why Town Centre Master Plan (**DW TCMP**) describes those sites as having the potential to accommodate much taller buildings than that currently permissible under the WLEP. However, as detailed earlier in this Report, the range of amendments to the existing WLEP and WDCP that are required to facilitate the key principles and overall vision of the DW TCMP, have not been adopted by Council (to date). It is therefore anticipated that re-development of those identified sites to the scale envisaged in the DW TCMP, is unlikely to occur within the short to medium terms.

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

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Comment:

Building 3 of the Dee Why Grand development is to the west of the site and is situated above and setback to a variable extent from the edge of a podium, which has a height of RL.30.49. Relative to the proposed development, this podium level is slightly above the floor level of Level 2 of Stage 1 and Level 3 of Stage 2. It is important to note that Building 3 of the Dee Why Grand development is skewed toward the northwest relative to the eastern extent of the podium level.

According to the Visual Impact Analysis, the skewed orientation of Building 3 was representative of the formal architectural program implemented for the entire development site and was seen to be beneficial in gaining light and ventilation into the residential components of Dee Why Grand. It was therefore noted as *fortuitous rather than deliberate* that Building 3 had a façade experiencing views over the undeveloped site toward the distant coastal landscape situated to the north/northeast.

All of the views analysed as part of the Visual Impact Analysis were obtained from the primary living areas of units 3303, 3307, 3402, 3405, 3406, 3506 and 3606 (the second numeral in the unit number references the floor level), which included the open-plan dining, lounge and kitchen spaces. These areas are considered to be the most significant in

Tenacity and those to be afforded the greatest weight in assessing view sharing. That is, they are areas whereby view sharing is reasonable to expect.

3. Extent of impact

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

Comment:

The proposed Stage 2 building will directly impact on the views currently afforded to the primary living areas of Building 3 of Dee Why Grand. Tenacity notes that impacts on views from primary living areas and places such as kitchens are more significant than those from bedrooms and service areas. The view to be lost in this instance is the scenic coastal landscape element in the view and the overall scenic quality and appeal of the view. Using the qualitative ratings recommended in Tenacity and with regard to the photomontages presented in the Visual Impact Analysis, the extent of the view loss (in isolation) is considered to be *devastating* at levels 1-3 and *severe* at levels 4-5 of Building 3 of Dee Why Grand.

As detailed above, Building 3 of Dee Why Grand directly benefits as a result of its orientation, which provides an opportunity to ‘look over’ the largely undeveloped site. Whilst there is vegetation that blocks some views from the lower levels (below level 3) of Building 3 of Dee Why Grand, there are currently no impediments to the upper level views toward the north/northeast.

The intended built form for the site is commensurate with Council’s planning controls, which promote a medium density urban environment characterised by a height control of 21m above natural ground level and a stepped height plane behind the street wall height. The combination of these height controls indicates that views are not generally expected to be retained for levels 1-4 as a result of any complying building envelope. In addition to this, the views experienced at level 5 would also be affected, however the view loss would not be as significant as that for levels 1-4. Partial views can be retained over the proposed stepped building form behind the street wall, particularly for a number of the lower level apartments situated near to the northern end of Building 3 of Dee Why Grand.

While the view loss may be considered to be *severe* to *devastating* for a number of individual apartments when considered in isolation, when considered in relation to the building height controls that apply to the site, the extent of the view loss may be considered to be generally acceptable if not inevitable.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of

non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment:

In considering whether or not a proposal is reasonable with regard to view sharing, a development that complies with all planning controls would be considered more reasonable than a development that breaches them, particularly if an impact on views arises directly as a result of the non-compliance.

In this instance, there is a proposed non-compliance with the height control as noted above. The proposed Stage 2 building that is directly responsible for the loss of views (in excess of what is anticipated by the height controls) is that part of Level 7, which exceeds the 21m statutory height control (this equates to approximately half a level and lift overrun). Relative to Level 5 of Building 3 of Dee Why Grand, the total height of the Stage 2 building exceeds the viewer's eye height by 1.8m. What is lost by the part of the Stage 2 building that exceeds the height control is the distant coastal landscape features situated towards the north/northeast. If the proposed building was to comply with the height control or this level was deleted, this view would be retained.

The visual analysis submitted notes with regard to the 'reasonableness' of the non-compliance, is how the strategic planning controls will affect future views towards the coastal landscape element. As detailed previously, future development of key sites as noted within the WLEP and DW TCMP as having height controls equal to or in excess of that applicable to the site, if and when developed, are likely to obstruct views toward the coastal landscape. Nonetheless, with specific regard to level 5 of Building 3 of Dee Why Grand, if the proposed Stage 2 building was to comply with the height control, some coastal views towards the northeast could still be retained despite future development of those key sites and hence the proposed variation of the building above the maximum height cannot be justified or supported.

It is considered that a modification to the design of the Stage 2 building will better allow for view sharing. It is recommended that proposed apartments on Level 7 of the Stage 2 building be deleted from the proposal and lift overrun comply with the height control.

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

Comment:

The proposal will not result in any adverse impacts on the scenic quality of Warringah's coastal and bush environments.

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

Comment:

The proposed development is of a modern and contemporary character and design, which possesses many good architectural and urban design qualities. On balance, the proposal is

considered appropriate in its context and would contribute positively to the streetscapes of Sturdee Parade and Pacific Parade.

Variation to the development standard under Clause 4.6 of the WLEP 2011

Clause 4.6 of WLEP requires an assessment to determine whether a variation to a development standard can be supported and a process for consideration of the variation. The key parts of the Clause require that:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*

A written request for the variation has been provided by Boston Blyth Fleming Pty Ltd and it has been reviewed. Whilst the proposed development will be important to providing an infill development that transition for the Dee Why Grand to the remainder of the precinct, and responds well to the site context, it does not justify variation of the planning standard that would, if approved, exacerbate view loss contrary to the specific objective governing the height restriction under WLEP.

Stage 1 of the proposal is considered to be in the public interest as it achieves consistency with the objectives of the R3 Medium Density Residential Zone and the objectives of the Height of Buildings development standard.

In its current proposed form, Stage 2 is not considered to be in the public interest as it will be inconsistent with the objectives of the Height of Buildings development standard, particularly with regard to the disruption of views. It is considered an appropriate condition can be attached to any consent granted to require compliance with the height controls in the WLEP deleting the Level 7 apartments and ensuring compliance of the lift overrun in the view corridor when the Stage 2 application is submitted.

Planning Circular PS 08-003, dated 9th May 2008, as issued by the NSW Department of Planning and Infrastructure, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument.

