

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-342
<b>DA Number</b>	DA2022/1510
<b>LGA</b>	Northern Beaches
<b>Proposed Development</b>	Demolition works and Construction of a mixed use development to accommodate a café, church, conference centre, boarding house and two level of basement car park.
<b>Street Address</b>	Part Lot 28 DP 7413, 9 Francis Street DEE WHY NSW 2099 Part Lot 28 DP 7413, 28 Fisher Road DEE WHY NSW 2099 Part Lot 28 DP 7413, 28 Fisher Road DEE WHY NSW 2099
<b>Applicant/Owner</b>	The George Group Pty Ltd Baptist Churches of NSW Property Trust
<b>Date of DA lodgement</b>	28/09/2022
<b>Number of Submissions</b>	19
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	State Environmental Planning Policy (Planning Systems) 2021, Schedule 6 (5) Private infrastructure and community facilities over \$5 million
<b>List of all relevant s4.15(1) (a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• State Environmental Planning Policy (Hazards and Resilience) 2021</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021 (SEPP Housing)</li> <li>• Warringah Local Environmental Plan 2011 (WLEP 2011)</li> <li>• Warringah Development Control Plan 2011 (WDCP)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>- Attachment 1 - Recommended Conditions of Consent</li> <li>- Attachment 2 - Design Sustainability Panel Comments</li> <li>- Attachment 3 - Applicant's response to DSAP Comments</li> </ul>
<b>Clause 4.6 requests</b>	- Nil
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>- Overdevelopment of the site and a lack of car parking.</li> <li>- Construction impacts on neighbouring properties and the local road network.</li> <li>- Amenity implications to neighbouring residential and commercial premises.</li> </ul>
<b>Report prepared by</b>	Azmeena Kelly, Acting Director - Planning and Place
<b>Responsible Officer</b>	Jordan Davies, Principal Planner
<b>Report date</b>	22 May 2022

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **YES**

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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **YES**

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **N/A**

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**Conditions**

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **YES**

## EXECUTIVE SUMMARY

This application has been assessed by Northern Beaches Council and is put to the Sydney North Planning Panel (SNPP) for determination pursuant to Schedule 6 (5) *Private infrastructure and community facilities over \$5 million* of the State Environmental Planning Policy (Planning Systems) 2021, as the affordable housing component of the development has a Capital Investment Value over \$5 Million, being \$14,598,807.75.

The application seeks to demolish all existing improvements across two sites and construct two new buildings comprising a church, cafe and conference centre, and a 51 room boarding house (plus manager's residence) to be used as affordable housing and managed by a registered community housing provider.

This application is the proponents second attempt at developing the land, with the first being DA2020/1167 which sought consent for a church, cafe and conference centre, and 80 boarding rooms. That scheme sought a number of variations to controls contained within the Warringah Local Environmental Plan 2011 (WLEP 2011) and the Warringah Development Control Plan 2011 (WDCP 2011). The proposal was also assessed under the provisions of the (now repealed) State Environmental Planning Policy (Affordable Rental Housing) 2009. That application was ultimately refused by the SNPP on 10 August 2021.

The circumstances of this current application are different. The proposal is now assessed under the provisions of the State Environmental Planning Policy (Housing) 2021 to which the proposal conforms with, alongside the requirements of the WLEP 2011 and WDCP 2011 to which the proposal also complies with.

Significant changes have been made between the previous and current Development Application (DA) notably including a 37.5% reduction in boarding rooms and a decrease in building height. Also of significance is the fact that this DA does not seek to vary any principal development standards or built form controls, and instead proposes a built form that is consistent with what could readily be expected to be built on the site.

Achieving a compliant development on this site is complex in that it straddles two different zones with different building controls, and that half of the land falls within the established Dee Why Town Centre. The eastern half of the site fronting Fisher Road is within the MU1 Mixed Use zone (formally B4 Mixed Use) and is in the town-centre. The western half of the site fronting Francis Street is within the R3 Medium Density Residential zone. The differences required by these two zones is addressed by the building's layout, height, and separation into two pavilions.

During the public exhibition of the DA, Council wrote to 460 surrounding neighbours and businesses alerting them of the proposal. In response to that exhibition Council received 15 submissions objecting to the application and four (4) in support. The submissions in objection were generally from neighbours in the buildings to the south who were concerned about the proportions of the building and its extent of overshadowing, along with amenity impacts generated both during the construction of the building and the future operation of the church. Notably, the neighbouring building on Fisher Road accommodates a number of small specialised medical practices that have specific requirements in order to reasonably operate (i.e., minimal acoustic intrusion and the like).

This assessment acknowledges that there will be impacts on neighbouring properties during the construction process, however the extent of impact must be reasonably expected and is consistent with any other development within a dense urban environment. In attempt to mitigate the impacts to

neighbouring properties, specific conditions regarding the hours of construction (particular heavy works) have been imposed, alongside the requirement to produce Demolition and Construction Traffic Management Plans.

On-going impacts associated with the development are also assessed as being reasonable. The impacts caused by the built form are consistent with what can reasonably be expected to be developed on the land. In this particular instance, the biggest impact is considered to be the overshadowing of neighbouring properties, and it is found that the only way to minimise that impact would be to substantially reduce the height of the building (by more than half) which does not represent an economically sound use of the land.

Where an impact has been identified, it is assessed in detail within this report.

The proposal is in the public interest as it provides for a significant volume of genuine affordable housing within a well located town-centre. The development would provide housing for 102 boarders in need of affordable accommodation. There are no other known locations within the Dee Why Town Centre that provide genuine affordable housing. The primary difference between this proposal and the other boarding houses that are in Dee Why is the fact that this one is to be operated into perpetuity by a registered community housing provider, rather than the previous form of 'affordability' under the older SEPP which did not regulate rental amounts on boarding rooms.

The provision of affordable housing is a universally identified need, and this proposal goes a considerable way to increasing the volume of housing in a well located area.

This report concludes that, on balance, the proposal has sufficient merit to be recommended for APPROVAL to the SNPP, subject to the special and standard conditions attached to the Recommendation.

## **PROPOSED DEVELOPMENT IN DETAIL**

The DA seeks development consent for the following works:

- Demolition of all existing structures;
- Construction of a mixed-use development; comprising of a three-storey building and a five-storey building, accommodating a café, church and conference centre, and a 51-room boarding house plus a managers' residence;
- Multi-purpose and overnight assistance areas on the top floor (associated with the church);
- Indoor and outdoor communal open space (including a rooftop communal open space) totalling 725m<sup>2</sup>;
- Two level basement accommodating 31 car parking spaces, 12 motorcycle spaces and 15 bicycle spaces, all accessed via Francis Street. Storage areas also located at the basement level.

The boarding house is described as genuine affordable housing in that it is to be managed by a registered community housing provider.

The operation of the building as follows:

- Boarding house comprised of 51 Rooms (plus managers residents) to accommodate 102 residents (plus a manager) to be governed by the plan of management;
- Hours of operation for the church between 7am and 10pm (as outlined in the Acoustic Report);
- Hours of operation for the cafe between 6am and 6pm.



*\*Note - A condition of consent is recommended that an updated plan of management be provided for the boarding house to reference the correct room numbers and capacity.*

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 6.2 Earthworks

Warringah Local Environmental Plan 2011 - 7.4 Development must be consistent with objectives for development and design excellence

Warringah Local Environmental Plan 2011 - 7.5 Design excellence within Dee Why Town Centre

Warringah Local Environmental Plan 2011 - 7.12 Provisions promoting retail activity

Warringah Development Control Plan - C8 Demolition and Construction

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D6 Access to Sunlight

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - 8 Car Share

## SITE DESCRIPTION

<b>Property Description:</b>	Part Lot 28 DP 7413 , 9 Francis Street DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099
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**Detailed Site Description:**

The subject site consists of two allotments known as Lot 28 in DP 7413 (being 28 Fisher Road, Dee Why) and Lot 43 in DP 7413 (being 9 Francis Street, Dee Why). Together these two lots form the site the subject of this assessment.

28 Fisher Road falls within the MU1 Mixed Zone (formally B4 Mixed Use zone and B4 at time of Lodgement of the DA) and the Dee Why Town Centre pursuant to the WLEP 2011. That lot is rectangular in shape with a surveyed area of 695m<sup>2</sup>. The site presently accommodates a two storey 'A-Frame' church building and a two-storey blonde brick building to the rear. The blonde brick building straddles 28 Fisher Road and 9 Francis Street.

9 Francis Street falls within the R3 Medium Density Residential zone and is not within the Town Centre. The lot is rectangular in shape and has dimensions identical to 28 Fisher Road. The site accommodates half of the aforementioned blonde brick building and at-grade car parking which is used in conjunction with the church.

The site is generally free of any significant landscaped elements and is predominantly finished in hard non-permeable surfaces.

Topographically the site falls from the west to east by approximately 4m via a gradual slope. There are no known or readily visible rock outcrops above the surface of the ground.

**DESCRIPTION OF SURROUNDING DEVELOPMENT**

North of the site on Fisher Road is a two-storey commercial building with a cafe facing the street. To the north on Francis Street is a four-storey residential flat building comprising of 12 residential apartments.

South of the site on Fisher Road is a large two-storey commercial development known as 22-26 Fisher Road which accommodates restaurants, offices, health consulting rooms and other commercial / retail offerings. The building has some first-floor balconies looking north towards the site. To the south on Francis Street is a two-storey residential flat building over basement car parking comprised of six residential units.

The wider surrounding area is generally characterised by residential flat buildings, commercial buildings, a KFC restaurant, police station, and another church to the east.

Map:



## SITE HISTORY

This current DA is the Applicant's second attempt to develop the site, with the relevant history of the previous application detailed below:

### Development Application no. 2020/1167

This DA was lodged with Council on 22 September 2020 for demolition works and construction of a mixed-use development comprising a Church and Boarding House. The boarding house component comprised 80 rooms plus one manager's room. The public exhibition of the application attracted 16 submissions in support, and 22 in opposition.

The application was reported to the SNPP on 27 January 2021 with a recommendation for refusal. The Panel deferred the determination of the application, with the instruction for Council and the Applicant to meet and discuss Council's and the objectors' concerns with a view to amend the application to resolve outstanding differences.

A number of revised schemes were presented to Council in response to the feedback from the SNPP. The ultimate revised plans were submitted on 22 April 2021 and included a reduction in boarding rooms from 80 to 70; amendments to building facades; reduction in car parking spaces; increased side setbacks; alongside numerous layout changes throughout the building.

The revised assessment noted a variation to the Height of Buildings development standard which, pursuant to Clause 4.6(8) of the WLEP 2011, cannot be varied which therefore warranted the refusal of the application in and of itself. Council also noted a lack of Clause 4.6 Variation Request to a breach sought to the Floor Space Ratio development standards.

Council again reported the application to the SNPP on 10 August 2021 with a recommendation for refusal. The Panel unanimously concurred with the recommendation and refused the Development

Application.

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.  The NSW employment zones reforms have been made and came into force on 26 April 2023. These reforms result in 28 Fisher Road changing from a <i>B4 Mixed Use</i> zone to a <i>MU1 Mixed Use</i> zone. The proposed use will remain permissible in the new zone and is (in any event) protected by a two year savings provision.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested as detailed in this report.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b></p>

Section 4.15 Matters for Consideration	Comments
impacts in the locality	<p>The proposed development is for affordable housing as defined by the SEPP (Housing) 2021 to be managed by a registered Community Housing Provider. The development will provide for a facility that is otherwise lacking within the Northern Beaches local government area and will be a valuable piece of social infrastructure. The land use is permissible within the zone, and the proximity of the site to the Dee Why Town Centre area and public transport opportunities increases the desirability of the site to be used for affordable housing purposes.</p> <p>The concerns raised within several submissions regarding the use of the land as affordable housing are noted, but are not agreed with, as no evidence is provided to substantiate claims that the use of the site as a boarding house would be deleterious to neighbouring amenity commensurate to a residential flat building or other land use. Of particular note is the fact that the boarding house is accompanied by an on-site manager and that residents are bound to an adopted Plan of Management.</p> <p>On balance, the proposal has a positive social impact.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 10/10/2022 to 31/10/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 19 submission/s from:



Name:	Address:
Matthew Sean McGregor	6 / 7 Francis Street DEE WHY NSW 2099
Tyler Jay Johns	12 / 10 Francis Street DEE WHY NSW 2099
Mr Paul Colin Winchester	4 / 1 Bilambee Avenue BILGOLA PLATEAU NSW 2107
Noriko Miyake	4 / 7 Francis Street DEE WHY NSW 2099
Allan William Forrest	12 / 22 Fisher Road DEE WHY NSW 2099
Simon Taylor	Address Unknown
Sarah Jean Langborne	14 / 12 - 14 Fisher Road DEE WHY NSW 2099
Mrs Lisa Marie Bousfield	C/- Denis Smith Level 1 1073 Pittwater Road COLLAROY NSW 2097
Mr Peter David Kennett	DX 9101 DEE WHY NSW
Sonam Wangmo	Address Unknown
Mr Orazio Trevisan	22 Nolan Place BALGOWLAH HEIGHTS NSW 2093
Scott Kay	6 Vista Parade BATEAU BAY NSW 2261
Thomas James Carruthers	17 / 10 Francis Street DEE WHY NSW 2099
Giorgia Orlando	3 / 7 Francis Street DEE WHY NSW 2099
Ian Wallace	31 / 22 Fisher Road DEE WHY NSW 2099
Marissa Kate Floyd	1 / 8 Alexander Street MANLY NSW 2095
Ms Fiona Laura Mackie	143 D Powderworks Road ELANORA HEIGHTS NSW 2101
Lynette Anne Saunderson	9 / 11 Francis Street DEE WHY NSW 2099
Mrs Naina Gupta	3 / 11 Francis Street DEE WHY NSW 2099

During the public exhibition of the application a total of 460 households and businesses were notified. In response to that notification, Council received 15 submissions in opposition to the application, and four (4) in support.

The submissions objecting to the application raised the following issues:

- Overdevelopment of the site and a lack of car parking.
- Construction impacts on neighbouring properties and the local road network.
- Amenity implications to neighbouring residential and commercial premises.
- Quality of accommodation provided to future residents.
- Suitability of the site for a boarding house.

The above issues are addressed as follows:

- **Overdevelopment of the site and a lack of car parking**

The submissions raised concerns that the proportions and height of the building are excessive; that the number of boarding rooms proposed is excessive; and that the number of car parking spaces provided within the development is inadequate to cater to the density of the development.

Comment:

The acceptability of the proportions of a building is largely dictated by compliance with the overarching planning controls applying to the site. In this instance, the proposal complies with

the requisite setback, height, floor space ratio and landscaping controls. The compliance achieved with these controls means that the overall proportion (that is, height, footprint and floorspace) of the building (notwithstanding the land use) is acceptable.

The proposal incorporates 51 boarding house units across the two buildings (being 10 in the Francis Street building and 41 in the Fisher Road building). The proportions of each boarding room are restricted by standards within the Housing SEPP to which the proposal complies with. It is noted that the Francis Street boarding house, which sits in the R3 zone, has 10 rooms. The apartment building to the north (which sits on land the same size) accommodates 12 apartments (being either 1 or 2 bedroom), and the building to the south accommodates six x 2 bedroom townhouses. The density and intensity of the use of the Francis Street boarding house is therefore consistent with neighbouring properties. The boarding house to Fisher Road is of a scale consistent with what is envisaged for the town centre, noting that adjoining sites are not developed to this capacity. This difference between the scale of neighbouring buildings does not warrant the refusal of the application.