Warringah Development Control Plan 2011

The following provides consideration of the Application against the relevant sections of the Warringah Development Control Plan 2011 (**WDCP**):

Part A Introduction	
Control	Comment/Compliance
A.6 Parts of the DCP	<p>Yes – This section of the DCP requires the proposed development to:</p> <ul style="list-style-type: none"> ▪ Generally satisfy all applicable requirements of the WLEP. ▪ Meet the general and individual section objectives of the WDCP. ▪ Comply with the built form controls (objectives and requirements) contained in Part B of the WDCP. ▪ Comply with the relevant objectives and requirements in Part C Siting Factors, Part D Design and Part E - The Natural Environment of the WDCP. ▪ Comply with the relevant objectives and requirements for the specified area in Part G of the WDCP.
A.7 Notification	<p>Yes – The subject Application was notified in accordance with the requirements of Part A.7 of the DCP.</p>

Part C: Siting Factors	
Control	Comment/Compliance
C1. Subdivision	<p>Yes – Stage 1 of the proposed development proposes the consolidation of six allotments to create one allotment with a site area of 5,462m². It is then proposed to subdivide the consolidated allotment to create two (2) development allotments with equal site areas of 2,731m².</p> <p>The proposed lot consolidation and subsequent subdivision comply with the requirements of this clause.</p>
C2. Traffic, Access and Safety	<p>Yes – The proposed development included a traffic report which has been reviewed and found addresses the potential traffic impacts of the development. Access to the Stage 1 development is located away from the public pathway and overland flow path and is considered safe</p>
C3. Parking Facilities	<p>Yes – Appendix 1 – Car Parking Requirements provides that residential flat buildings shall provide:</p> <ul style="list-style-type: none"> ▪ 1 space per 1 bedroom dwelling ▪ 1.2 spaces per 2 bedroom dwelling ▪ 1 visitor space per 5 units or part of dwellings. <p>Based on the above, 103 resident car spaces are required for Stage 1. However, 19 single bedroom units contain study rooms large enough to be used as an additional bedroom. Therefore, a total of 107 car spaces are required for Stage 1.</p> <p>Additionally, based on the 98 residential apartments proposed in Stage 1, a total of 20 visitor spaces are required.</p> <p>Therefore a total of 127 car parking spaces are required to be provided for Stage 1. A total of 148 are proposed and therefore complies.</p>
C3(A) Bicycle Parking and End of Trip Facilities	<p>No, but acceptable – Residential accommodation containing 3 or more dwellings shall provide:</p>

	<ul style="list-style-type: none"> ▪ 1 bicycle parking space per dwelling, and ▪ 1 visitor bicycle parking space per 12 dwellings. <p>The rate of bicycle storage parking has been queried by the Applicant's traffic engineer. Council has agreed that resident bicycle parking be provided at the rate of 1 per 2 dwellings.</p> <p>A suitable condition is recommended in this regard.</p>
C4. Stormwater	<p>Yes, subject to conditions – The proposed development will require the creation of a new inter-allotment stormwater drainage system through the Stage 2 Pacific Parade site for the benefit of the Stage 1 Sturdee Parade site.</p> <p>According to the Hydraulic Services DA Report prepared by Insync Services Pty Ltd and submitted with the Application, the stormwater main works required to facilitate the proposed development is as follows:</p> <ul style="list-style-type: none"> ▪ Stage 1 Sturdee Parade – the site will require a connection for stormwater drainage to be provided via the creation of a 375mm inter-allotment stormwater drain with associated easement running parallel to the eastern boundary of the Stage 2 Pacific Parade site for its entire length. The inter-allotment stormwater main will then extend in a westerly direction below the southern kerb of Pacific Parade until a point where a road crossing can be made to the north to intercept and connect into the existing 1,800mm x 1,200mm stormwater drainage culvert located on the northern side of Pacific Parade. ▪ Stage 2 Pacific Parade – the site will be connected into the new 375mm inter-allotment stormwater drain described above. <p>Council's Development Engineers have reviewed the proposal in relation to the likely impacts on stormwater management and drainage regimes.</p> <p>As detailed earlier in this Report, Council's Development Engineers have raised no objection to the proposed development subject to compliance with recommended conditions.</p>
C5. Erosion and Sedimentation	<p>Yes, subject to conditions – Appropriate conditions associated with the management of erosion and sedimentation are recommended.</p>
C6. Building over or adjacent to Constructed Council Drainage Easements	<p>Yes, subject to conditions – Refer to C4 and C5 above. Minimum floor levels have been set for buildings adjacent to the overland flow path.</p>
C7. Excavation and Landfill	<p>Yes, subject to conditions – Appropriate conditions associated with the management of excavation and landfill works are recommended.</p>
C8. Demolition and Construction	<p>Yes, subject to conditions – The Applicant has provided details within a submitted Waste Management Plan prepared by Elephants Foot Waste Compactors Pty Ltd, regarding the management of demolition and construction waste.</p> <p>Council's Waste Management Officers have reviewed the proposal and have determined that the Application is worthy of approval subject to conditions.</p>
C9. Waste Management	<p>Yes, subject to conditions – The Applicant has provided details of operational waste management within a separate Waste Management Plan prepared by Elephants Foot Waste Compactors Pty Ltd.</p> <p>Council's Waste Management Officers have reviewed the proposal and recommend approval subject to conditions.</p>

Part D: Design	
Control	Comment
D2. Private Open Space	<p>Yes – The WDCP prescribes the following private open space (POS) requirements:</p> <ul style="list-style-type: none"> Multi-dwelling housing (not located at ground floor); residential flat buildings and shop top housing – A total of 10m² with minimum dimensions of 2.5m. <p>The proposed development complies with the minimum requirements.</p>
D3. Noise	<p>Yes, subject to conditions – The development proposed complies with the requirements of this Clause. In particular:</p> <p>Car Park</p> <p>The proposed car park includes three levels of basement parking levels. There are separate entrances to each of the basement car parks located near to the eastern boundary of the site.</p> <p>According to the Acoustic Assessment prepared by Acoustic Logic Pty Ltd dated December 2013, the predicted noise levels generated by car park movements are within recommended levels.</p> <p>Garbage Truck</p> <p>The proposed garbage loading areas is located near to the eastern boundary of the site.</p> <p>Garbage collection generally occurs once a week during the early morning with trucks travelling at low speeds.</p> <p>According to the Acoustic Assessment prepared by Acoustic Logic Pty Ltd dated December 2013, the predicted noise levels generated by garbage collection are within recommended levels.</p> <p>Mechanical Plant</p> <p>Detailed plant selection for the proposed development has not been completed. Detailed acoustic review shall be undertaken at the Construction Certificate stage. Satisfactory levels will be required to be achieved at that stage through appropriate plant selection and location.</p>
D6. Access to Sunlight	<p>Yes – The proposed design provides that at least 70% of all apartments receive a minimum of 2 hours of direct sunlight between 9am and 3pm in mid-winter. This outcome is consistent with the recommendations of the RFDC as assessed above.</p> <p>The proposed development will not generate a significant overshadowing impact on these adjoining properties. Therefore, the proposal is considered to be consistent with this Clause.</p>
D7. Views	<p>No, but acceptable subject to conditions – Refer to the detailed assessment included at Clause 4.6 of the WLEP (above).</p>
D8. Privacy	<p>Yes – The proposed development complies with this Clause as:</p>

	<ul style="list-style-type: none"> Living areas, habitable rooms and windows have been orientated towards private open space areas or to the street frontages to limit overlooking. The proposed design and 'stepping' of the rear façades of the development will limit the potential for upper level apartments to directly overlook the private open space areas of the lower apartments. Landscaping elements proposed within the central corridor between Stages 1 and 2 will limit the potential for direct overlooking of the private open space areas of the ground floor apartments. Where there is a potential for the overlooking of adjoining residential developments, privacy screens have been proposed.
D9. Building Bulk	Yes – The proposed development (Stages 1 and 2) is considered to be consistent with the requirements of this clause. In particular, the proposal is appropriately sited, modulated and articulated to reduce massing and bulk and to express the preferred medium density residential character of the area.
D10. Building Colours and Materials	Yes – A schedule of colours and material finishes has been submitted with the subject Application. The proposed colours and materials will be sympathetic to, and will complement the surrounding natural and built environment.
D11. Roofs	Yes – The development proposed (Stage 1) complies with the requirements of this clause. In particular: <ul style="list-style-type: none"> The lift overruns are not considered to detract from the architectural appearance as they are located at the rear of the building. The roof design is flat similar to other existing residential flat buildings in the streetscape. The proposed flat pitch of the roof will not create excessive glare and reflection.
D12. Glare and Reflection	Yes – The use of the proposed horizontal glass louvers on the façade adjoining Sturdee Parade are not expected to generate a significant glare impact to adjoining and adjacent properties. The proposed louvers are adjustable and south facing. The development proposed complies with the requirements of this Clause.
D13. Front Fences and Front Walls	Yes – The DA proposes a 1.8m high boundary screen comprising of a 1.2m high rendered block wall with 600mm high, horizontal railing fence. The proposed fence complies with the requirements of this Clause.
D14. Site Facilities	Yes – The development includes a separate garbage and recycling enclosure in the basement area. Those dwellings that are required to have landscaped open space can be provided with adequate open air clothes drying facilities, which are suitably screened.
D18. Accessibility	Yes – The DA includes a BCA Assessment Report, prepared by City Plan Services Pty Ltd (dated 10 th December 2013) and an Access Report, prepared by

	Accessibility Solutions (NSW) Pty Ltd (dated November 2013). Both reports demonstrate that the proposed development achieves compliance with the requirements of this Clause.
D19. Site Consolidation in the R3 and IN1 Zone	Yes – The DA proposes the consolidation of six (6) allotments into two large development lots each with an area of 2,731m ² . The development complies with this Clause.
D20. Safety and Security	Yes – Refer to the RFDC assessment above.
D21. Provision and Location of Utility Services	Yes – The site has adequate access to utility services including, water, sewage, gas, telecommunications and electricity. The proposed development therefore complies with the requirements of this Clause.
D22. Conservation of Energy and Water	Yes – The subject Application includes a BASIX Certificate for the units within the proposed development which demonstrates compliance with the requirements of this Clause. Water infiltration has also been enhanced by permeable paving and decking in landscaped areas.

Part E: The Natural Environment	
Control	Comment/Compliance
E1. Private Property Tree Management	Yes, subject to conditions – The 9 trees to be retained will be secured through the provision of appropriate procedures that are to remain in place throughout all phases of the development. A landscaping plan has been submitted which provides for an effective landscape presentation to both Sturdee Parade and Pacific Parade and to the internal communal open space area. Council's Landscape Officer has reviewed the proposal and has recommended approval subject to a number of specific conditions.
E2. Prescribed Vegetation	Yes – The landscaping plan includes the planting of a number of native tree species, including <i>Banksia integrifolia</i> (Coastal Banksia), <i>Banksia serrata</i> (Old Man Banksia), <i>Tristanopsis laurina</i> (Water Gum) and <i>Eucalyptus haemastoma</i> (Scribbly Gum). The proposed tree removal is therefore considered acceptable.
E6. Retaining unique environmental features	Yes – The site does not contain any distinctive environmental features, such as rock outcrops or remnant bushland.
E10. Landslip Risk	Yes, subject to conditions – The site is located within the Landslip Risk Area A – Slope <5°, however it is not a mapped site. The Geotechnical Investigation prepared by JK Geotechnics Pty Ltd, dated December 2013, did not identify any subsurface conditions that would prevent construction of the proposed development.

Part G: Special Area Controls	
Control	Comment/Compliance
G2. R3 Medium Density Residential bound by Sturdee Parade, Pacific Parade and land zoned B4 Mixed Use	
G2.1 - The area will remain primarily a medium density residential area. The scale of development at the street frontage is not to be overbearing, and is to be consistent with the scale of existing nearby residential buildings when viewed by pedestrians on either side of Pacific or Sturdee Parades.	<p>Yes – The proposed development is appropriately sited, modulated and articulated to reduce massing and bulk and to express the preferred medium density residential character of the G2 Precinct.</p> <p>The overall scale of the proposed development at the Sturdee Parade and Pacific Parade frontages is not considered to be overbearing and is consistent with the scale of the recently approved Dee Why Grand development, which adjoins the site to the west, as well as other medium density residential developments in the vicinity.</p>
G2.2 - Within the central part of the block, the height of building may be greater.	Yes – The building generally follows the height plane with maximum height in the centre of the block.
G2.3 - The design and arrangement of buildings are to recognise and preserve existing significant public views (from parks, streets, etc.) and significant views from private properties.	<p>Yes – As a result of the location of the site and intervening topography and urban development, there are no significant public views that will be affected as a result of the subject development.</p> <p>No, but acceptable subject to conditions – With reference to the assessment of Clause D7 above, the proposed Stage 2 building is likely to significantly impact on views afforded to apartments within Building 3 of the Dee Why Grand development. Suitable conditions are recommended to minimise this impact.</p>
G2.4 - Buildings are to be articulated and modulated to reduce the apparent building mass and reflect the existing pattern of development in the street. The streetscape and public domain shall incorporate consistent building setbacks being free of any structures, vehicle parking areas or site facilities other than driveways, letterboxes and fences.	Yes – The proposed development is appropriately sited, modulated and articulated to reduce massing and bulk and to express the existing and preferred medium density residential environment of the G2 Precinct.
G2.5 - Future development will address public streets, create visual interest and enable the establishment of substantial landscaping in the spaces between buildings.	<p>Yes – The proposed development exhibits a high standard of architecture and overall aesthetics, which would contribute positively to the streetscape including modern contemporary form with a well-considered use of materials and articulation.</p> <p>Landscaping is proposed between buildings responding to need for screening, casual surveillance and privacy on different parts of the site.</p>
G2.6 - Development is to be designed to enclose and define mid-block open spaces connected by open space linkages both within the block and to and from the surrounding public street system.	Yes – The proposed mid-block open spaces link to the central open courtyard in each building and to the public pedestrian path adjacent to the Dee Why Grand development and the eastern pathway (and garbage truck access) also link Sturdee and Pacific Parades.
G2.7 - Site amalgamation will be encouraged to facilitate new development and car parking is to be provided below ground, using shared driveways where possible. The upgrading of existing buildings will be encouraged to give them a more contemporary and attractive appearance.	Yes – The DA proposes site consolidation and therefore complies.
G2.8 - Building height is to fall within an envelope defined by a sight line taken from 1.5m above ground	No, but acceptable subject to conditions – The proposed Stage 1 and 2 buildings exceed the building