The car parking requirements for the boarding house are set by clause 24(2)(i) of the Housing SEPP which sets a non-discretionary development standard in relation to the quantum of car parking spaces required to be provided, to which the development complies with. Council therefore has no authority to refuse the application on the basis of parking spaces provided to the boarding house as it conforms with the standards set out by the Department in the SEPP. Council's Traffic Engineer has reviewed the parking ratios proposed and finds that the rates are acceptable and will not have any significant or adverse impact on the local road network.

Therefore, whilst it is acknowledged that there are many more boarding rooms than car parking spaces, this matter must be assessed as satisfactory.

On balance of the proposal as a whole, the extent of development of the site is consistent with neighbouring properties and with what could reasonably be expected to be developed on the land; and the rates of car parking spaces provided are acceptable. These reasons therefore do not warrant the refusal of the application.

#### - **Construction impacts on neighbouring properties and the local road network**

The submissions raised concerns that the demolition, excavation and construction of the proposal will take an extended period of time, and during that time there will be parking impacts, acoustic and vibration impacts, and a risk of increased dust. The submissions also raise concern regarding the geotechnical information provided and the stability of adjoining land.

##### Comment:

This report fully acknowledges that if consent is granted and the building is built, it will be disruptive to neighbours and the road network. Such an expectation must be had for all developments within a town centre location (or indeed, any construction anywhere urban). Specific concern has been raised by a number of medical practitioners in the commercial block to the south, a number of whom require a quiet environment to carry out their work. The only way to stop acoustic impacts on an immediate adjoining site would be to preclude any form of development from occurring on the land which is an unreasonable and unrealistic request.

This report recommends that conditions be imposed requiring strict compliance with the relevant Australian Standards regarding best practice construction methodologies to try and mitigate impacts on neighbours. This is in conjunction with the requirement for the creation of a detailed Demolition and Construction Traffic Management Plan prior to the issuance of a Construction



Certificate.

The application is accompanied by a Geotechnical Report by a Chartered Engineer which contains a number of recommendations and requirements to protect neighbouring sites during excavation and construction. This is further buttressed by additional conditions in this report, and the requirement for pre and post dilapidation reports to be commissioned for all adjoining private properties.

Therefore, this report acknowledges that there will be a short-term impact, however that impact is not unreasonable nor unexpected. The concerns raised can be partially mitigated by way of suitable condition.

- **Amenity implications to neighbouring residential and commercial premises**

The submissions raised concerns with regard to overshadowing the adjoining properties (to the south), acoustic impacts as a result of the land use and potential privacy impacts.

Comment:

Consideration has been given to the solar access outcomes for the adjoining properties, with a detailed discussion under Clause D6 WDCP. The application is accompanied by an Acoustic report which finds the proposal to retain reasonable acoustic amenity for the surrounding sites, noting the buildings location in the town centre. Conditions will be recommended to ensure compliance with the Acoustic report and the plan of management for the boarding house. Specific conditions have been proposed to deal with the use of the church to mitigate acoustic impacts. Visual privacy is discussed within the assessment of building separation under the SEPP (Housing) 2021 discussion later within this report. The proposal provides the reasonable retention of privacy of the adjoining sites and potential future development of the two adjoining sites. The building setbacks have been provided in accordance with the Warringah DCP (particularly the boarding house building on Francis Street which is set back in compliance with the DCP side setbacks and DCP side building envelope). Overall, the proposal is not considered to result in unreasonable amenity impacts for the surrounding residential or commercial uses having regard to the location of the development within the Dee Why Town Centre and the envisaged land uses for the site permitted by the relevant planning controls.

- **Quality of accommodation provided to future residents**

The submissions raised concerns that the boarding rooms provided are too small to provide appropriate living conditions for future occupants.

Comment:

The minimum and maximum sizes of boarding rooms are dictated by the Housing SEPP which require that rooms be limited between 16m<sup>2</sup> and 25m<sup>2</sup> (for two lodgers and excluding kitchen and bathroom facilities). Whilst the boarding rooms are all on the smaller side, they comply with the minimum standards prescribed by the SEPP, and given that compliance, this matter does not warrant the refusal of the application.

- **Suitability of the site for a boarding house**

The submissions raised concerns that the site is not suitable for the purpose of a boarding house.

Comment:

A boarding house is permitted with consent in the R3 and B4 zone under the WLEP 2011, and under the prevailing Housing SEPP. The use of the land for the purpose of a boarding house

has existed for an extended period of time. Being a use that is permitted and must be reasonably expected, the use of the land for the purpose of a boarding house is suitable, and this matter does not warrant the refusal of the application.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Supported, with conditions</b></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p><b>Supported, with conditions</b></p> <p>Each of the rooms is provided an en-suite. The facility provides communal kitchens, living rooms and common open space and a laundry. There will also be an onsite manger.</p> <p>The plan of Management shows: The boarding house accommodation contains 80 rooms, including 58 accessible boarding rooms and 1 room for the boarding house manager, a communal living room and common open space, motorcycle and bicycle parking and a car parking space for the boarding house manager. Each boarding room includes kitchenette and en-suite facilities.</p> <p>The acoustic report states "51 boarding units and one manager unit (52 in total) across five floors (Ground to Level 4)." However, Environmental Health accepts the general findings and recommendations</p> <p>The proposed development poses a number of noise concerns including:</p> <ul style="list-style-type: none"> <li>• Noise from the boarding house including communal areas;</li> <li>• Noise from mechanical plant; and</li> <li>• Noise from the Church auditorium and</li> <li>• Noise from the cafe operation.</li> </ul> <p>Boarding House As part of the submission a Plan of Management for the Boarding House was provided that included noise control measures including:</p> <p style="text-align: center;"><i>The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm daily. No amplified music is permitted at ANY time within</i></p>

Internal Referral Body	Comments
	<p><i>the outdoor communal area.</i></p> <ul style="list-style-type: none"> <li>· <i>Live music will not be permissible on the premises at ANY time.</i></li> <li>· <i>No amplified music is permitted at ANY time within the outdoor communal areas.</i></li> <li>· <i>Recorded and/or amplified music is permissible indoors during daylight hours between 8:00am and 8:00pm Monday to Thursday and between 8:00am and 10:00pm Friday to Sunday; and</i></li> <li>· A complaints and incident register.</li> </ul> <p>The Plan of Management however, will require updates to better protect amenity including:</p> <ul style="list-style-type: none"> <li>· That a 24 hour telephone contact number is to be available to neighbours who wish to register a complaint or comment about the premises;</li> <li>· Signage is to be posted on the outside of the building with the contact details of the boarding house manager;</li> <li>· Measures for limiting noise from any amplified noise within the indoor communal areas;</li> </ul> <p>The applicant has also provided an acoustic report prepared by TTM Consulting Dated 12 August 2020 (Reference 20SYA0029 R01_0). updated on the 8/8/22 The Acoustic Report made extensive recommendations to ensure the risk of a noise nuisance is minimised and compliance with legislation achievable with regard to design, plant and equipment and specifically operating conditions.</p> <p>Auditorium Live Music and Entertainment Noise Limit The standard conditions relevant to entertainment noise emissions within the auditorium are summarised below:</p> <ol style="list-style-type: none"> <li>1. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and 10pm at the boundary of any affected residence.</li> <li>2. Interior noise levels are not to exceed safe hearings levels.</li> <li>3. The premises shall not conduct live entertainment after 10pm.</li> <li>4. Amplified loudspeakers shall not be directed towards any footpath or face any external openings from building boundary walls.</li> </ol> <p>Environmental Health has provided a number of conditions and supports the proposal.</p>

Internal Referral Body	Comments
Environmental Health (Food Premises, Skin Pen.)	<p><b>Supported, with conditions</b> The cafe proposed on the ground floor of the building is noted, and conditions regarding its fit-out and operation and applied.</p>
Landscape Officer	<p><b>Supported, with conditions</b> The proposal is supported with regard to landscape issues.</p> <p><u>Additional Information Comment 04/04/23:</u> The amended plans and reports are noted.</p> <p>Two trees are located in the existing carpark and one palm species is located at the Fisher Road frontage. These trees have been sighted and confirmed exempt by species or height and as such do not require consent for removal. All trees and vegetation on neighbouring properties must be retained and protected during works.</p> <p>The amended plans indicate that 20% landscaped area is now provided to the land area zoned B1, and as such meets the WDCP requirements. All proposed planting and landscape works shall be installed in accordance with the requirements outlined in the conditions of consent. All on slab landscaping shall meet Council's minimum soil depth requirements.</p> <p><u>Original Comment Summary:</u></p> <ul style="list-style-type: none"> <li>- an increase in landscaped area for the portion of the site zoned B4 was requested to comply with the 20% requirement,</li> <li>- more information was required regarding landscaping in the Plan of Management.</li> </ul>
NECC (Development Engineering)	<p><b>Supported - Subject to conditions</b></p> <p><u>UPDATED COMMENTS 22/5/23</u> A Drains model was undertaken by Council and indicated the detention tank design with 40m<sup>2</sup> of storage volume is satisfactory. As discussed with a recent meeting with the applicant the previous outstanding information will be conditioned. No objections to the development subject to conditions.</p> <p><u>Comments 18/4/2023</u> 1) A review of the DRAINS model and stormwater drainage plans has revealed a number of inconsistencies which include: -The DRAIN model OSD RLs including the Top water level , Invert Levels and Orifice RL are not consistent with the drainage plans. The orifice plate size is different . The DRAINS model requires updating to be consistent with the drainage plans. 2)The levels of the proposed kerb inlet pit are not consistent with the survey. The invert of the existing Council stormwater drainage line in Fisher road is to be confirmed by survey.</p>

Internal Referral Body	Comments
	<p>3)As previously required the following information has not been provided:</p> <p><i>In relation to the proposed new inlet pit and the 300mm stormwater outlet in Fisher Road all utility services crossings and a hydraulic grade line are to be detailed on a suitable scaled longsection. The design invert levels of the new inlet pit are also to be detailed.( Invert Level to be confirmed by survey)</i></p> <p>4) The OSD tank needs to feature an overflow pipe to prevent overflows entering the building in the event of an orifice plate blockage. (IE surcharge out of the pit grates) Additionally the OSD tank level is to be above the invert of the Council stormwater line in Fisher Road and set at a height to prevent the a flooded outlet. Hydraulic Grade line is required to demonstrate there is no flooded outlet.</p> <p>5) The design engineer is also required to sign and denote their qualifications on the stormwater drainage plans.</p> <p><u>Previous comments</u></p> <p>The stormwater concept plan by the Mesh Group has been reviewed and not supported for the following reasons:</p> <p>1) The stormwater design engineer needs to be registered in accordance with the NSW Design and Building regulation for the building type. Evidence of the engineers registration is to be provided to Council .</p> <p>2) In accordance with Councils Water management policy for development a DRAINS model is to be submitted to Council for review, noting the post development flows up and including the 1/100AEP are to be limited to state of nature flows.</p> <p>3) In accordance with section 9.7.2 of Councils Water management policy for development the minimum information as listed is to be included on amended stormwater drainage plans. The design engineer is to provide a cross check in tabulated form to council that this information has been provided. The following information must be included on amended plans.</p> <p>a) Dimensions (mm) and volume(s) (m3 ) of the proposed OSD system(s) ,</p> <p>b) Size (mm) and shape of the orifice and outlet device at the control pit . The discharge control pit is to feature an overflow escape route in the case of the orifice plate blockage.</p> <p>c) Finished floor levels of all existing and proposed structures and existing surface levels to Australian Height Datum (AHD) are to be shown on the drainage plan(s) .</p> <p>d) Plans, elevations and sections of the OSD system(s) in relation to all existing and proposed buildings and site conditions, finished surface levels and invert levels of all stormwater drainage pipes and structures, centre line level of the outlet pipe and orifice, the maximum design water level in the OSD system. Please note that all habitable</p>

Internal Referral Body	Comments
	<p>floors areas are to have a minimum 300mm free board above the OSD top water level.</p> <p>e) Longitudinal section of all pipe(s) from the OSD basin to the discharge point showing calculated flows, velocities, pipe sizes, type and class, grades, and invert levels of all pipes. The stormwater plans are to demonstrate that if the OSD outlet is fixed to a basement ceiling there is adequate vehicular head height.</p> <p>d) In relation to the proposed new inlet pit and the 300mm stormwater outlet in Fisher Road all utility services crossings and a hydraulic grade line are to be detailed on a suitable scaled longsection. The design invert levels of the new inlet pit are also to be detailed. NB all stormwater discharge from the development site are to be conveyed to Fisher Road as discharge to Francis street is against the grade and not permitted.</p> <p>4) The location of the on site stormwater detention tank is not permitted under habitable floor areas and is to be in a communal area where the tank can be accessed for maintenance operations. It also appears that a maintenance grate has a wall located over it. The designer engineer is to confirm these requirements have been achieved and there are no obstructions to maintenance grates.</p> <p>5) The submitted geotechnical report indicated the presence of groundwater during the excavation to the lower basement level as such it would be required that the basement be tanked to prevent the egress of groundwater and continuous discharge of groundwater to Councils stormwater drainage system.</p>
NECC (Flooding)	<p><b>Supported, without conditions</b></p> <p>Consent is sought for a mixed-use development including the provision of a boarding house.</p> <p>The property has a very small area of Low Flood Risk Precinct but is outside the Flood Planning Area.</p> <p>There are no applicable flood related development controls for Residential and Business development outside the Flood Planning Area.</p>
NECC (Water Management)	<p><b>Supported, with conditions</b></p> <p>No objections raised, subject to conditions as recommended.</p>
Strategic and Place Planning (Development Contributions)	<p>INTRODUCTION</p> <p>DA2022/1510 has been submitted pursuant to SEPP (Housing) 2021. The Statement of Environmental Effects states that the development seeks consent for a mixed-use development comprising:</p> <ul style="list-style-type: none"> <li>- Demolition of all existing structures onsite</li> <li>- Construction of a mixed-use development consisting of a three (3) storey building and a five (5) storey mixed-use building with a maximum building height of 16m containing a café, church and conference centre, 51 boarding house rooms plus a manager's residence</li> <li>- Multi purposes and onsite overnight assistance areas on the top floor</li> <li>- Provision of rooftop communal open space</li> <li>- Provision of a two-level basement car parking comprising 34 car spaces (including 12 accessible spaces), 11 motorcycle</li> </ul>

Internal Referral Body	Comments
	<p>spaces and 11 bicycle spaces to be accessed via Francis Street</p> <p><b>SUBJECT SITE</b> The subject site is 28 Fisher Road and 9 Francis Street, Dee Why and</p> <p><b>ASSESSMENT OF DA</b> The Dee Why Town Centre Contributions Plan 2019 (the Plan) applies increase the demand for local infrastructure levied by the Plan.</p> <p>If approved, DA2022/1510 will result in:</p> <ul style="list-style-type: none"> <li>- 52 boarding house rooms (51 rooms plus a manager's residence)</li> <li>- 228.5m<sup>2</sup> of non-residential GFA comprising café (14.3m<sup>2</sup>), con</li> </ul> <p>In relation to boarding houses, clause 26 of SEPP (Housing) 2021 stipu  <b>26 Must be used for affordable housing in perpetuity</b>  <i>(1) Development consent must not be granted under this Divi</i>  <i>(a) the boarding house will be used for affordable h</i>  <i>(b) the boarding house will be managed by a regist</i></p> <p>The Assessing Officer should apply a condition requiring the boarding</p> <p>The application states that the boarding house rooms are to be managed demonstrating that Uncle Early Property Pty Ltd is a registered community housing provider. The Community Housing online database confirms that this registration is s</p> <p>Part 2.6 of the Plan stipulates the exemptions for contributions. This income will meet this exemption and will not be levied a contribution for local infrastructure</p> <p>However, the non-residential component of the development will increase the contribution rates in Table 1 in the Plan and the indexed contribution rates published on Council's website required for 228.5m<sup>2</sup> of non-residential floorspace. A condition of consent</p> <p>The Plan identifies that contributions are attributable to the net increase in infrastructure demand. The information submitted in the application is insufficient to calculate the existing GFA of this application could be sought to update this information if the required information</p> <p><b>RECOMMENDATION</b> The Assessing Officer should apply a condition requiring the boarding</p> <p>The application is supported subject to the following condition:</p> <p>The applicant must pay a monetary contribution to Council of \$43,214.90 and comprises:</p> <ul style="list-style-type: none"> <li>- a non-residential contribution of \$43,214.90 based on 228.5m<sup>2</sup></li> </ul>



Internal Referral Body	Comments
	<p>The total amount payable will be adjusted at the time of payment in accordance with the Dee Why Town Centre Contributions Plan (as amended). Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate.</p> <p>The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Dee Why Town Centre Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed, and in place prior to the payment of the monetary contribution.</p> <p>A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.</p> <p>Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Dee Why Town Centre.</p>

Internal Referral Body	Comments
Traffic Engineer	<p><b><i>Supported, with conditions</i></b>  <b>Additional comments on amended plans - 26 April 2023</b></p> <p>The applicant has submitted amended plans which will provide a total of 30 car parking spaces plus a Loading Zone for the cafe. This still exceeds the DCP requirement of 29 spaces. It is noted that traffic signal control of the ramps is proposed. This is supported. Other than the above the changes do not impact upon the previous traffic comments a the proposal remains supported subject to conditions</p> <p><b>Original traffic comments - 14 February 2023</b></p> <p>The proposed development is for redevelopment of the site currently occupied by a Church and Community Hall at 28 Fisher Road, Dee Why. The proposed development retains a church and conference hall but also includes boarding house accommodation, café, and car park.</p> <p><b><u>Parking</u></b>  <b>1. Boarding House</b></p> <p>NSW State Environmental Planning Policy (Housing) 2021 states standards for boarding houses, the parking requirements are:</p> <ul style="list-style-type: none"> <li>i. If a relevant planning instrument does not specify a requirement for a lower number of parking spaces, at least following number of parking spaces- <ul style="list-style-type: none"> <li>a. For development on land within an accessible area – 0.2 parking spaces for each boarding room,</li> <li>b. Otherwise – 0.5 parking spaces for each boarding room.</li> </ul> </li> <li>ii. If a relevant planning instrument specifies a requirement for a lower number of parking spaces – the lower number specified in the relevant planning instrument.</li> </ul> <p>Furthermore, SEPP specifies development consent must not be granted under this Division unless the consent authority is satisfied that adequate parking has been provided for motorcycles and bicycles</p> <p>28 Fisher Road lies approx 225m from the Dee Why B-Line bus stop and is therefore deemed an accessible area. The parking requirement is therefore:</p> <ul style="list-style-type: none"> <li>· 0.2 parking spaces for each boarding room;</li> <li>· 51 units + 1 manager = 52 units</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>· <math>0.2 * 51 = 10.2</math> parking spaces + 1 manager space</li> <li>- motorcycle parking = 11 spaces (approximately 1 for each 5 units)</li> <li>- bicycle parking - 11 spaces (approximately 1 for each five units)</li> </ul> <p><i>Café</i></p> <p>The proposed size of the café is 27m<sup>2</sup>. Council's DCP for shops within the Dee Why Town Centre under Retail and Commercial specifies: 1 space per 23.8m<sup>2</sup> GLFA (4.2 spaces per 100m<sup>2</sup> GLFA).</p> <ul style="list-style-type: none"> <li>· Required spaces = <math>(27 * 4.2) / 100 = 1.13</math> spaces</li> </ul> <p><i>Church/ Community Centre</i></p> <p>Under Council's DCP, a place of public worship and community facility requires comparisons must be drawn with developments for a similar purpose. Furthermore, as a place of worship, the need for additional parking for church halls must also be addressed in relation to proposed uses and hours.</p> <p>The parking survey results provided demonstrate comprehensive investigation of the existing church and community facility and has been deemed satisfactory.</p> <p>As per applicant's report, the expected parking generation for the proposed multi-purpose conference centre and church shall be 15 spaces.</p> <ul style="list-style-type: none"> <li>· Boarding House = 10.2 spaces + 1 manager space (round up to 12 spaces)</li> <li>· Café = 1.13 spaces (round up to 2 spaces)</li> <li>· Church/ Community Centre = 15 spaces</li> <li>· Total = 29 car spaces</li> </ul> <p>The proposed development will provide a total of 33 car parking spaces, inclusive of a loading space for the café (note the loading bay is only capable of accommodating a delivery van). In addition 11 motorcycle spaces and 11 bicycle parking spaces are proposed which is deemed satisfactory.</p> <p><b><u>Garbage Collection/ Loading/ Servicing</u></b></p>

Internal Referral Body	Comments
	<p>The development provides no dedicated off street loading bay for trucks. As per the applicant's traffic report, regular service vehicles for the cafe will be accommodated within the property as a parking space has been allocated for the loading and unloading for the cafe. This space will have insufficient clearance to accommodate deliveries even by a small rigid truck however given the small scale of the cafe the majority of deliveries are anticipated to be undertaken by minivans and other vehicles which could access the Loading Bay</p> <p>The applicant's report has stated their intention to establish a Loading Zone along Francis Street in order for a private contractor to service the building's garbage collection. This aspect of the proposal is not supported a) because residential waste and recycling is serviced by Council's Waste Services team and they offer a wheel in wheel out service for waste collection, a Loading Zone is unlikely to result in the kerb space being always available for waste collection services b) commercial waste is understood to be collected from the Fisher Road frontage. In addition it is understood that the Waste Services team are not yet satisfied with the size or location of bin rooms.</p> <p>With regard to a Loading Zone on Francis Street, the previous DA lodged for this site was assessed by the traffic team as having inadequate visibility to safely accommodate the increased number of vehicle movements to and from the development's driveway due to the alignment of the road and the frequent presence of a number of parked cars uphill of the driveway. Council's Traffic team were prepared to consider the introduction of a No Parking restriction to which waste collection vehicles were exempt up hill of the developments driveway. Noting the sight distance and speed data provided by the applicants traffic consultant the No Parking zone would need to extend between the developments driveway and the northern driveway serving No.11 Francis Street. This would ensure that compliant sight lines were available to provide safe stopping distance for the observed southbound 85th percentile speed of 40.3 km/h.</p> <p><b><u>Traffic Generation</u></b></p> <p>The anticipated traffic generation for the development of 22 vehicle trips in peak periods has been reviewed and is deemed acceptable. It is noted that this traffic generation rate is not significantly higher than that observed to take place to and from the existing carpark on the site.</p> <p><b><u>Vehicular Access</u></b></p>

Internal Referral Body	Comments
	<p>The proposed vehicle ingress/egress point is on Francis Street, rear of property.</p> <p>The design of the parking area is compliant with the requirements of AS 2890.1 (Off-street car parking).</p> <p>The swept path analysis has shown sufficient space for internal circulation.</p>
Waste Officer	<p><b>Supported, with conditions</b> Waste Management Assessment - Amended plans submitted 24 March 2023</p> <p>The proposal is supported subject to conditions, including access to bin room from the street, cleanliness and presentation of waste in the bin room, commercial and Church waste storage and collection from within the premises and not presented on the footpath for collection.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><b>Supported, with conditions</b> The proposal was referred to Ausgrid who raised no objections to the proposal, subject to conditions as included in the recommendations of this report.</p>

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

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

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

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

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

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

A BASIX certificate has been submitted with the application (see Certificate No. 1316906M dated 2 August 2022).

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

Commitment	Required Target	Proposed

<b>Water</b>	40	42
<b>Thermal Comfort</b>	Pass	Concession Target Pass
<b>Energy</b>	45	45

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

## SEPP (Housing) 2021

### Division 2 – Boarding Houses

<b>Clause 23 – Boarding houses permitted with consent</b>	
<b>Standard</b>	<b>Compliance/Comment</b>
1) Development for the purposes of a boarding house may be carried out with consent on land on which development for the purposes of a boarding house is permitted with consent under another environmental planning instrument.	The site is zoned R3 Medium Density Residential and B4 Mixed Use pursuant to the WLEP 2011, both of which permit with consent development for the purpose of boarding houses.
2) Development for the purposes of a boarding house must not be carried out on land in the <b>R2 Low Density Residential zone</b> or an equivalent land use zone unless the land is within an accessible area.	N/A

<b>Clause 24 – Non-Discretionary Development Standards</b>	
<b>Standard</b>	<b>Compliance/Comment</b>
<b>Floor Space Ratio</b>	
a) For development in a zone in which residential flat buildings are permitted, a floor space ratio is not more than: <ul style="list-style-type: none"> <li>i) the maximum permissible floor space ratio for residential accommodation on the land.</li> <li>ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house.</li> </ul>	<p>9 Francis Street is not subject to an FSR control. 28 Fisher Road is subject to an FSR of 2.4:1 pursuant to the WLEP 2011 and, based on the site area of 695.6m<sup>2</sup>, an FSR of 1,669.44m<sup>2</sup> is permitted.</p> <p>Clause 24(a)(ii) of the SEPP allows for a 25% uplift (being 417.36m<sup>2</sup>) thereby permitting a maximum FSR of 2,086.8m<sup>2</sup>. or 3:1.</p> <p>The proposal complies with the uplift provided by the SEPP by providing a GFA of 2,075.7m<sup>2</sup> or an FSR of 2.98:1.</p>
b) if (a) does not apply - a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land.	N/A
<b>Landscaping</b>	

<p>c) For development on land in R2 Low Density Residential or R3 Medium Density Residential - the minimum landscaping requirements for multi-dwelling housing under a relevant planning instrument.</p>	<p>9 Francis Street is zoned R3 Medium Density Residential and clause D1 <i>Landscaped Open Space</i> of the WDCP 2011 requires 40% of the site area to be landscaped. However, Part G1(1) of the WDCP 2011 states that <i>In the event of any conflict between Part G1 Dee Why Town Centre and other parts of the DCP, the provisions of Part G1 shall prevail.</i></p> <p>Part G1(11)(2) requires at a minimum of 20% of the site area should be provided as landscaped area, which may be located on balconies, ground, podium and on roof top levels or green walls of buildings.</p> <p>The proposal provides approximately 435sqm of landscaping, equating to 31% of the total site area, thus meeting the requirements of the DCP.</p>
<p>d) For development on land in R4 High Density Residential - the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</p>	<p>N/A</p>
<p><b>Communal Living Area(s)</b></p>	
<p>e) At least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area.</p>	<p>The communal living room and roof terrace receive in excess of 3 hours of direct solar access in mid-winter.</p>
<p>f) For a boarding house containing 6 boarding rooms:</p> <ul style="list-style-type: none"> <li>i) a total of at least 30m<sup>2</sup> of communal living area, and</li> <li>ii) minimum dimensions of 3m for each communal living area.</li> </ul>	<p>N/A</p>
<p>g) For a boarding house containing more than 6 boarding rooms:</p> <ul style="list-style-type: none"> <li>i) a total of at least 30m of communal living area plus at least a further 2m<sup>2</sup> for each boarding room in excess of 6 boarding rooms, and</li> <li>ii) minimum dimensions of 3m for each communal living area.</li> </ul>	<p>The proposal is required to provide 122m<sup>2</sup> of communal room living areas. The proposal provides several communal living rooms at varying floors with a total floor area in excess of 150m<sup>2</sup>. Residents also have access to a 170m<sup>2</sup> rooftop garden.</p>
<p>h) Communal open spaces:</p> <ul style="list-style-type: none"> <li>i) with a total area of at least 20% of the site area, and</li> <li>ii) each with minimum dimensions of 3m.</li> </ul>	<p>The proposal provides in excess of 20% of the site area as communal open space. The applicant claims that 752m<sup>2</sup> or 52.11% of the site is provided as communal open space.</p>
<p><b>Car Parking</b></p>	
<p>i) If a relevant planning instrument does not specify a requirement for a lower number of parking spaces - at least the following number of parking spaces:</p> <ul style="list-style-type: none"> <li>i) in an accessible area - at least 0.2</li> </ul>	<p>The site is within an accessible area and provides 51 boarding rooms (plus one managers room). The boarding house component of the development is therefore to provide a minimum of 11 car parking spaces.</p>



ii) parking space for each boarding room, or otherwise - at least 0.5 parking space for each boarding room.	The proposal provides sufficient car parking as per the standard, and as determined by Council's Traffic Engineer.
j) If a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.	N/A

<b>Clause 25 – Standards for Boarding Houses</b>	
<b>Standard</b>	<b>Compliance/Comment</b>
1) Development consent must not be granted under this Division unless the consent authority is satisfied that:	
a) No boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m <sup>2</sup> .	No boarding room has a gross floor area, excluding bathroom and kitchen areas, exceeding 25m <sup>2</sup> .
b) No boarding room will be occupied by more than 2 adult residents.	The submitted plan of management and conditions included in the recommendation of this report will ensure compliance with the standard.
c) Adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident.	Each boarding room has private bathroom and kitchen facilities, and laundry facilities are scattered throughout the development for use by residents.
d) For a boarding house on land in <b>R2 Low Density Residential</b> or an equivalent land use zone - the boarding house will not have more than 12 boarding rooms.	N/A
e) For a boarding house on land in a <b>business zone</b> – no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use.	No part of the ground floor of 28 Fisher Road is proposed to be used for residential purposes.
f) For a boarding house containing at least 6 boarding rooms - the boarding house will have at least 1 communal living room.	The boarding house has more than 6 boarding rooms, and provides multiple communal living rooms throughout the building.
g) The minimum lot size for the development is not less than: <ul style="list-style-type: none"> <li>i) for development on land in R2 Low Density Residential – the minimum lot size requirements for manor houses under a relevant planning instrument, or 600m<sup>2</sup>.</li> <li>ii) for development on land in R3 Medium Density Residential – the minimum lot size requirements for multi-dwelling housing under a relevant planning instrument.</li> </ul>	i) N/A ii) N/A no minimum lot size prescribed for multi-dwelling housing.