level at the footpath on the opposite side of the street, intersecting with the maximum street frontage height and on to where that line intersects with the maximum allowable height.	<p>height envelope as defined by this Clause.</p> <p>The proposed Stage 1 variation is considered to be acceptable as it will provide for an appropriate visual and spatial transition to surrounding residential and mixed-use developments whilst having minimal impact on significant public and private views. However, the proposed variation to part of the Stage 2 building will result in unacceptable impact on the views from the Dee Why Grand development.</p> <p>A suitable condition is recommended to reduce the level of impact associated with the Stage 2 development.</p>
G2.9 - Buildings at the street frontage are not to exceed 3 storeys.	<p>No, but acceptable – The proposed development proposes part 3 and part 4 storeys to the street frontage, and is within the height requirement.</p> <p>This arrangement provides a visual transition in the elevations from the Dee Why Grand development.</p>
G2.10 - Lightweight structures that do not add to the visual mass of the building, such as pergolas and balconies, may penetrate the building envelope.	Yes – The winter garden elements penetrate the building envelope by 450mm. These elements are considered to be light-weight structures and have been incorporated to provide articulation in the façades without adding to the visual bulk of the building.
G2.11 - The minimum floor to ceiling height for all storeys is 2.7 metres.	Yes – The development proposed complies with the requirements of this Clause.
G2.12 - All buildings are to be setback 8 metres from the street kerb.	Yes – The development proposed complies with the requirements of this Clause.
G2.13 - Minor variations to this setback will be considered to allow buildings to be articulated with strong vertical and horizontal elements to reduce building mass and add visual interest.	Yes – Refer to G2.16 below.
G2.14 - The side boundary setback is 4.5 metres	No, but acceptable – The proposed development exceeds this setback to the eastern boundary recognising that the adjoining building encroaches into the side boundary setback on its site and is set back only 2.5m to recognise the separation provided to the public pedestrian path between the western boundary and Dee Why Grand.
G2.15 - The minimum amount of landscaped open space on the land is 40% of the site.	Yes, subject to conditions – Based on Stages 1 and 2 collectively, the proposed development provides 2,193m ² , which equates to approximately 40.15% of the total combined site area.
G2.16 - Build-to-lines have been established to ensure future development defines the streets and public spaces. In this case the build to lines require that between 40-60% of the relevant building façade is to be built on this line (ie 8m from street kerb).	<p>No, but acceptable – The proposed winter-garden elements, which are proposed for the upper levels of the development encroach into the 8m street kerb setback by 450mm. The winter-garden elements comprise 70% of the building façade. Thus, resulting in a 30-70% build-to-line.</p> <p>The proposed variation is considered to be appropriate as it conforms to clause G2.13, which permits minor variations to the setback control and helps transition the flatter street façade of the Dee Why Grand development. The proposed winter-garden elements and other façade treatments aid in the articulation of the façade, which reduces the overall appearance of building bulk by providing for visual interest.</p>

G2.17 - Lightweight structures that do not add to the visual mass of the building, such as pergolas and balconies, may also penetrate the build-to line.	Yes – Refer to G2.16 above.
G2.19 - The following controls are to apply: <ul style="list-style-type: none"> The preferred built form for the block is a perimeter block where buildings are oriented toward the street, enclosing semi-private spaces within the interior. The building wall addressing the street is to be articulated and fragmented into a module which is reflective of the nearby residential context. 	Yes – Refer to G2.6 above. The proposed development provides for mid-block open landscaped spaces which provide linkages to the central common courtyard areas and along the eastern boundary of the site. The façades of the Stage 1 and 2 buildings addressing the street are well articulated and modulated to reflect the built form of the adjoining development.
G2.20 - In cases where sites are amalgamated, interior portions of the block may be built upon subject to the following provisions: <ul style="list-style-type: none"> A distance of at least 9m is required between the rear façade of any building fronting a street and the façade of any building located within the central portion of the block. The siting of individual buildings within the buildable area in the central portion of the block must be guided by the controls applying to open spaces and access. Under no circumstances may development within the central portion of the block be comprised by a single tower. 	Not applicable
G2.21 - Development proposals need to provide practical pedestrian/cycle circulation system through the central portions of the site/s, as well as to and from the surrounding streets and the Dee Why Hotel.	No, but acceptable – The objective of the cycle linkage through the central portion of the site is not considered to be practical given the absence of any effective linkage to medium density sites to the east and differences in level to the public pathway Nonetheless, the consolidated site provides for an effective central landscape space and mid-block open spaces, which provide convenient pedestrian linkages from within the site to the public pathway that adjoins the western boundary of the site.

Warringah Section 94A Development Contribution Plan:

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.
The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$54,949,434.50		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$517,697
Section 94A Planning and Administration	0.05%	\$27,247
Total	1%	\$544,944

A suitable consent condition is to be included to ensure that the required contributions are paid prior to the issue of the Construction Certificate.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (State and Regional Development);
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 55 Remediation of Land;
- State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development
- Warringah Local Environmental Plan 2011;
- Warringah Development Control Plan 2011;
- Dee Why Town Centre Master Plan (July 2013);
- Warringah Section 94A Development Contributions Plan; and
- Other relevant adopted Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the Application as well as public submissions. The assessment concludes that the proposal does not result in any unreasonable impacts on surrounding and adjoining properties, subject to the conditions contained within the recommendation.

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

- Consistent with the objectives of the DCP;
- Consistent with the zone objectives of the LEP;
- Consistent with the aims of the LEP;
- Consistent with the objectives of the relevant EPIs; and
- Consistent with the objects specified in section 5(a)(i) - (viii) of the Environmental Planning and Assessment Act 1979.

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

RECOMMENDATION - APPROVAL

THAT the Joint Regional Planning Panel grant Development Consent to DA No. 2013/1519 for an overall concept plan approval and Stage 1 development comprising demolition and removal of all existing buildings and most vegetation (including some trees on the footpath), re-subdivision of the land into 2 parcels (one with frontage to Sturdee Parade and one with frontage to Pacific Parade) with easements for drainage and garbage truck access, and the construction of the residential flat building fronting Sturdee Parade at Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, DEE WHY NSW 2099, subject to the conditions in Attachment A

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

Stage 1 of the development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's Stamp				
Drawing Title	Drawing No.	Rev	Dated	Prepared By
Cover Sheet	DA 0.01	A	19/11/2013	Marchese Partners International Pty Ltd
Site Analysis	DA 0.02	A	19/11/2013	Marchese Partners International P/L
Demolition Plan	DA 0.03	A	19/11/2013	Marchese Partners International P/L
Landscape and Open Space Plan	DA 0.04	A	19/11/2013	Marchese Partners International P/L
Site Plan	DA 1.01	A	19/11/2013	Marchese Partners International P/L
Level B1 Plan	DA 1.02	D	05/05/2014	Marchese Partners International P/L
Level B2 Plan	DA 1.03	E	05/05/2014	Marchese Partners International P/L
Level B3 Plan	DA 1.04	A	19/11/2013	Marchese Partners International P/L
Ground Floor Plan	DA 1.05	A	19/11/2013	Marchese Partners International P/L
Level 1 & 2 Plan	DA 1.06	A	19/11/2013	Marchese Partners International P/L
Level 3 Plan	DA 1.07	A	19/11/2013	Marchese Partners International P/L
Level 4 Plan	DA 1.08	A	19/11/2013	Marchese Partners International P/L
Level 5 Plan	DA 1.09	A	19/11/2013	Marchese Partners International P/L
Level 6 Plan	DA 1.10	A	19/11/2013	Marchese Partners International P/L
Level 7 Plan	DA 1.11	A	19/11/2013	Marchese Partners International P/L
Roof Plan	DA 1.12	A	19/11/2013	Marchese Partners International P/L
Pre & Post Adaptable Units	DA 1.13	A	19/11/2013	Marchese Partners International P/L
North and South Elevations	DA 2.01	A	19/11/2013	Marchese Partners International P/L
East and West Elevations	DA 2.02	A	19/11/2013	Marchese Partners International P/L
Section Through Car Park Ramp	DA 3.01	A	19/11/2013	Marchese Partners International Pty Ltd
Section Through Communal Open Space	DA 3.02	A	19/11/2013	Marchese Partners International Pty Ltd
Pacific Parade Ramp Detail	DA 3.03	A	19/11/2013	Marchese Partners International P/L
Sturdee Parade Ramp Detail	DA 3.04	A	19/11/2013	Marchese Partners International Pty Ltd
Shadow Diagrams 01-06	DA 4.01-06	B	05/05/2014	Marchese Partners International P/L
Exterior Material Finishes	DA 5.01	A	19/11/2013	Marchese Partners International Pty Ltd
Ground Setback Analysis	DA 6.01	B	05/05/2014	Marchese Partners International P/L
Level 1 & 2 Setback Analysis	DA 6.02	B	05/05/2014	Marchese Partners International Pty Ltd
Level 3 & 4 Setback Analysis	DA 6.03	B	05/05/2014	Marchese Partners International Pty Ltd

Engineering Plans				
Drawing Title	Drawing No.	Rev	Dated	Prepared By
Stormwater Services Cover Sheet & Legend	SW-000	B	29/11/2013	Insync Services Pty Ltd
Site Stormwater Services Plan	SW-001	B	29/11/2013	Insync Services Pty Ltd
In-ground Basement 3 Stormwater Services Plan	SW-002	B	29/11/2013	Insync Services Pty Ltd
Basement 3 Stormwater Services Plans	SW-003	B	29/11/2013	Insync Services Pty Ltd
Basement 2 Stormwater Services Plans	SW-004	B	29/11/2013	Insync Services Pty Ltd
Basement 1 Stormwater Services Plans	SW-005	B	29/11/2013	Insync Services Pty Ltd
Ground Level Stormwater Services Plan	SW-006	B	29/11/2013	Insync Services Pty Ltd
Level 1 Stormwater Services Plans	SW-007	B	29/11/2013	Insync Services Pty Ltd
Level 2 Stormwater Services Plans	SW-008	B	29/11/2013	Insync Services Pty Ltd
Level 3 Stormwater Services Plans	SW-009	B	29/11/2013	Insync Services Pty Ltd
Level 4 Stormwater Services Plans	SW-010	B	29/11/2013	Insync Services Pty Ltd
Level 5 Stormwater Services Plans	SW-011	B	29/11/2013	Insync Services Pty Ltd
Level 6 Stormwater Services Plans	SW-012	B	29/11/2013	Insync Services Pty Ltd
Level 7 Stormwater Services Plans	SW-013	B	29/11/2013	Insync Services Pty Ltd
Roof Level Stormwater Services Plan	SW-014	B	29/11/2013	Insync Services Pty Ltd
Site Stormwater Catchment Plan	SW-015	B	29/11/2013	Insync Services Pty Ltd
Sturdee Parade Site Sediment and Erosion Control Plan	SW-016	B	29/11/2013	Insync Services Pty Ltd
Pacific Parade Site Sediment and Stage 1 of the Control Plan	SW-017	B	29/11/2013	Insync Services Pty Ltd

Landscape Plans				
Drawing Title	Drawing No.	Revision	Dated	Prepared By
Title Page and Drawing Schedule	LAN_D_000	F	12/12/2013	360 Degrees Landscape Architects
Site Plan	LAN_D_100	E	12/12/2013	360 Degrees Landscape Architects
Stage 1 Landscape Plan	LAN_D_101	F	12/12/2013	360 Degrees Landscape Architects
Stage 2 Landscape Plan	LAN_D_102	F	12/12/2013	360 Degrees Landscape Architects
Planting Schedule and Palette	LAN_D_103	E	12/12/2013	360 Degrees Landscape Architects