<p>h) The development has a gross floor area, (excluding an area used for the purposes of private kitchen or bathroom facilities), of at least the following for each boarding room:</p> <ul style="list-style-type: none"> <li>i) for a boarding room intended to be used</li> <li>ii) by a single resident - 12m<sup>2</sup>. otherwise - 16m<sup>2</sup>.</li> </ul>	<p>Each boarding room is greater than 16m<sup>2</sup>.</p>
<p>i) The boarding house will include adequate bicycle and motorcycle parking spaces.</p>	<p>Provided. Refer to comments from Council's Traffic Engineer.</p>
<p>2) Development consent must not be granted under this Division unless the consent authority considers whether:</p>	
<p>a) The design of the boarding house will be compatible with:</p> <ul style="list-style-type: none"> <li>i) the desirable elements of the character</li> <li>ii) of the local area, or for precincts undergoing transition - the desired future character of the precinct.</li> </ul>	<p>The Dee Why Town Centre has both an established character and a desired character as laid out in the 2013 Master Plan which has been translated into the WDCP 2011. A detailed assessment of the proposal against the underlying Objectives of the Dee Why Town Centre can be found later in this report but in summary, the proposal is compatible with it.</p>
<p>b) The front, side and rear setbacks for the boarding house are not less than:</p> <ul style="list-style-type: none"> <li>i) for development on land in R2 Low Density Residential or R3 Medium Density Residential - the minimum setback requirements for multi dwelling housing under a relevant planning instrument.</li> <li>ii) for development on land in R4 High Density Residential - the minimum setback requirements for residential flat buildings under a relevant planning instrument.</li> </ul>	<ul style="list-style-type: none"> <li>i) The building located on the R3 zoned land complies with the minimum setback requirements specified by the WDCP 2011.</li> <li>ii) N/A</li> </ul>
<p>c) If the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide</p>	<p>The boarding house is 3 storeys to Francis Street and 5 storeys to Fisher Road.</p> <p>The proposal has had consideration to the general principles of the Apartment Design guidelines whilst not necessary being in strict accordance with the ADG (given SEPP 65 does not technically apply to a boarding house). Council has given consideration to the principles within the Apartment Design Guidelines regarding building separation and privacy, as outlined in Part 2F.</p> <p>Consistent with Part 2F, a separation of at least 12m has been provided between the buildings for the three storey component.</p> <p>Part 2F states that "<i>No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main</i></p>

*street or at podium levels within centres".* This is relevant to the building at 28 Fisher Road, which is located within the Dee Why Town Centre and includes portions of the building proposed at a nil setback. The portions of the building with a nil setback consist of bathrooms with fixed opaque glazing (fire rated in accordance with the BCA) and allow development of the adjoining site to occur in a similar pattern. The northern facing balcony adjoining the communal room consists if a perforated aluminum privacy screen to resolve privacy to the communal room and balcony (whilst still allowing sunlight in).

The Francis Street boarding house is 3 storeys and has minimum side setbacks of 4.5m to the northern and southern side boundaries in accordance with the DCP. Strict compliance with a 6m separation distance to the northern and southern boundary would render the site almost undevelopable. The proposed 4.5m setbacks in accordance with the DCP allows the reasonable development of the site, whilst still achieving the objectives of the ADG, noting no balconies are provided along the side elevations of the building on Francis Street and the building to the north essentially turns its back on the northern elevation with their balconies facing north, providing a reasonable privacy outcome for both sites. The southern elevation contains windows to the corridor and a service area/general access area to the boarding rooms. It is not anticipated this area will be highly used for gathering given its smaller dimensions, with a designated common room on the ground floor provided. The Francis Street boarding house has had regard to the principles of the ADG through the orientation of windows and provision of building separation to the maximum reasonable extent in accordance with the DCP.

Therefore, the consent authority can be satisfied that the proposal has had consideration to the minimum building separation distances specified in the ADG.

**Clause 26 – Must be used for affordable housing in perpetuity**

Subsection (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by a public authority.

**Standard**

**Compliance/Comment**

1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the Occupation Certificate and continuing in perpetuity:

a) The boarding house will be used for affordable housing.	The building will be used as affordable housing in perpetuity, and conditions will be imposed to this effect.
b) The boarding house will be managed by a registered community housing provider	The applicant has supplied a Certificate of Registration from a community housing provider who will manage the development from the date of the issue of the Occupation Certificate.

<b>Clause 27 – Subdivision of boarding houses not permitted</b>	
<b>Standard</b>	<b>Compliance/Comment</b>
Development consent must not be granted for the subdivision of a boarding house permitted under this Division.	No subdivision of the boarding house is permitted by this consent, and conditions will be imposed as such.

### DESIGN AND SUSTAINABILITY ADVISORY PANEL

The application was reviewed by the DSAP on 27 October 2022 who were generally supportive of the proposal, subject to a number of recommendations as detailed below. The Applicant's revised submission sought to address these recommendations where relevant, and commentary to each is provided below.

#### DSAP Recommendations

- a. ***Review and redesign the carparking with the aim of making manoeuvring easier.***
- b. ***The travel paths and sightlines for cars from the lower basement around the lift on the upper basement level will be difficult; re-arrange.***

#### Comment

Council's Traffic Engineers are satisfied with the proposed car park layout and ease of manoeuvrability. The solution is satisfactory to Council's Traffic Engineer.

- c. ***The rear lift is accessible only through the bulky goods store on the lower basement level; re-arrange.***

#### Comment

The basement bulky goods store has been revised so that a corridor runs between separate rooms and to the lift directly, rather than requiring a pedestrian to walk through the actual bulky goods room. The recommendation has been satisfied.

- d. ***If the church car parking were removed, it could be possible to rearrange the car spaces to the south with the lifts in between spaces as is show on the upper basement level lifts could serve residents and staff alone without having to open to the church space.***

#### Comment

The applicant contends that parking is required for the operation of the church and thus this element is retained.

**e. In consultation with council reconsider the need for onsite parking for church goers, café loading (given the need for #16 to reverse a long way back) and give priority ease of use and movement for residents with specific needs.**

Comment

As above.

**f. Allow the basement to encroach into the 2.5m setback to provide 'optimal alignment for 1 point turn'.**

Comment

Plans amended. The recommendation has been satisfied.

**g. Remove tandem parking.**

Comment

The initial proposal had 8 car parking spaces in a tandem arrangement, all allocated to Church-goers. This has been revised to 4 car parking spaces, with the rear of each tandem space allocated to Staff. The solution is satisfactory to Council's Traffic Engineer.

**h. Reconsider and re-design the entry and journey through the site particularly for residents.**

Comment

A revised entry solution is provided for residents whereby they now have a private entry lobby, as opposed to having to walk through the Church space. The recommendation has been satisfied.

**i. Review, simplify and redesign the circulation, fire stairs and egress.**

Comment

Where possible, the applicant has simplified circulation through the removal of right-angles in several corridors. The fire stairs and egress is said to be compliant and no modification to these are necessary.

**j. Investigate establishing the same floor levels in the front and rear building.**

Comment

Not adopted. The building has been specifically designed to respond to the levels and topography at both frontages. The building is compliant in height and has a 1.1m level change between floors in the building. It is considered that no modification to the building levels is necessary.

**k. Avoid ramped floors.**

Comment

Some corridors within the building are ramped in order to allow for equitable access across the building. The alternative to this would either be (a) increased excavation for a level floorplate; (b) increased building height for a level floorplate; or (c) multiple stair-lift systems throughout the building. The provision of ramps is acceptable and change is not necessary.

***l. The scissor stairs to the south of the Communal space are circuitous and a simpler, more compact stair access should be explored.***

Comment

Not adopted and not required. System is already compact and functional.

***m. Maximise landscape on the Fisher Street frontage by cutting back the basement and the rooms over. Allow for the provision of trees within the site – similar to what is shown on the renders.***

Comment

Front courtyard area redesigned with reduced paving and seating opportunities, and two pockets of deep soil planting (11sqm and 12sqm) have been provided. The recommendation has been satisfied.

***n. Minimise pavement and maximise landscape on the Francis Street frontage to improve the streetscape presentation.***

Comment

Pavement has been reduced and landscaping increased.

***o. Simplify the landscape, consider usability and amenity and as far as possible reduce the sense that the linear landscape spaces will simply be for circulation.***

Comment

The landscape design has been amended to provide additional plantings. Were the application to be approved, Council requires that the landscape plan be 'generally in accordance with' adhered to – thus the linear nature of plantings as shown on the plans does not strictly need to be followed.

***p. Reconsider the design of the rooftop for flexibility of use, increased planting and safety of potential for stepping up and falls. Look to relocate the water tanks to liberate more rooftop space for communal use.***

Comment

The rooftop design has been amended in accordance with the feedback.

***q. Rework the location of the managers private open space and hydrotherapy pool to expand the ground level open space amenity.***

Comment

The initial proposal housed the managers room and hydrotherapy pool in a subterranean

courtyard which had questionable amenity. The scheme has been revised to put the managers courtyard at ground level facing north, and the hydrotherapy pool on the roof of the building.

***r. Reconsider the planting palette to enhance biodiversity, use endemic/ native species and where shade and canopy is beneficial and where access for light is the priority.***

Comment

Adopted.

***s. On site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid. and***

***t. Install EV charging allows for bi-directional (2-way) charging of EV battery for powering the building.***

Comment

The Applicant contends that sufficient scope has been provided into the design for battery storage and EV charging to be explored in further detail at construction certificate stage.

## **SEPP (Transport and Infrastructure) 2021**

### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

### Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

## **SEPP (Resilience and Hazards) 2021**

### **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been occupied by the Salvation Army and operated for church purposes for a significant period. In this regard it is considered that the site



poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the proposed development, comprising residential and commercial land uses.

## Warringah Local Environmental Plan 2011

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	9 Francis: 11m	11m	-	Yes
	28 Fisher: 16m	16m	-	Yes
Floor Space Ratio	9 Francis: N/A	N/A	N/A	N/A
	28 Fisher: 2.4:1*	2.98:1	-	Yes (under SEPP (Housing) 2021)

\*Note: SEPP (Housing) 2021 clause 24(a)(ii) provides an FSR uplift of 25%, to a maximum of 3.0:1.

### Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.10 Allowance for external ancillary plant and roof access	Yes
7.12 Provisions promoting retail activity	Yes
7.13 Mobility, traffic management and parking	Yes

### Detailed Assessment

#### 6.2 Earthworks

Clause 6.2 *Earthworks* provides the following requirements for all development:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or

*features of the surrounding land, and*

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

Before granting development consent for earthworks, Council must consider the following matters:

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(f) the likelihood of disturbing relics*

Comment:

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

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

Comment:

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

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

#### **7.4 Development must be consistent with objectives for development and design excellence**

This clause states that development consent must not be granted to development on land in the Dee Why Town Centre, unless the consent authority is satisfied that the development is consistent with the objectives of this Part that are relevant to that development, and incorporates:

*i. Stormwater management measures, including water sensitive urban design and ecologically sustainable development principles.*

Comment: This issue is addressed by the Development Engineer referral comments. In summary, the stormwater drainage method is acceptable and includes WSUD treatments.

*ii. Innovative design solutions that minimise stormwater impacts, including stormwater quantity and quality impacts, on the Dee Why Lagoon system.*

Comment: The application has been assessed in detail by Council's Development Engineers, whom supports the proposed drainage layout.

*iii. Finished floor levels and basement car park entry levels that include adequate freeboards to protect against the entry of stormwater from the Council's street drainage system.*

Comment: The Dee Why South Catchment Flood Study identified that the Dee Why CBD was affected by overland flow with depths in the range of 200-900mm in the 1 in 100 Year ARI storm event. These overland flow levels resulted in new buildings requiring elevated ground floor levels and basement driveway entry levels at or above the 1 in 100 Year ARI storm event levels.

*iv. Continuous colonnades or pedestrian awnings on those parts of any building that are on the edges of streets or public spaces.*

Comment: Awnings have been provided above the new ground floor fronting Fisher Road as required for the development.

#### **7.5 Design excellence within Dee Why Town Centre**

In determining whether development exhibits design excellence, the consent authority must have regard to the following matters:

*(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

Comment: The development has an appropriate built form fronting Fisher Road which will contribute positively to the streetscapes within Dee Why Town Centre.

*(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*

Comment: The proposed development fronting Fisher Road is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building.

The proposal responds aesthetically to the environment and context, contributing to the desired future character of the area.

*(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency,*

Comment: The proposed development has been designed to meet BCA energy efficiency requirements through the deemed-to-satisfy or Alternative Solutions Approach provisions of the BCA. The National Construction Code (NCC) BCA section J sets minimum energy performance requirements of all new development and covers building fabric and glazing thermal performance, air-conditioning, ventilation, lighting, power and hot water.

*(d) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,*

Comment: The development fronting Fisher Road is considered to be a satisfactory response to the site's context, location and surrounding land uses, and is consistent with the outcome as envisaged in the Masterplan.

*(e) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.*

Comment: Communal areas have been included within the proposed development that will provide social gathering for the residents of the development.

*(f) whether the development connects with and provides a high quality interface with surrounding streets and public domain areas at the pedestrian level,*

Comment: The proposals interface with Fisher Road is consistent with the 16m height as envisaged by the planning controls. The façade is high quality and builds upon the Dee Why Town Centre which is steadily developing with like buildings. The building entrance has a quality interface at the street level and enhances the streetscape of Fisher Road.

*(g) whether the development contributes to the provision of a network of green spaces, natural systems and semi-natural systems, including parks, waterways, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment.*

Comment: The proposal provides a compliant quantum of landscape planting and has WSUD built into the proposed drainage system. Private gardens and open space are strategically placed around the site to enhance the quality of life for residents.

## **7.12 Provisions promoting retail activity**

The objective of this clause is to promote retail activity on the ground and first floors of new buildings in

the Dee Why Town Centre and to promote employment generating uses in addition to retail activity.

This clause imposes requirements on the type of uses that may be accommodated within the development, specifically on the ground floor levels of the development.

The proposal is consistent with the clause as the building will have at least two levels of employment generating space which comprise of the church land use and café (ground floor) and associated uses for the church on the upper floor (multipurpose use associate with the church). The building at the ground floor is considered to further contribute to an active street life by providing an active building entrance to the church and café fronting Fisher Road. Furthermore, the provision of genuine affordable housing is considered to support the wider Dee Why Town Centre which relies on local employees for a wide variety of services and occupations which make up the town centre.

### Warringah Development Control Plan

#### Built Form Controls

Built Form Controls under Part B of the WDCP 2011 apply to the R3 zoned land, but not to the B4 zone, and therefore the below compliance table only pertains to the Francis Street boarding house.

Built Form Control	Requirement	Proposed	% Variation*	Complies
B2 Number of storeys	3	3	-	Yes
B3 Side Boundary Envelope	North - 5m	No encroachments	-	Yes
	South - 5m	No encroachments	-	Yes
B5 Side Boundary Setbacks	North - 4.5m	4.5m	-	Yes
	South - 4.5m	4.5m	-	Yes
B7 Front Boundary Setbacks	6.5m	6.5m	-	Yes
B9 Rear Boundary Setbacks	6m	6m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (278m <sup>2</sup> )	> 40%	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B2 Number of Storeys	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
3 Desired Character for the Dee Why Town Centre	Yes	Yes
4 Streetscape and Public Domain	Yes	Yes
5 Design and Architectural Diversity	Yes	Yes
6 Site amalgamation	Yes	Yes
7 Traffic and Parking	Yes	Yes
8 Car Share	No	Yes
9 Sustainability	Yes	Yes
10 Water Sensitive Urban Design (WSUD)	Yes	Yes
11 Landscaping	Yes	Yes

#### Detailed Assessment

#### **C8 Demolition and Construction**

It can reasonably be expected that any large construction project within a town centre location would inevitably cause some level of disruption to neighbouring properties during demolition, excavation and construction. In order to minimise these impacts, conditions of consent are included in the



Recommendation of this report that the Applicant must produce a Demolition Traffic Management Plan and a Construction Traffic Management Plan prior to the issuance of any Construction Certificate, and that all construction works are to be undertaken in accordance with the requirements of the Australian Standards.