Reports / Documentation – All Recommendations and Requirements Contained Within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Environmental Effects	December 2013	Boston Blyth Fleming Pty Ltd
DA Acoustic Assessment	11/12/2013	Acoustic Logic Consultancy Pty Ltd
Waste Management Plan	13/11/2013	Elephants Foot Waste Compactors Pty Ltd
Hydraulic Services DA Report	02/12/2013	Insync Services Pty Ltd
Traffic and Parking Assessment Report	17/12/2013	Varga Traffic Planning Pty Ltd
Arboricultural Impact Assessment	25/11/2013	Footprint Green Pty Ltd
Geotechnical Investigation Report	02/12/2013	JK Geotechnics
Access Report	26/11/2013	Accessibility Solutions (NSW) Pty Ltd
Building Code of Australia Assessment Report	10/12/2013	City Plan Services Pty Ltd
Overland Flow / Flood Study	December 2012	CPM Engineering
SEPP 65 Design Verification Statement	12/12/2013	Marchese & Partners International Pty Ltd

- b) A separate Development Application is required for Stage 2 of the development. Any further application for the residential flat building comprising Stage 2 must provide for:
 - i. Deletion of Level 7 of the proposed Stage 2 (Pacific Parade) building; and
 - ii. Compliance of the lift overrun with the 21 metres maximum height limit (when measured from the existing ground level).
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent as approved in writing by Council.
- d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

2. Compliance with Other Department, Authority or Service Requirements

Stage 1 and 2 of the development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Energy Aust Referral	7 th January 2014

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

4. General Requirements

- a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- o 7:00am to 5.00 pm inclusive Monday to Friday,
- o 8:00 am to 1:00pm on Saturday,
- o No work on Sundays and Public Holidays.

Demolition (including tree removal) and excavation works

- o 8:00 am to 5:00pm Monday to Friday only.

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

- b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- i) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the

development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- l) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents

5. Waste Management Details

The following waste management details must be complied with:

- a) The bin room for the Sturdee Parade building must accommodate 12 x 660L garbage, 9 x 660L paper recycling and 6 x 660L bottle recycling bins.
- b) The width of the door on the garbage rooms must be a minimum of 1.9m wide. The door must not be lockable and be able to be latched in an open position.
- c) The pathway between the garbage rooms and the garbage collection/loading areas must be concrete and free of obstructions.

Reason: To ensure appropriate site facilities for the development

6. Clothes Drying Facilities

All Ground Floor Units provided with landscaped private open space areas shall be provided with adequate open air clothes drying facilities, which are suitably screened from communal open space areas, public places and streets

Reason: To ensure site facilities are reasonably provided for dwellings within the development.

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls - Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$54,949,434.50		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$517,697
Section 94A Planning and Administration	0.05%	\$27,247
Total	1%	\$544,944

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

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

8. Bonds

a) Security Bond

A bond (determined from cost of works) of \$10,000.00 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

b) Construction, Excavation and Associated Works Bond (Road)

A Bond of \$33,000.00 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

c) Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$40,000.00 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

d) Construction, Excavation and Associated Works Bond (Crossing/Kerb)

A Bond of \$25,000.00 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

e) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$10,000.00 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

f) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$5,000.00 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

g) Construction, Excavation and Associated Works Bond (Maintenance for Civil Works)

The developer/applicant must lodge with Council a Maintenance Bond of \$ 10,000.00 for the construction of kerb & gutter, pavement, drainage and footpath. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

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

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

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

9. Amendment of Plans

The approved plans are to be amended as follows:

- a) Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m³ for one bedroom units and 8m³ for two bedroom units.
- b) Separate courtyard entries are to be provided to each of the Stage 1 ground floor apartments, except for those with a wintergarden.
- c) All glass louvers associated with the wintergardens of Units Nos. 1.01-1.08 on Levels 1 & 2 and Units Nos. 3.05-3.08 on Level 3 must not be opaque.
- d) The approved Landscape Plans, Drawing Nos. LAN_D_001, Revision E and LAN_D_101 and LAN_D_102, Revision F dated 12 December 2013 are to be amended to incorporate planting up to 1 metre in height along the Sturdee Parade frontage of the site as follows:
 - i) Planting to be located in the road reserve between the property boundary and the footpath.
 - ii) Planting to be incorporated along the length of the site frontages, with the exception of areas required for vehicular or pedestrian access.
 - iii) Details are to be provided to the nominated Certifying Authority for approval prior to issue of a construction certificate.

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

Reason: To improve the streetscape appearance to Sturdee Parade.

10. **Adaptable Units**

The proposed residential flat building shall comply with the requirements of AS1428 – Design for Access and Mobility and AS4299 – Adaptable Housing in respect to the provision and design of dwellings for adaptable housing.

Reason: To meet the requirements of AS1428 and AS4299.

11. **Flood**

In order to protect occupants from flood inundation the following is required:

- a) **Minimum Floor Level**
The finished floor level of the ground floor apartments must be set at or above the Flood Planning Level of 21.25m AHD.
- b) **Flood Protection**
All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the flood planning level of 21.25m AHD. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements including the building, air-conditioning units and waste and recycling bins are to be prepared by a suitably qualified Engineer.
- c) **Habitable Rooms**
No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the flood planning level of 21.25m AHD.
- d) **Hazardous Chemicals**
Hazardous Chemicals are not to be stored in areas under the flood planning level of 21.25m AHD.
- e) **Basement Car Park**
The basement car park entry ramp must be set with a crest at the Flood Planning Level of 21.25m AHD.

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

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. (DACNEC09)

12. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

a) Trees approved for Removal

This consent includes approval to remove all trees nominated on the tree removal plan (AIATR 2.01 – Proposed Development Tree Retention and Report) in the Aboricultural Impact Assessment prepared by Footprint Green Pty Ltd dated 25 November 2013.

b) Tree Protection and Pruning

- i) No tree roots greater than 50mm diameter are to be cut unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites.
- iv) All tree protection measures are to be in place prior to commencement of works.
- v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.
- vi) Tree pruning is not to exceed 15% of any existing tree canopy.
- vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

13. Contaminated Land Requirements

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority.

The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Reports Geotechnical Investigations, Reference No. 25498SM1rpt, prepared by JK Geotechnics dated 2 December 2013 are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Warringah Council and the Principal Certifying Authority.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:
 - i) During construction in order to monitor water and soil quality the following is to be implemented:

- A. Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
 - B. Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
- ii) The requirements of (A) and (B) above are to be implemented from the commencement of works as follows:
 - A. Fortnightly during excavation works
 - B. Monthly during building works
- e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

- f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- i) Protection of the Environment Operations Act 1997; and
 - ii) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- g) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.
- Note:** The following standards applied at the time of determination:
 - i) Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
- h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:
 - 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (*) site at (*), to the subject premises.
 - Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
 - Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in accordance with the Department of Environment & Climate Change's guidelines).