Subject to these requirements, impacts of demolition and construction are reasonably minimised.

### **D3 Noise**

During the public exhibition of the application several submissions were received that raised concern regarding the operational noise generated from the premises. The submissions made specific regard to a drama class and the roof terrace. The commentary regarding a drama class is unclear.

The application is accompanied by a Plan of Management which is endorsed through the Recommendation of this report. The Plan requires that the outdoor communal areas (inclusive of roof terrace) shall not be used between 10pm and 7am. The Plan further goes on to state that at no time is any live or amplified music permitted within the outdoor communal areas.

The boarding house is required to have an on-site manager who will be responsible to regulate the use of the premises and handle any complaints that may arise. Whilst the density of this the Fisher Road building may be greater than a typical apartment building, neighbours will benefit from the fact that noise is regulated (unlike a standard apartment building where no Council authorised Plan of Management would exist).

The operation of the building is therefore not considered to have any unreasonable impacts on neighbours, and in the event that it does, neighbours have the avenue of contacting the on-site manager.

Further conditions are imposed regarding any noise generated from air conditioning equipment and the collection of commercial waste.

### **D6 Access to Sunlight**

Part D6 *Access to Sunlight* does not provide a requirement for sunlight to be maintained to commercial developments, such as that on 22-26 Fisher Road. It is acknowledged that the development will cause overshadowing to the north-facing windows and balconies to this development, however this impact is largely unavoidable and must be reasonably anticipated given the development controls applying to the site.

In relation to neighbouring residential properties, such as the townhouses at 7 Francis Street, the WDCP 2011 states that not more than 50% of private open space should be overshadowed. The proposal does not comply with this standard.

The portion of development on Francis Street is compliant with the building setbacks and envelope controls and is below the maximum height of buildings. To maintain solar access to the ground floor north-facing courtyards at 7 Francis Street the site would only be able to be developed as a one, possibly two storey building, which is both inconsistent with the development controls and the prevailing height of buildings. The orientation of the properties along Francis Street also poses inherent difficulties in maintaining solar access, in that the street falls to the south, and the alignment of buildings is done in a north-south orientation thus meaning, generally, that a building to the north will overshadow the building to the south of it.

Given the topographical constraints and the unchangable orientation of neighbouring buildings, a level

of impact is expected and accepted. Given the level of compliance achieved by this development (to which most neighbouring buildings do not demonstrate) the level of impact caused to 7 Francis Street is anticipated and reasonable.

It is worth noting that the subject development itself is equally (if not more) overshadowed by the building to the north. The relationship between the buildings and the impacts existing and proposed are demonstrated on this solar perspective prepared by the project architect (at 3pm in mid-winter):



### **D7 Views**

The proposed development would alter the outlook of surrounding buildings (as is to be expected when an undeveloped or under-developed site is being redeveloped) and the extent of that change is not considered unreasonable. The proposal would not impact on any views to such an extent that the application would warrant a redesign of the building.

### **D8 Privacy**

A detailed discussion regarding visual privacy is discussed under SEPP (Housing 2021) regarding building separation.

### **8 Car Share**

The control requires that at least one (1) car share space is provided by the development. This control is contrary to the requirements of the prevailing SEPP (Housing) 2021 to which the development complies with. Given the use of the building and its proximity to services and public transport, the requirement to provide a car sharing space within the basement is not considered essential.

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

## PLANNING CONCLUSION

The application to demolish all existing improvements across two sites and construct two new buildings comprising a church, cafe and conference centre, and a 51 room boarding house (plus manager's residence) has been put to the Sydney North Planning Panel (SNPP) for determination pursuant to Schedule 6 (5) Private infrastructure and community facilities over \$5 million of the State Environmental Planning Policy (Planning Systems) 2021, as the affordable housing component of the development has a Capital Investment Value over \$5 Million, being \$14,598,807.75.

The proposal has demonstrated compliance with the key development standards contained within the Warringah LEP and built form controls within the Warringah DCP and represents a form of development that could be reasonably expected by the applicable controls

The concerns raised in the objections have been addressed and resolved by way of conditions, particularly around construction management. The conditions relating to the potential amenity impacts (such as noise, privacy and overshadowing) have been discussed within the assessment report and overall the proposal is not considered to result in unreasonable amenity impacts and is of a form that could reasonably be expected by the planning controls.

The proposal represents a unique opportunity to provide genuine affordable housing in the form of a boarding house operated by a community housing provider, of which there is no others within the Dee Why Town Centre. The proposal provides activation of Fisher Road through the proposed church use and café. The proposal has addressed the primary issues raised by the DSAP by way of amended plans to resolve wayfinding and site experience for users and residents.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The proposal has therefore been recommended for approval.

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

## **RECOMMENDATION**

THAT Sydney North Planning Panel as the consent authority grant Development Consent to DA2022/1510 for Demolition works and Construction of a mixed use development to accommodate a café, church, conference centre, boarding house and two level of basement car park. on land at Part Lot 28 DP 7413, 9 Francis Street, DEE WHY, Part Lot 28 DP 7413, 28 Fisher Road, DEE WHY, Part Lot 28 DP 7413, 28 Fisher Road, DEE WHY, subject to the conditions outlined in Attachment 1.

## ATTACHMENT 1

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Drawing 4089/4.2	March 2023	The George Group
Drawing 4089/4.4	March 2023	The George Group
Drawing 4089/4.9	March 2023	The George Group
Drawing 4089/4.10	March 2023	The George Group
Drawing 4089/4.14	March 2023	The George Group
Drawing 4089/4.15	March 2023	The George Group
Drawing 4089/4.16	March 2023	The George Group
Drawing 4089/4.17	March 2023	The George Group
Drawing 4089/5.1	March 2023	The George Group
Drawing 4089/5.5	March 2023	The George Group
Drawing 4089/5.3	March 2023	The George Group
Drawing 4089/5.4	March 2023	The George Group
Drawing 4089/5.5	March 2023	The George Group
Drawing 4089/5.6	March 2023	The George Group
Drawing 4089/5.7	March 2023	The George Group
Drawing 4089/5.8	March 2023	The George Group
Drawing 4089/5.9	March 2023	The George Group
Drawing 4089/5.10	March 2023	The George Group
Drawing 4089/5.11	March 2023	The George Group
Drawing 4089/5.12	March 2023	The George Group
Drawing 4089/5.13	March 2023	The George Group
Drawing 4089/5.14	March 2023	The George Group
Drawing 4089/5.15	March 2023	The George Group
Drawing 4089/5.16	March 2023	The George Group
Drawing 4089/5.17	March 2023	The George Group
Drawing 4089/5.18	March 2023	The George Group
Drawing 4089/5.19	March 2023	The George Group
Drawing 4089/5.20	March 2023	The George Group
Drawing 4089/5.21	March 2023	The George Group
Drawing 4089/06.1	March 2023	The George Group

Drawing 4089/06.2	March 2023	The George Group
Drawing 4089/06.3	March 2023	The George Group
Drawing 4089/06.4	March 2023	The George Group
Drawing 4089/06.5	March 2023	The George Group
Drawing 4089/06.6	March 2023	The George Group
Drawing 4089/06.7	March 2023	The George Group
Drawing 4089/06.8	March 2023	The George Group
Drawing 4089/06.9	March 2023	The George Group
Drawing 4089/06.10	March 2023	The George Group
Drawing 4089/07.1	March 2023	The George Group
Drawing 4089/07.2	March 2023	The George Group
Drawing 4089/07.3	March 2023	The George Group
Drawing 4089/07.4	March 2023	The George Group
Drawing 4089/07.5	March 2023	The George Group
Drawing 4089/07.6	March 2023	The George Group
Drawing 4089/07.7	March 2023	The George Group
Drawing 4089/07.8	March 2023	The George Group
Drawing 4089/07.9	March 2023	The George Group
Drawing 4089/07.10	March 2023	The George Group
Drawing 4089/07.11	March 2023	The George Group
Drawing 4089/08.1	March 2023	The George Group
Drawing 4089/08.2	March 2023	The George Group

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
STW-01 Issue A	20/03/2023	Mesh Group
STW-02 Issue A	20/03/2023	Mesh Group
STW-03 Issue A	26/08/2022	Mesh Group
STW-04 Issue A	20/03/2022	Mesh Group
STW-05 Issue A	20/03/2022	Mesh Group
STW-06 Issue A	20/03/2023	Mesh Group

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Plan of Management for Boarding House	16/03/2023	The George Group
Geotechnical Report SRE/524/DW/22/REV1	12/08/2022	Soilsrock Engineering
Section J Report Rev 1	2/08/2022	Soumya Prusty
Building Services Engineering Report	12/07/2022	The George Group
BCA Compliance Report	1/08/2022	The George Group
Acoustic Assessment Report 20SYA0029	8/08/2022	TTM



R01_1		
Access Report	12/08/2022	Accessible Public Domain
BASIX Certificate No.1316906M	2/08/2022	Certified Energy 1

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

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

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
22/2293 Issue F Sheets 1 to 6	14/03/2023	Paul Scrivener

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	12/08/2022	Applicant

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

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

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

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Ausgrid Referral Response	26 October 2022

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## 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 Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative requirement.

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

The person responsible for the development site is to erect or install on or around the

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

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

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Security Bond

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

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

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

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

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

#### 6. **Dee Why Town Centre - Contribution Condition**

The applicant must pay a monetary contribution to Council of \$43,214.90. This contribution is calculated at the date of this consent, in accordance with Dee Why Town Centre Contributions Plan (as amended) and comprises:

- i a non-residential contribution of \$43,214.90 based on 228.5m<sup>2</sup> of additional non-residential gross floor area

The total amount payable will be adjusted at the time of payment in accordance with the Dee Why Town Centre Contributions Plan (as amended). Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Dee Why Town Centre Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed, and in place prior to the payment of the monetary contribution.

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

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Dee Why Town Centre.

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

The applicant is to lodge a bond of \$15000 as security against any damage or failure to complete the construction of stormwater drainage works in Fisher Road as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

The applicant is to lodge a Bond of \$25000 as security against any damage or failure to

complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

9. **Construction, Excavation and Associated Works (Security Bond)**

A bond of \$30000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

Details confirming payment of the bond are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

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

10. **Public Domain Plan**

A Public Domain Plan shall be concurrently submitted as part of the Civil Works under the Roads Act provisions of Section 138 to Council for development works within the road reserve, with sufficient detail design information including the following:

- i) alignment levels showing existing and proposed levels for altered kerbs and gutters,
- ii) existing and proposed pavement levels, with proposed gradients no more than a 2.5% fall from building openings to top of kerb, and to match existing levels along adjoining properties,
- iii) details of any utility alignment and level changes,
- iv) details of the proposed pavement finish from building to kerb which shall equal concrete unit paving 'Urbanstone Golden Gunmetal'; finish - honed; size - 400x400x40/50mm; pattern - stackbond parallel to kerb/building alignment; banding - to match existing at Redman Rd Plaza,
- v) proposed street tree planting (x2) on Fisher Rd, and in accordance with Northern Beaches Standard Drawing 1300 - Tree Pit Details, Plan and Section, including strata cell system; however, having a 1600mm (parallel to kerb) x 1200mm tree pit opening finished with mulch and groundcover planting,
- vi) the street tree species shall be as shown on the approved Landscape Plans, installed at a pre-ordered 200 litre container size,
- vii) the groundcover planting shall be Liriope 'Evergreen Giant' planted at 9 per square metres and at 140mm container pots.

Any work carried out upon public land shall have all the necessary prior approvals and permits from Council in place prior to commencement to conduct such works.

Reason: Compliance with Council standards for works on public land.

11. **On Slab Landscape Works**

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.



The following soil depths are required to support landscaping: 300mm for groundcovers, perennials, grasses and lawn; 600mm for shrubs; and 1m for small trees.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

12. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

13. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- i Site Boundaries and contours
- i Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- i Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- i Existing and proposed drainage patterns with stormwater discharge points
- i Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- i North point and scale.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

14. **Detailed Design of Stormwater Treatment Measures - Major**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Stormwater Plans prepared by The George Group Pty Ltd and Council's Water Management for Development Policy.

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

Reason: Protection of the receiving environment.

15. **Car Parking Standards**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car

parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

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

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

16. **Construction Traffic Management Plan**

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

Due to heavy traffic congestion throughout the Dee Why town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 3.30-6.00pm. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:

- i The proposed phases of construction works on the site, and the expected duration of each construction phase
- i The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- i Make provision for all construction materials to be stored on site, at all times
- i The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- i The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- i The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- i Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- i Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- i Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- i The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- i Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the

- footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- i Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
  - i The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
  - i Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
  - i The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
  - i Proposed protection for Council and adjoining properties
  - i The location and operation of any on site crane

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

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

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

**17. Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

19. **Building Code of Australia Requirements**

The Building Code of Australia works as detailed and recommended in the Building Code of Australia Audit Report prepared by The George Group P/L, dated 1 August 2022 are to be considered as part of the assessment of the Construction Certificate.

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

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

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

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy and generally in accordance with the concept drainage plans prepared by Mesh Group PTY LTD, drawing number STW03 Issue A, dated 28/8/22. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

i. As detailed in the stormwater concept plans the minimum On Site Detention storage volume is to be 39 cumecs.

ii. Minimum information as detailed in section 7.1 of Council's Water Management for Development Policy is to be provided on the stormwater management plans.

iii. The OSD tank needs to feature an overflow pipe to prevent overflows entering the building in the event of an orifice plate blockage. (IE surcharge out of the pit grates)  
Additionally the OSD tank level is to be above the invert of the Council stormwater line in Fisher Road and set at a height to prevent the a flooded outlet. Hydraulic Grade line analysis is required to demonstrate there is no flooded outlet.

iv. In relation to the proposed new kerb inlet pit and the 300mm stormwater outlet in Fisher Road all utility services crossings and a hydraulic grade line are to be detailed on a suitable scaled longsection. The design invert levels of the new inlet pit are also to be detailed. (Invert Level to be confirmed by an appropriate survey)

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

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

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

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the full width paving works, stormwater outlet works and new kerb inlet pit in Fisher Road which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the

following information: The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifier prior to the issue of the Construction Certificate

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

22. **Tanking of Basement Level**

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the Water NSW are to be complied with and a copy of the approval must be submitted to the Certifier.

Details demonstrating compliance are to be submitted to the Certifier 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.

23. **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 Certifier prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

24. **Shoring of Council's Road Reserve (Temporary road anchors)**

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

Written approval from Council under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The Owner's approval is to be submitted to the Certifier 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.

25. **Vehicle Crossings Application**

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

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

Reason: To facilitate suitable vehicular access to private property.

26. **Plans of Kitchen Design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principle certifier. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

27. **Mechanical ventilation Plans**

Where Mechanical ventilation is required to be installed in the food premises ,prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle certifier that demonstrate compliance with the following:

- i Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- i Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.
- i Provision of smoke and odour control equipment where necessary dependent on any cooking activity to prevent any nuisance to neighbouring residential premises and the roof deck common area

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

28. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

29. **Compliance with Standards**

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

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.



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

30. **External Finishes to Roof**

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

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

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

31. **Location of Air Conditioning Units**

The plans shall be updated to show the location of all air conditioning units, condensers and associated mechanical equipment. None of these elements are permitted to be placed or installed on the roof of the building, on the exterior of the building, or in any area nominated as landscaping.

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

Reason: To ensure consistency with the approved plans and to minimise impacts on neighbours.

32. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

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

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

33. **Work Zones and Permits**

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

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

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



**34. Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by a suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 3.30-6.00pm.

The DTMP must:-

- a) Make provision for all construction materials to be stored on site, at all times.
- b) The DTMP is to be adhered to at all times during the project.
- c) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- d) Provide for the movement of trucks to and from the site, and deliveries to the site.
- e) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- f) Include a Traffic Control Plan prepared by an TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- g) Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- h) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- i) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- j) Specify spoil management process and facilities to be used on site.
- k) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

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

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

**35. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties

listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Properties:

- i 22-26 Fisher Road, Dee Why
- i 30 Fisher Road, Dee Why
- i 7 Francis Street, Dee Why
- i 11 Francis Street, Dee Why

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

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

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

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

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

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

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

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

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

37. **Tree and Vegetation Protection**

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

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,

- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

38. **Road Reserve**

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

Reason: Public safety.

39. **Dewatering Management**

The water to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources and to ensure

discharges remain within the capacity of the local stormwater system or waterway.

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

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by The George Group Pty Ltd prior to commencement of any other works on site.

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

Reason: Protection of the receiving environment.

41. **Substitution of Stormwater Treatment Measures**

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

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

42. **Implementation of Demolition Traffic Management Plan**

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

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

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

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

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

44. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable

state during the course of the demolition and building works.

Reason: To ensure public safety.

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

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

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

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

46. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

47. **Demolition Works - Asbestos**

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

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

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

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

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

48. **Survey Certificate**

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

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

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

49. **Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

50. **Footpath Construction**

The applicant shall construct full width urban stone paving in Fisher Road in accordance with the following:

(a) All footpath works are to be constructed in accordance with Section 138 Road Act approval

(b) Council is to inspect the formwork prior to pouring of concrete base to ensure the works are in accordance with Section 138 Road Act approval for footpath.

(c) All footpath paving works are to be in accordance with Councils Dee Why Town Centre specifications and Auspec One.

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

51. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

52. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.



A copy of the vehicle crossing inspection form is to be submitted to the Certifier.

Reason: To facilitate suitable vehicular access to private property.

53. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

54. **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 dated 12/8/2022.

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

55. **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.

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

56. **Registration of food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

57. **Landscape Completion**

Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawing 4 of 6, and 5 of 6 by Paul Scrivener dated 15 March 2023), and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the approved Landscape Plan(s),
- c) all tree planting shall meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and located either within garden bed or within a prepared bed within lawn,
- d) all trees in the land area zone R3 shall be located at minimum 2.5 metres from buildings, and at least 1 metre from common boundaries,
- e) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- f) all proposed tree planting shall be positioned in locations to minimise significant impacts on



neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

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

Reason: Environmental amenity.

58. **Stormwater Disposal**

The stormwater drainage works on the site and in Fisher Road shall be certified as compliant with all relevant approved construction certificate plans and Council's water management for development policy by the design engineer. A compliance certificate is to be issued by a NER or RPENG qualified civil engineer. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

59. **Post-Construction Road Reserve Dilapidation Report (Major Development)**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

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

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

The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

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

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

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

The terms of the positive covenant and restriction as to user are to be prepared to Council's standard requirements (available from Council) at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

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

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

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

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

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

Reason: Protection of the receiving environment.

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

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

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

Reason: Protection of the receiving environment.

64. **Community Title Management Statement**

The Community Management Statement must specifically list the stormwater treatment measures that will be maintained under community title. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan.

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

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

65. **Maintenance of Stormwater Treatment Measures**

The Boarding House Operational Management Plan list the stormwater treatment measures that will be maintained by building management via a management statement. The statement must also include the Stormwater Treatment Measure Operation and Maintenance Plan. The management statement shall be prepared by a suitably qualified person.

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

Reason: To ensure maintenance of all stormwater management assets and protection of the receiving environment.

66. **Signage and Linemarking – Implementation**

The applicant is to install all signage and linemarking, as per any Roads Act approval. These works are to be completed prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with the Road Act.

67. **Basement Garage Traffic Signal System**

To prevent conflicting vehicle flows on the internal basement garage ramps and avoid vehicles having to reverse up/ down the ramp, a traffic signal system must be installed at each ramp entry, designed to warn drivers about to enter the road of any conflicting vehicle approaching.

The signal system must;

- i be clearly visible from ramp entrances,
- i is to clearly indicate to an approaching driver, by way of red light or wording, that an opposing vehicle has entered the ramp,
- i Incorporate linemarking to delineate traffic flow and nominate waiting bay locations to allow vehicles to overtake another.

Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a compliance certificate to the Principal Certifier that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of an Occupation Certificate issued for the development.

Reason: To ensure no vehicle conflicts within the basement carpark.

68. **Signage and Linemarking - Internal**

A plan demonstrating appropriate wayfinding signage for cyclists is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: to maintain cyclist safety.

69. **Allocated Parking Spaces**

Parking allocated to this development must be clearly signposted and linemarked as being for the use of "church", "boarding house", "manager", "Cafe", "Loading" , Motor Bike". Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability.

70. **Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

71. **Convex Mirror at Ramps**

A convex mirror together with Give-Way priority signage and line marking is to be installed and maintained at the upper basement carpark level to improve the visibility of oncoming vehicles from the upper level ramp to vehicles on the ramp leading from the lower basement carpark level. The Give Way priority is to be installed at the top point of the ramp. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To minimise vehicular conflicts at ramps.

72. **Positive Covenant for Registered Community Housing Provider to operate boarding house**

A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 shall be registered on the title of the land to which this consent applies, prior to the issue of a Occupation Certificate, requiring the proprietor of the land to require that:

- a) The boarding house is to be used for affordable housing in perpetuity (the meaning of 'affordable housing' being defined under the SEPP (Housing) 2021) and;
- b) require that the boarding house to be managed by a registered community housing provider in perpetuity.

The terms of the positive covenant are to be prepared to Council's requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry

Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the occupation of the building.

Reason: To ensure ongoing and continued use as affordable housing in accordance with state legislation.

73. **Post-Construction Dilapidation Report**

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

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

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

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

74. **Geotechnical Certification Prior to Occupation Certificate**

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

75. **Reinstatement of Kerb**

The Applicant shall reinstate all redundant laybacks and vehicular crossings 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 Certifier prior to the issue of an Occupation Certificate.

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

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

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

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in

respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

**77. Maintenance contract for stormwater treatment measures**

A minimum of a five-year contract with a suitably qualified provider is required for the maintenance of the stormwater treatment measures.

A copy of the maintenance contract must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure maintenance of the stormwater treatment measures.

**78. Access for residential Waste collection**

The path from the kerb to the residential bin room is to have no 90 degree bends, have no steps and to be a smooth hard non-slip finish.

Any gates and doors must be unlocked on scheduled collection days and able to be latched in the open position during the collection process.

Reason: To ensure a safe and efficient waste collection service

**79. Boarding House Plan of Management**

Prior to the issuing of an Occupation Certificate, certification is to be provided from the operator that the requirements of the Boarding House Plan of Management have been implemented and are compliant and a copy sent to Council for its records.

The Plan of Management for the Boarding House shall be updated to include the following control measures:

- i The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm daily.
- i No amplified music is permitted at ANY time within the outdoor communal area.
- i Live music will not be permissible on the premises at ANY time.
- i No amplified music is permitted at ANY time within the outdoor communal areas.
- i A complaints and incident register being maintained on site.
- i That a 24 hour telephone contact number is to be available for members of the public to register a complaint or comment about the premises;
- i Signage is to be posted on the outside of the building with the contact details of the boarding house manager;
- i Measures for limiting noise from amplified noise within the indoor communal areas including the MP communal zone on the top level;
- i The plan of management shall be updated to reflect the number of boarding rooms approved under this application (being 51 rooms plus managers room) and number of



persons to be accommodated within the boarding house (being a maximum of 102 occupants plus manager)

Reason: To ensure the premises are managed in an appropriate manner in perpetuity.

80. **Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

81. **Mechanical Ventilation certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- i Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- i Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.
- i Demonstrate that there is adequate provision of smoke and odour control equipment to prevent any nuisance to neighboring residential premises and the roof deck common area.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

82. **Noise Related Criteria prior to any Occupation Certificate being issued**

Prior to an Occupation Certificate being issued, a full on site review and certification of compliance with the recommendations of the acoustic assessment by TTM Consulting Pty Ltd 20SYA0029 R01\_1 dated 8 August 2022 shall be carried out by a suitably qualified person including but not limited to:

A. Mechanical Plant Noise

Plant will need to be reviewed and if necessarily acoustically treated to prevent noise emissions from adversely impacting NSRs. This may include selecting the quietest plant possible, or treating the plant and equipment with enclosures, acoustic louvres, barriers, duct lining and silencers, etc.

Mechanical plant where possible to be installed away from residential boundaries and bedroom windows in order to avoid direct line of sight to minimise noise impact during the night-time period.

A detailed mechanical plant noise assessment must be conducted by a suitably qualified acoustic consultant once plant selections are made. The noise assessment must include noise source levels of plant, location, adjustments for mechanical plant noise characteristics and application of practical and effective noise control to verify compliance with the relevant noise criteria derived in this report.

B. Management of Auditorium being included in an up dated Plan of Management (copy to

Council for its records)

The use of the auditorium is not expected to cause any significant impact onto nearby noise sensitive receivers. However, the following management practices are recommended to ensure the noise limits are adhered to, such as:

- i Installation of loudspeakers facing away from the any opening of the area, such as windows and doors.
- i Installation of individual speakers at least 3 metres apart.
- i The door to the foyer may remain open.
- i The premises shall not conduct live entertainment after 10pm. All amplified music or speech should be stopped before 10pm.
- i Crowd management control measures are to be implemented to focus on the following:
  - Ensure a clear flow of people in and around the area.
  - Minimise crowd gatherings on the footpath, especially after 10pm.
  - Direct people to the exit areas, such as basement car parking, to ensure all crowds are dispersed smoothly after gatherings.

C. Management of Rooftop Communal Areas being included in an up dated Plan of Management (copy to Council for its records)

- i Restrict access to the day and evening assessment periods only, which is from 7am to 10pm, or 8am to 10pm on Sundays and public holidays.
- i Restrict access to the roof terrace between the hours of 10pm and 7am, 7 days a week.
- i Provide clear instructions to the residents on maintaining responsible social practices at all times.

Reason: To ensure that adequate acoustic measures and the Plan of Management is implemented and a noise nuisance is not created to any residential receiver.

83. **Lighting**

Prior to the issuing of any Occupation Certificate, certification is to be provided that any outdoor lighting does not detrimentally impact upon the amenity of other premises and complies with where relevant, Australia Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect the amenity of adjoining properties

84. **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 Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

85. **Garbage and Recycling Facilities**

All internal walls of the waste rooms 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.

Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

86. **House / Building Number**

The building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

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

The units within the development are to be numbered in accordance with NSW Address Policy and User Manual.

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

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

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

Details are to be submitted with any 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.

88. **Waste Management Confirmation**

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

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

89. **Sydney Water**

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) <<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 Certifier prior to the issue of an Occupation Certificate.

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

90. **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 Principal Certifier prior to the issue of an 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 of the Environmental Planning and Assessment Regulation 2021.

91. **No Parking restriction**

Given the location of the driveway south of a crest and near a bend, the inter-visibility between the exiting vehicles from the proposed driveway and approaching vehicles from the north is to be enhanced. This to be achieved by the installation of No Parking signage between the north of the proposed driveway and the northern driveway serving No. 11 Francis Street. An exemption to the No Parking restriction for waste collection vehicles during designated collection days and times is to apply. A plan demonstrating the proposed signage within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee and installed at the applicant's cost prior to the issue of any Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee and hence, adequate time (at least 8 weeks) should be allowed for this process

Reason: To improve road safety

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

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

93. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

94. **Positive Covenant for Council and Contractor Indemnity**

A positive covenant shall be created on the title of the land prior to the issue of an Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, (Appendix E of the Waste Management Guidelines), at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

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

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of an 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 Principal Certifier, 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.

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

96. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

The approved landscaped area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

97. **Maintenance of Stormwater Treatment Measures - Major**

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

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

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be

retained on site and made available to Council as required.

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

Reason: Protection of the receiving environment.

98. **Sight lines within carparks**

The required sight lines to pedestrians and other vehicles in and around the carpark and entrance(s) are not to be obstructed by landscaping or signage. The planting or signage on any land immediately adjacent to the driveway/property boundary intersection must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

99. **Collection of Commercial and Church waste**

Collection of commercial and Church waste should occur from within the property and it should not be presented on the footpath for collection. Council does not collect commercial waste and private arrangements must be made for its collection.

Reason: To ensure public safety and protect the amenity of the area

00. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

01. **Boarding House Plan of Management**

The boarding house shall operate in accordance with the document titled "Plan of Management for Boarding House" prepared by The George Group dated 16/03/2023 (as amended by the conditions of this consent). A copy of the plan of management shall be kept on the premises at all times and provided to each boarding house resident.

Reason: Protect the amenity of the area.

02. **Proposed Outdoor Dining Condition**

No outdoor dining is approved in this consent. Any proposed outdoor dining must be consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Any outdoor dining that is consistent with the SEPP shall be the subject of a separate Outdoor Dining Application to Council's Property team.

Reason: To ensure that outdoor dining is assessed and approved under the appropriate regulatory framework and legislation.

03. **Dewatering Management**

Council proactively regulates construction sites for sediment management.

Discharge of groundwater or tailwater must achieve the following water quality targets in



addition to any conditions/ documentation of this consent, any requirements of the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Water Quality (<one hour of planned discharge)

Oil and grease, not visible

pH, 6.5-8.5

Total Suspended Solids (TSS), <50mg/L NTU from a meter/grab sample

NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted. If an alternative solution is required, you must contact Council's Catchment Team at [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au)

Reason: Protection of the receiving environment

**04. Reporting of stormwater treatment measures maintenance**

As a minimum, the owner of the stormwater treatment measures is required to submit an annual maintenance report to Council by 1 September each year.

This report must detail the inspection and maintenance activities carried out on-site over the previous 12 months, including any waste disposal dockets.

Reports must be submitted from commissioning of the stormwater treatment measures until five years after the issue of occupation certificates for a minimum of 70 percent of the development lot(s).

Council reviews the reports to ensure appropriate maintenance is occurring and is authorised under the Local Government Act 1993 to enter premises and serve penalty notices for failure to comply with maintenance requirements set out in the Positive Covenant.

Reports must be directed to Council's Environment (Catchments) Team at [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au).

**05. Management of residential waste bin room**

The building manager is responsible for ensuring no waste is left in the residential bin room which is not contained within a bin. Bins must have lids closed for collection. If the bin room is not clear of waste which is not in bins and the lids of bins are not closed, then the building manager is responsible for the clearing of waste from the room prior and correct presentation of waste in the room for the subsequent scheduled collection.

Reason: To ensure a safe and efficient waste collection service.

**06. Auditorium Noise**

The following noise conditions are to be adhered to:

- A. Compliance with the Plan of Management and acoustic recommendations.
- B. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and 10pm at the boundary of any affected residence.
- C. The premises shall not conduct live entertainment after 10pm.
- D. Amplified loudspeakers shall not be directed towards any footpath or face any external openings from building boundary walls.