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

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPCC6)

14. On-site Stormwater Detention Compliance Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept JRPP (Sydney East Region) Business Paper – Item 2 – 17 July 2014 – JRPP Reference Page 51

drawing prepared by INSYNC SERVICE. The concept stormwater management plans must be certified by a Civil Engineer who has membership to the Institute of Engineers Australia and is a NPER (National Professional Engineers Register)

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

15. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

16. Stormwater Disposal

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater management from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Council pit located on the north side of Pacific Parade. A S138 Road Act approval for works on public Road will be required.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACENC06)

17. Submission of Engineering Plans

Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the reconstruction of kerb & gutter, road shoulder, 375 mm pipe & pit drainage and 1.5 meters concrete footpath which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

STAGE ONE (1) the following works are required:

- Reconstruction of kerb & gutter along the full frontage of the development in Sturdee Parade.
- Existing footpath shall be reconstructed to 1.5 m wide for the full frontage of the development site.
- Vehicular crossing profile to Council standards and to ensure a crest level for the driveway to basement and floor level be at or above 25.4 AHD.
- The entry to garbage service area must also comply with a crest level of 25.4 AHD.
- All driveway access to the development must comply with AS2890.1
 - Construction of pipe drainage system from the out let to the stormwater management for the stage one development to Council pit located on the north side of Pacific Parade.
 - Traffic management plans for the proposed road works.

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

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

18. Sub-Soil Seepage

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage pit and is to be carried out in accordance with relevant Australian Standards.

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

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

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

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACENC10)

19. Vehicle Driveway Gradients

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

20. Waterproofing/Tanking of Basement Level

The basement area is to be permanently tanked or waterproofed. Details of the waterproofing/tanking are to be prepared by a suitably qualified Engineer.

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the Department of Water and Energy. The bore license must be obtained prior to commencement of dewatering works. All requirements of the Department of Water and Energy are to be complied with and a copy of the approval must be submitted to the Certifying Authority.

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

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements. (DACENC14)

21. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

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

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

Reason: Safety. (DACENC19)

22. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

23. Compliance with Standards

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

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

- a) AS2601.2001 - Demolition of Structures**
- b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- d) AS 4373 - 2007 'Pruning of amenity trees' **
- e) AS 4970 - 2009 'Protection of trees on development sites'***
- f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- n) AS 1668 The use of mechanical ventilation

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

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

24. Public Liability Insurance - Works on Public Land

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

25. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a) The building, retaining walls and the like have been correctly positioned on the site; and
- b) The finished floor level(s) are in accordance with the approved plans.

Reason: To ensure the building is set out to as approved.

26. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled Waste Management Plan – Mixed Development Sturdee Parade Dee Why NSW and dated 13 November 2013.

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

27. Waste/Recycling Requirements (Materials)

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

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

28. Trees Condition

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

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

- i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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

Reason: Protection of Trees. (DACLA03)

29. Progress Certification (Road & Subdivision)

For stage one and two written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.

- a) Silt and sediment control facilities
- b) Laying of stormwater pipes and construction of pits
- c) Sub-grade trimmed and compacted
- d) Base-course laid and compacted
- e) Kerb and gutter construction
- f) Pavement
- g) Landscaping and vegetation
- h) Clean-up of site, and of adjoining Council roadway and drainage system.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works (see www.warringah.nsw.gov.au). (DACENE02)

30. Stormwater Pipeline Construction

Where connection to Council's nearest stormwater drainage system is required, being north side of Pacific Parade, the applicant shall construct the pipeline in accordance with Council's specification for engineering works (see www.warringah.nsw.gov.au) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works (DACENE03)

31. Vehicle Crossings and Driveway

The provision of Normal vehicle crossings 6.5 metres wide for both stages in accordance with Warringah Council Drawing No A4-3330/1 and specifications. The crossing approval will form part of S 138 Road Act approval for each stage. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

The driveway is to reduce in width to 6m at the property boundary.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

32. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

33. Footpath Construction

The applicant shall construct 1.5 m concrete foot path along full frontage of the development with Sturdee Parade (Stage1). The works shall be in accordance with the following:

- a) All footpath works are to be constructed in accordance with Council's minor works policy
- b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath

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

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

34. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

35. Notification of Inspections

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

- a) Installation of Silt and Sediment control devices
- b) Prior to backfilling of pipelines
- c) Prior to pouring of stormwater gully pits
- d) Prior to pouring of kerb and gutter
- e) Subgrade level / basecourse level
- f) Sealing road pavement
- g) Footpath formwork inspections

Note: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

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

36. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

37. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- a) Statement of Environmental Effects, dated December 2013, prepared by Boston Blyth Fleming Pty Ltd.
- b) Acoustic Assessment, dated 11 December 2013 prepared by Acoustic Logic Consultancy Pty Ltd.
- c) Access Report, dated 26 November 2013, prepared by Accessibility Solutions (NSW) Pty Ltd.
- d) Building Code of Australia Assessment Report, dated 10 December 2013, prepared by City Plan Services Pty Ltd.
- e) Geotechnical Investigation Report, dated 2 December 2013, prepared by JK Geotechnics.
- f) Arboricultural Impact Assessment, dated 25 November 2013, prepared by Footprint Green Pty Ltd.
- g) Overland Flow / Flood Study, dated December 2012, prepared by CPM Engineering.