Reason: To protect the acoustic amenity of neighbouring properties.

07. **Hours of Operation**

The hours of operation are to be restricted to:

Cafe

6am to 6pm - Seven (7) days a week

Church

7am to 10pm - Seven (7) days a week

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

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

08. **Commercial Waste Collection**

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

Reason: To protect the acoustic amenity of surrounding properties.

09. **Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

10. **Occupancy and Management of Boarding House**

a) The boarding house is to contain a maximum of 102 persons (and a manager), being no more than 2 persons per designated bedroom. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the boarding house detailing the maximum sleeping capacity of the occupancy.

b) The Plan of Management shall be updated to reflect the above occupancy numbers and shall be implemented throughout occupancy and a copy being maintained on site.

Reason: To ensure the amenity of occupants and neighbouring residential occupiers.

11. **Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

12. **Noise from Air Conditioning Equipment**

Any mechanical equipment associated with the air conditioning units shall not produce noise that exceeds 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties

13. **Parking Enclosures**

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.

Reason: To ensure accessibility is maintained.



Design + Sustainability Advisory Panel Meeting Report – Date 27 October 2022

### **3 - DA2022/1510 - 9 Francis Street/28 Fisher Road Dee Why**

## **PANEL COMMENT AND RECOMMENDATIONS**

### ***General***

This is a resubmission of DA (DA2020/1167) for a church and boarding house that the Panel reviewed on 24 June 2022.

The Panel did not support the previous DA and called for a complete redesign including a reduction in floor area, building height and increased setbacks to achieve a better environmental fit on the site.

The Panel appreciates the significant effort that has been made to address previous comments and the peer review process by Johannsen Architects. The DA now complies with the principal planning controls but the poor entry and circulation patterns that require either passing through the actual church space or gaining access to the front build via the rear building are not considered acceptable.

Conversely, the Panel is aware of the need for the proposed specialised accommodation and strongly supports the overall proposal. Accordingly, it is the Panel's view that the convenience and needs of the residents who may have reduced mobility should be given priority over numerical compliance with car parking numbers or setbacks in the basement if this makes it easier for residents to use. Refer to Movement and car parking comments.

The detailed comments should be read in this context: the circulation both for vehicles and (more importantly) residents needs to be redesigned, the other matters are of less consequence.

### ***Strategic Context***

The Panel strongly supports the proposed uses. The Panel commends the proponent for considering the possible future development pattern on adjoining sites.

### ***Scale, Built form and articulation***

The massing and building envelope are generally well resolved.

Although Fisher Road is surrounded by 2 or 3 storey buildings, the development controls here permit five. It's therefore critical to articulate a street wall which addresses the scale of the neighbouring buildings and awnings over the footpath which contributes to the existing street character and to recess any larger building mass further back from the road. The proposal does this satisfactorily.

Francis Street is characterised by 4 storey buildings so the 16-meter height limit here is appropriate. Nevertheless, careful attention to vehicular access is considered important to retain the finer grain pedestrian quality in the residential precinct.

### ***Access, vehicular movement and car parking***

2 levels of car parking are proposed for church goers and boarding house residents. A high proportion of disabled parking is provided to meet the needs of the residents with tandem car spaces for church goers and some bicycle parking. As noted previously it is the Panels view that priority should be given to the needs of the residents.

No columns are shown on the plans which make it difficult to assess whether manoeuvrability is possible and convenient through the basement levels and access driveway approach which splits to the 2 levels. 3-point turns are shown at the end of the basement driveways but it's unlikely that disabled drivers would be able to negotiate this. Additionally, it would appear that there is no side setback for spaces 16, 17, 18 and part of space 1.

Tandem parking for church goers is awkward; tandem parking is usually provided for co-habitants in the same unit in residential developments.



The Panel supports the single car driveway from Francis Street that minimises the impact on the streetscape. The widening of this driveway to provide space for vehicles to wait before entering the basement car park has an undesirable impact on the street and consideration should be given to providing permeable paving to complement soft landscape on the site.

The Panel found the design very difficult to understand. What purpose does the 1:14 ramp for the “Common Outdoor Zone” perform? How is the hydrotherapy pool accessed? Why is it next to the managers private open space?

The alternative access to the Church from Francis Street is awkward and undesirable and this space is best and most appropriately dedicated for residents only.

### **Recommendations car movement and parking**

1. Review and redesign the carparking with the aim of making manoeuvring easier
2. The travel paths and sightlines for cars from the lower basement around the lift on the upper basement level will be difficult; re-arrange
3. The rear lift is accessible only through the bulky goods store on the lower basement level; re-arrange
4. If the church car parking were removed, it could be possible to rearrange the car spaces to the south with the lifts in between spaces as is show on the upper basement level lifts could serve residents and staff alone without having to open to the church space
5. In consultation with council reconsider the need for onsite parking for church goers, café loading (given the need for #16 to reverse a long way back) and give priority ease of use and movement for residents with specific needs
6. Allow the basement to encroach into the 2.500m setback to provide ‘optimal alignment for 1 point turn’
7. Remove tandem parking

### **Recommendations pedestrian access**

8. Reconsider and re-design the entry and journey through the site particularly for residents
9. Review, simplify and redesign the circulation, fire stairs and egress
10. Investigate establishing the same floor levels in the front and rear building
11. Avoid ramped floors
12. The scissor stairs to the south of the Communal space are circuitous and a simpler, more compact stair access should be explored

## **Landscape**

The landscape treatment on the site is not successful.

Given the built form controls it is acknowledged that creating coherent landscaped spaces is challenging.

Although the landscape areas meet the numeric provisions, the treatment of the circulation further diminishes the potential amenity of this already challenging long narrow space.

The development’s presentation, entry experience and circulation are very complex, and the site levels are contributing to this. The experience for residents and users does not seem to have been a driving aspect of the design but is very important, particularly for the intended residents.

The Panel supports the idea of a communal landscaped space with hydrotherapy pool however the changes of level – ramps and stairs - create an uncomfortable transition and circulation between Francis Street and the entry into the Church/Conference Hall.

A more cohesive set of outdoor spaces from Francis Street, with subtle articulation/level changes along the side of the building to the communal open space without ramps which bisect and obstruct circulation and visual continuity would be a more desirable way for residents to approach from the rear.



The green roof on the top floor of the Fisher Road building is supported by the Panel however further attention should be given to a more casual setting, with provision for greater safety by avoiding benches and planters that might be scalable. The glass dividing fence is not necessary.

Generally, sunken landscape spaces are hard to make successful and can have issues with safety / a sense of safety.

The managers private space and hydrotherapy pool are reducing one of the larger and more consolidated spaces.

Separate residential access from Fisher Road for the residences would be positive from a usability, safety, social and streetscape point of view. It says a lot about respect to residents about where and how the entry occurs and this should be an important consideration. This could also allow the circulation through the rear of the site to the benefit of the amenity of the landscape.

The Fisher Street frontage treatment is limited by the basement under and building extending over. This is to the detriment of the café tenancy and the streetscape. It is unlikely that trees will be possible in the narrow verge which is impacted by the overhead power lines.

The Francis Street setback is significantly impacted by the driveway. The paved area is wider than the basement entry and this reduces the potential for landscaping and improving the character of this frontage to the street.

The lowered, narrow, and overshadowed nature of the landscape spaces are going to be difficult to develop as usable, high amenity spaces. While the landscape offers a lot of vegetation, which is positive, it is also exacerbating the deep, shaded, dark nature of these areas.

The planting is mixed native, and exotic does not have a clear character and is not making a significant contribution to biodiversity.

The furniture and fitments are quite public / commercial and are not contributing to the sense of this as a home to residents. This does not mean they cannot be contemporary in character.

The rooftop open space is a very positive provision and will offer a sunny usable area. While the water tanks are supported, they are taking up valuable rooftop space.

## Recommendations

13. Maximise landscape on the Fisher Street frontage by cutting back the basement and the rooms over. Allow for the provision of trees within the site – similar to what is shown on the renders
14. Minimise pavement and maximise landscape on the Francis Street frontage to improve the streetscape presentation
15. Simplify the landscape, consider usability and amenity and as far as possible reduce the sense that the linear landscape spaces will simply be for circulation
16. Reconsider the design of the rooftop for flexibility of use, increased planting and safety of potential for stepping up and falls. Look to relocate the water tanks to liberate more rooftop space for communal use.
17. Rework the location of the managers private open space and hydrotherapy pool to expand the ground level open space amenity
18. Reconsider the planting palette to enhance biodiversity, use endemic/ native species and where shade and canopy is beneficial and where access for light is the priority
19. Consider the character of the furniture and fitments and the creation of comfortable 'homely' spaces for the residents
20. Consider pervious paving to the wide part of the driveway

## Amenity

The relationship of the entry to Fisher Road has been improved. Nevertheless, a separation between residents and church/conference attendees is necessary to provide dignity and amenity for both. It would be preferable for the lifts to be relocated to the southern side of the building to provide access for





residents up to the boarding house. The cafe, toilets and public spaces would therefore be located in a manner which avoids conflict between the two uses on the site.

As previously stated, the communal landscape space in the centre of the site is supported however the manager's accommodation laundry and common space could be improved with better access to natural light ventilation and landscaped area.

The amenity of the rooms has been significantly improved however some are short of storage space. Consideration should be given to providing meeting rooms for groups of 5-10 rooms.

The sloped floor in the Common room at the rear is simply strange in addition to creating very awkward sill and threshold conditions.

### **Recommendations**

21. Reconsider the arrangement of the common room, managers accommodation and hydrotherapy pool to improve accessibility and privacy

### ***Facade treatment/Aesthetics***

The external expression of the building has been greatly enhanced compared to the original DA submission – with better articulation of walls and roofs. Nevertheless, consideration should be given to minimising excessive use of perforated metal screening.

### **Recommendation**

22. Consider using simple overhead window projections to northern windows and operable and/or fixed louvres to the east and west. These would be appropriate and provide greater visual interest to the buildings instead of perforated screens.

### ***Sustainability***

### **Recommendations**

23. On site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid
24. Install EV charging allows for bi-directional (2-way) charging of EV battery for powering the building

### ***PANEL CONCLUSION***

**The Panel does not support the proposal in its current form.**

The Panel very much appreciates the proponent's willingness to accept the comments made on the previous submission and engage in additional peer review. This process has been very helpful, and the overall design has improved significantly however both resident and vehicular circulation is complex, awkward and detracts from the landscape spaces. In short, the circulation simply does not work and will require a redesign of the lower levels.

The Panel recognises and supports the significant social benefits this proposal provides in terms of the provision of low-cost housing for disadvantaged members of the community. Suggestions made by the Panel should be incorporated to enhance the quality of the design.

# Architect's DSAP Response

## MIXED USE DEVELOPMENT

BOARDING HOUSE / CHURCH / COMMUNITY FACILITIES

28 FISHER RD / 9 FRANCIS ST, DEE WHY, NSW

MARCH, 2023



architecture  
modularisation  
project management  
interior design  
procurement

**1300 799 986**

335 MONA VALE ROAD  
TERREY HILLS NSW  
AUSTRALIA 2084

[www.georgegroup.com.au](http://www.georgegroup.com.au)



Design + Sustainability Advisory Panel Meeting Report – Date 27 October 2022

**3 - DA2022/1510 - 9 Francis Street/28 Fisher Road Dee Why**  
**PANEL COMMENT AND RECOMMENDATIONS**

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**Strategic Context**

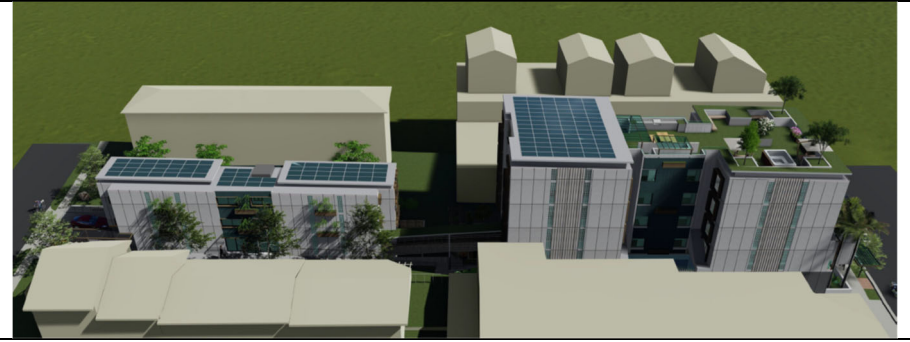
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Francis Street is characterised by 4 storey buildings so the 16-meter height limit here is appropriate. Nevertheless, careful attention to vehicular access is considered important to retain the finer grain pedestrian quality in the residential precinct.



**General response.**

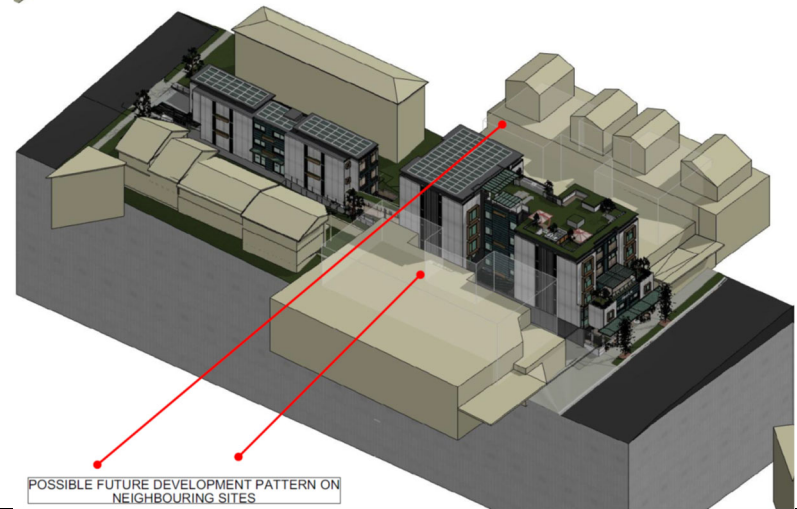
We thank SNPP for their comments and particularly the focus on useability for vehicles and pedestrians. We feel their response has helped the project in these matters. The project now has more refined internal and external responses and will function better for the users internally and the community at large.

The site has inherent difficult proportion, gradient and dual zonings to overcome. We feel that the updated documents attached meet these.



**Strategic Context response.**

Noted that the panel strongly supports the uses. We feel also that the church (owner) is to be applauded for focusing on needs-based uses and serving and caring for their community. Future development pattern suggested on adjacent Fisher Rd sites to ensure that significant light and air wells remain along the Fisher Rd side boundaries.



**Scale, built form and articulation response.**

Fisher Rd responds to streetscape with continuation of awnings stepped to respond to street gradient, recess at the pedestrian level entry, active frontage to the street, articulated frontage to the tower and recessed landscaped corners to the neighbouring property interface at the podium.



Francis St height limit is 11m, but the height of the building has been limited to around 9.5m variously down the site slope. This is much lower than the maximum allowable and responds to the envelope cut-offs and provides light and air to neighbours. The frontage responds to the pedestrian scale with an entry awning and landscape elements that clearly identify and diminish the driveway. The Driveway has been minimised in perceived width with trafficable side landscape to its required 2-vehicle width.