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

Reason: To ensure compliance with standards. (DACHPF04)

38. Fulfilment of BASIX Commitments

The Applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

Reason: To confirm compliance with legislation

39. Garbage and Recycling Facilities

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

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

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

40. Waste/Recycling Compliance Documentation

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

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

41. Positive Covenant for Waste Services

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

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

42. Authorisation of Legal Documentation Required for Waste Services

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

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

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

43. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required	Species	Location	Minimum Pot Size
All trees	As indicated on Landscape Plans Drawing Nos. LAN-D-101 F, LAN-D-102 F, LAN-D- 103 E dated 12/12/2013	As indicated on the Landscape Plans	As indicated on the Landscape Plans
5	<i>Tristaniopsis laurina</i>	Within the Sturdee Parade road reserve between the western boundary of the site and the entry/driveway at the eastern end, generally in alignment with other street trees.	75 litre
2	<i>Lophostemon conferta</i>	Within the Pacific Parade road reserve, generally in alignment with other street trees.	75 litre

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

Reason: To maintain environmental amenity. (DACLAF01)

44. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

45. Registration of Encumbrances for On-site Stormwater Detention

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

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

Reason: To identify encumbrances on land. (DACENF02)

46. Restriction as to User for On-site Stormwater Detention

A restriction as to user for each stage shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

47. Certification of Drainage Works and Works As Executed Data

The Civil Engineer responsible for the supervision of the civil drainage works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed data certified by a registered surveyor prepared in accordance with Council's requirements is to be provided to Council. Full details of the information to be submitted to Council, as part of the Works as Executed Data, are outlined in Council's 'Guideline for preparing Works as Executed data for Council stormwater assets' which is available from Council's Natural Environment Unit. The Works as Executed data is to be verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not be limited to the following:

- Works As Executed (WAE) plan
- a Spreadsheet Schedule of all stormwater asset attributes and
- a CCTV Report of the completed pipeline

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

48. On-Site Stormwater Detention Compliance Certification

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

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

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

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

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed for each stage.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

50. Positive Covenant for On-site Stormwater Detention

A positive covenant for each stage shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

51. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user for each stage, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

52. Post-Construction Dilapidation Survey

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

53. Removal of All Temporary Structures/Material and Construction Rubbish

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

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

Reason: To ensure bushland management. (DACPLF01)

54. Consolidation and Subdivision of Lots

Lot 1 in DP 776401, Lots 8-9 in DP 8207 & Lots 23-25 in DP 8207 shall be consolidated into one (1) allotment. The consolidated allotment shall then be subdivided into two (2) equal sized allotments (one fronting Sturdee Parade and one fronting Pacific Parade) (with a stratum lot and appropriate easements for drainage and garbage truck access) and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands).

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

Reason: To ensure development is not constructed over property boundaries. (ACPLF02)

55. Secure Entry and Intercom

The basement car park entry is to be secured by security gate/roller shutter.

An audio visual intercom system must be provided at the lobby and to access the secure parking areas.

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

Reason: To ensure convenient access is available for visitors to the building. (DACPLF05)

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

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (<http://auspost.com.au/media/documents/address-presentation-standard.pdf>).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table attached to this consent.

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

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

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

Reason: To ensure consistent numbering for emergency services access. (DACPLF05)

57. Fire Safety Matters

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

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

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

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

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

58. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated for Stage 1 as follows:

107	Residential
20	Residential - Visitors
2	Spaces for persons with a disability

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

Tandem / stacked parking spaces are not acceptable unless both spaces are allocated to the one unit.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

59. Bicycle Parking

Bicycle parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated for Stage 1 as follows:

49	Residential
8	Residential - Visitors

Each bicycle parking space allocated to a particular unit / tenancy shall be either numbered or signposted to indicate the unit / tenancy to which it is allocated.

Reason: To ensure that adequate bicycle parking facilities to service the development are provided.

60. Visitor Car parking

Visitor car parking must be permanently available, freely accessible and clearly marked / signposted. The visitor car parking spaces area not to be allocated to individual units / tenancies.

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

Reason: To ensure visitor carparking is available at all times and is clearly identified. (DACPLG02)

61. Vehicle Egress Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to come to a complete stop before proceeding onto the public way.

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

Reason: To ensure pedestrian safety. (DACPLG03)

62. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

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

Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)

63. Parking Enclosure

No parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

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

Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards. (DACPLG05)

64. Landscaped Open Space

Landscaped open space within the front, side and rear setbacks shall not be fenced / divided to provide exclusive use for any individual occupancy.

Reason: Ensure common landscaped open space is maintained and compliant with WDCP. (DACPLG07)

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

65. Survey Plan – Construction Identification

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.

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

Reason: To ensure accurate location of buildings, access and services (DACENH12)

66. Sydney Water Compliance Certification

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site 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 Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACENH13)

67. Electrical Substations

The applicant shall dedicate the land required for an electricity sub-station as a public road, if requested by the energy authority. The substation must be located within the subject site. The dedication is to be detailed on the final plan of subdivision, to be submitted to Council with the application for a Subdivision Certificate.

Reason: To comply with statutory requirements of the energy authority. (DACENH19)

68. Subdivision Certificate Application

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council for stage one (1). Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919. (DACENH24)

69. Title Encumbrances

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Warringah Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land. (DACENHS14)

Attachment B – Objectors to the Proposed Development

Name	Address
Ms Sharon Austin	15A Ryrie Avenue, Cromer NSW 2099
Mr Paul Chapman	31 Pacific Parade, Dee Why NSW 2099
Mr Peter Clark	20 Bungan Street, Mona Vale NSW 2103
Mr James Craighead	22 Pacific Parade, Dee Why NSW 2099
Mr Ashley Fletcher	10 Sturdee Parade, Dee Why NSW 2099
Ms Melanie Hamilton	19 Sturdee Parade, Dee Why NSW 2099
Ms Maureen Inwood	24 Sturdee Parade, Dee Why NSW 2099
Mrs Ziling Liu	10 Sturdee Parade, Dee Why, NSW 2099
Ms Kylie MacFazean	31 Pacific Parade, Dee Why, NSW 2099
Mr Michael Maitland	14 Robertson Street, Narrabeen NSW 2101
Mr Valdo Markovic	10 Sturdee Parade, Dee Why NSW 2099
Mrs Anne Nicholson	11 Mooramba Road, Dee Why NSW 2099
Mr Aaron Sealey	11 Pacific Parade, Dee Why NSW 2099
Ms Susanne Tonkin	10 Sturdee Parade, Dee Why NSW 2099
Ms Sandra Warnes	25 Sturdee Parade, Dee Why NSW 2099
Ms Karen Wong	PO Box 560, Broadway NSW 2007
Cannings and Company Pty Ltd	PO Box 6013 DC, Frenchs Forest NSW 2086
Mr Don & Kerry Carlill	10 Sturdee Parade, Dee Why NSW 2099
Mr Darren and Lorraine Cunliffe	10 Sturdee Parade, Dee Why NSW 2099
Dynamic Property Services Pty Ltd	Level 5, 162 Goulburn Street Sydney NSW 2000
The Executive Committee – Body Corporate	31-37 Pacific Parade, Dee Why NSW 2099
D Naylor	10 Sturdee Parade, Dee Why NSW 2099
Ms Anne Poole	10 Sturdee Parade, Dee Why NSW 2099
Mrs Ashken Setikian	10 Sturdee Parade, Dee Why NSW 2099
Ms Joanne Symon	10 Sturdee Parade, Dee Why NSW 2099

Please note that three (3) of the submissions received requested that their personal details remain private.