**Access, vehicular movement and car parking**

2 levels of car parking are proposed for church goers and boarding house residents. A high proportion of disabled parking is provided to meet the needs of the residents with tandem car spaces for church goers and some bicycle parking. As noted previously it is the Panels view that priority should be given to the needs of the residents.

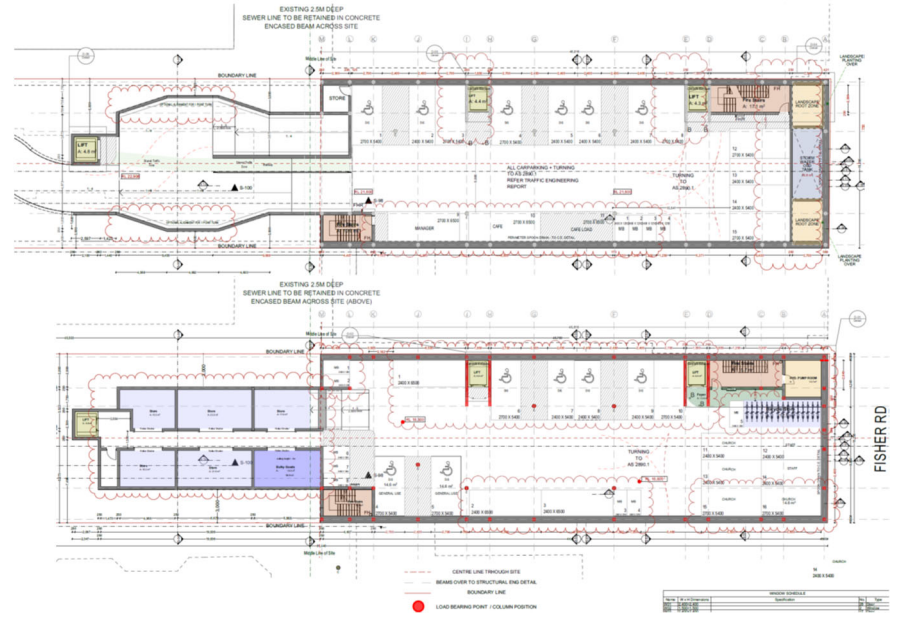
No columns are shown on the plans which make it difficult to assess whether manoeuvrability is possible and convenient through the basement levels and access driveway approach which splits to the 2 levels. 3-point turns are shown at the end of the basement driveways but it's unlikely that disabled drivers would be able to negotiate this. Additionally, it would appear that there is no side setback for spaces 16, 17, 18 and part of space 1.

Tandem parking for church goers is awkward; tandem parking is usually provided for co-habitants in the same unit in residential developments.

**Access, vehicular movement and car parking response**

Priority is provided to the needs of the residents within the basement carparking arrangements.

- Columns and structural zones have now been shown on the plan and initial consultation with Structural Engineers has been undertaken. Layouts of levels respond via replication.
- Ramp turning has been widened and lengthened for greater manoeuvrability and Traffic report supports this.
- Carparking Space widths have been increased to Australian Standard requirements where necessary
- Tandem parking has been minimised to the lower level basement only and this area is designated for church staff use only (who park there daily and for longer periods) and this allows for other church persons to park and come and go as necessary for shorter term. All church persons will be aware of this in a smaller grouping of people that know each other well. Access to the church parking area will be controlled.

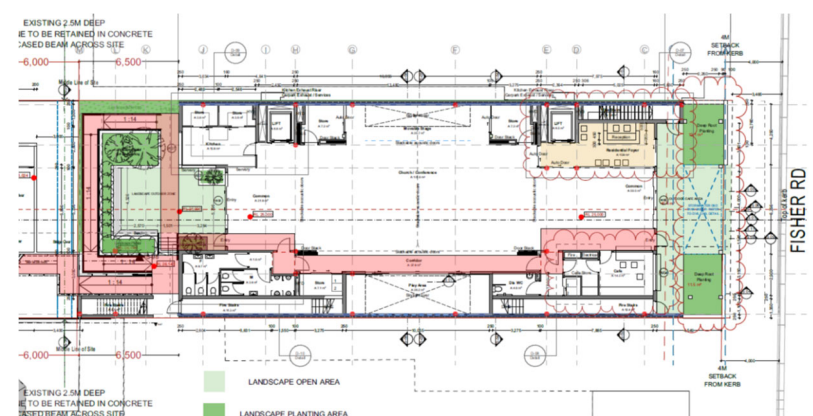


The Panel supports the single car driveway from Francis Street that minimises the impact on the streetscape. The widening of this driveway to provide space for vehicles to wait before entering the basement car park has an undesirable impact on the street and consideration should be given to providing permeable paving to complement soft landscape on the site.

The Panel found the design very difficult to understand. What purpose does the 1:14 ramp for the "Common Outdoor Zone" perform? How is the hydrotherapy pool accessed? Why is it next to the managers private open space?

The alternative access to the Church from Francis Street is awkward and undesirable and this space is best and most appropriately dedicated for residents only.

- Single car driveway vehicle ramp down noted as supported. Permeable landscape at sides of driveway waiting area at the frontage has been incorporated onto the landscaping plan to diminish the required 2-car waiting space at the head of the ramp off Francis St.
- The design has been simplified in relation to access through the outdoor spaces and the Common Zone has been raised to Level 1 (from basement ground level).
- The Hydrotherapy pool has been relocated out of the basement level to Fisher Rd roof as it is likely to be used by participants of Fisher Rd. as a part of rehabilitation when required.
- It is noted that church access from Francis St has a number of obstacles to overcome. It is also understood that the church will be primarily accessed from the car park and also from Fisher Rd as its main focus. Participants in the Communal church area will enter primarily from the basement carpark and also off Fisher Rd (public transport). This is the commercial side of the site, whereas the residential side of the site (Francis St)
- We have provided the most direct accessible ramping possible from Francis Level 1 down to Fisher Rd ground level. This will not be a normally used route to the communal/church area, but is necessary when required. It is noted that accessible ramping has to traverse over the existing sewer line crossing the site. There are direct stairs for those not requiring accessible ramping that make the process relatively straightforward in a close-to linear approach. There are also stairs direct from the carpark to this designated path through the church. Ramping at the central courtyard has been incorporated as a part of the landscaping retaining requirements around the rear church courtyard and will be value-adding to this space



GROUND LEVEL CHURCH COMMUNAL AREA WITH YELLOW RESIDENTIAL FOYER & RED PATHWAY AROUND THE MAIN AUDITORIUM SPACE TO THE CENTRAL LANDSCAPED



COURTYARD THAT WILL BE A VISUAL FOCUS THROUGH THE GROUND LEVEL & CAP OFF THE VISTA FROM FISHER RD

**Recommendations car movement and parking**

1. Review and redesign the carparking with the aim of making manoeuvring easier
2. The travel paths and sightlines for cars from the lower basement around the lift on the upper basement level will be difficult; re-arrange
3. The rear lift is accessible only through the bulky goods store on the lower basement level; re-arrange
4. If the church car parking were removed, it could be possible to rearrange the car spaces to the south with the lifts in between spaces as is show on the upper basement level lifts could serve residents and staff alone without having to open to the church space
5. In consultation with council reconsider the need for onsite parking for church goers, café loading (given the need for #16 to reverse a long way back) and give priority ease of use and movement for residents with specific needs
6. Allow the basement to encroach into the 2.500m setback to provide 'optimal alignment for 1 point turn'
7. Remove tandem parking

**Recommendations response for car movement and parking**

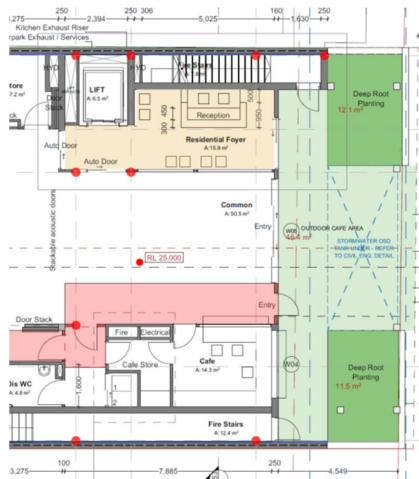
1. Traffic and Carparking has previously achieved Council endorsement, but the planning has been further eased after current amendment. A wider U-turn facility and eased parking arrangements (less carparking means more width etc) are features of this amendment. This U-turn head requires relaxation of the setback requirements to 1.5m at basement only on Francis St side. There is deep soil landscape over. Australian Standard widths have been widened adjacent to structural obstruction elements. Total carparking numbers have been lessened to 31 total (but still greater than the required 29).
2. A wider and longer area has been arranged for car manoeuvring and U-turn facility at the mid landing point at the head of lower ramps for better sight lines. A designated pedestrian path to the lift has been assigned. This will work with the traffic management system.
3. Bulky good stores have been rearranged to provide hierarchy to corridor access from the carpark to the lift. Bulky store and other storage areas are separated off from this corridor path to work for various tenancy needs.
4. Lower level basement parking has been amended to broadly replicate the layout of the upper level basement carparking. This helps with the structural grid. Upper level parking has been assigned for residents and lower level parking is assigned for church and use primarily. This means separation of use for various groups has been targeted. Easiest access is arranged for the residents (at the upper basement) and this runs straight ahead from the ramp access (without having to negotiate access to the lower level). A traffic management system will vehicle access down all ramps.
5. Traffic endorsement has been achieved from council. Traffic has been liaised with the council as far as required numbers on the site over the course of this and the previous DA. It is thought that there may be less need for resident parking for affordable housing centred project as the site is well positioned to allow for access to public transport and facilities within walking distance.
6. Basement encroachment has been made on Francis St site to allow eased turning and U-turn as demonstrates in the traffic report. Setback is still 1.5m and Deep soil planting occurs over
7. Tandem parking is only incorporated for 3 spaces at the lower basement and is designated for church staff. These are for the senior Pastor and 2 church officers whom are well known within their church and are able to work proactively. This allows for longer-term staff parking and shorter-term turnover parking in front of them. A management system for this will be employed. The church is comfortable with this scenario as it provides them more depth of area when required for trailers and other equipment manoeuvrability within the space. This will apply to multi-function space use to the community /church space over for short term movement of items like stage sets etc when there is theatre in the space. A theatre currently works from the church hall.

**Recommendations pedestrian access**

8. Reconsider and re-design the entry and journey through the site particularly for residents
9. Review, simplify and redesign the circulation, fire stairs and egress
10. Investigate establishing the same floor levels in the front and rear building
11. Avoid ramped floors
12. The scissor stairs to the south of the Communal space are circuitous and a simpler, more compact stair access should be explored

**Recommendations response for pedestrian access**

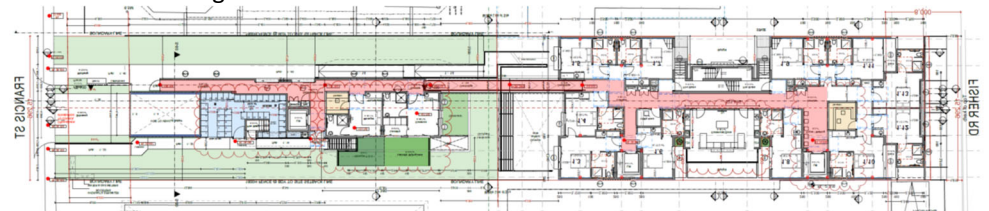
8. A new pedestrian entry for the residential rooms has been designed at the ground level Fisher Rd frontage.



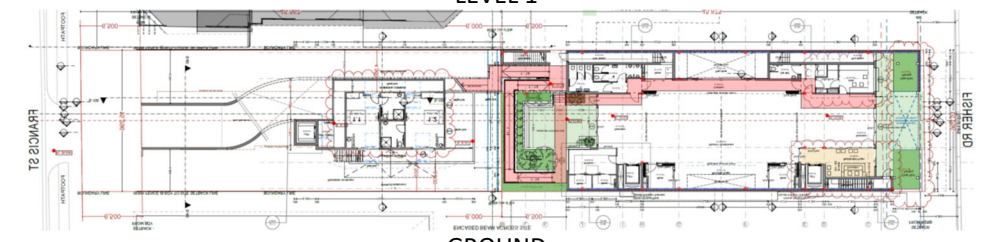
PROPOSED PEDESTRIAN ENTRY FROM GROUND LEVEL (yellow) WITH SEPARATE FOYER TO LIFT ACCESS



PROPOSED LEVEL 1 RECEPTION FOR RESIDENTIAL ENTRY



LEVEL 1



GROUND

9. The circulation has been redesigned, with a clear, internal focus at level 1 for residential pedestrian access through the site that demonstrates service and control mechanisms at the entries for the public
10. Floor levels are near to the same between the buildings, but the sites are the controlling factor in this. There are required touch points at each street frontage, required maximum height limits and required envelope cut-offs. The considerable site fall from Francis St to Fisher Rd is a significant determining factor and also the sewer line crossing the site centrally that all need to fundamentally address. The buildings respond to these items as best possible and the overbridge between them complies with accessibility standards and effectively links the level 1 floor plan of the buildings, thereby leaving separation to the church facilities located at Ground level off Fisher Rd.
11. Ramped floors have been avoided wherever possible. There is some minor ramping at ground level of Francis St at the entry.
12. The scissor stair at the Fisher Rd south is an efficient way to provide 2 separate fire stairs into a compact space. The urban design and architect have peer reviewed this and concluded this. It is effectively 2 separate fire stairs that specifically relate directly to access from each dedicated grouping of 5 boarding rooms. It responds to required egress from the roof and out of the building at ground level and provides barrier for privacy and noise on the south to the adjacent commercial neighbour, whilst allowing sun and environmental response from the north articulated recess of the Fisher Rd building. Preliminary construction detailing has been completed for all stairs for certifier review.



**Landscape**

The landscape treatment on the site is not successful. Given the built form controls it is acknowledged that creating coherent landscaped spaces is challenging. Although the landscape areas meet the numeric provisions, the treatment of the circulation further diminishes the potential amenity of this already challenging long narrow space.

The development's presentation, entry experience and circulation are very complex, and the site levels are contributing to this. The experience for residents and users does not seem to have been a driving aspect of the design but is very important, particularly for the intended residents.

The Panel supports the idea of a communal landscaped space with hydrotherapy pool however the changes of level – ramps and stairs - create an uncomfortable transition and circulation between Francis Street and the entry into the Church/Conference Hall.

A more cohesive set of outdoor spaces from Francis Street, with subtle articulation/level changes along the side of the building to the communal open space without ramps which bisect and obstruct circulation and visual continuity would be a more desirable way for residents to approach from the rear.

The green roof on the top floor of the Fisher Road building is supported by the Panel however further attention should be given to a more casual setting, with provision for greater safety by avoiding benches and planters that might be scalable. The glass dividing fence is not necessary.

Generally, sunken landscape spaces are hard to make successful and can have issues with safety / a sense of safety.

The managers private space and hydrotherapy pool are reducing one of the larger and more consolidated spaces.

Separate residential access from Fisher Road for the residences would be positive from a usability, safety, social and streetscape point of view. It says a lot about respect to residents about where and how the entry occurs and this should be an important consideration. This could also allow the circulation through the rear of the site to the benefit of the amenity of the landscape.

The Fisher Street frontage treatment is limited by the basement under and building extending over. This is to the detriment of the café tenancy and the streetscape. It is unlikely that trees will be possible in the narrow verge which is impacted by the overhead power lines.

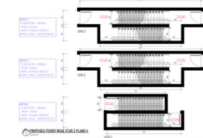
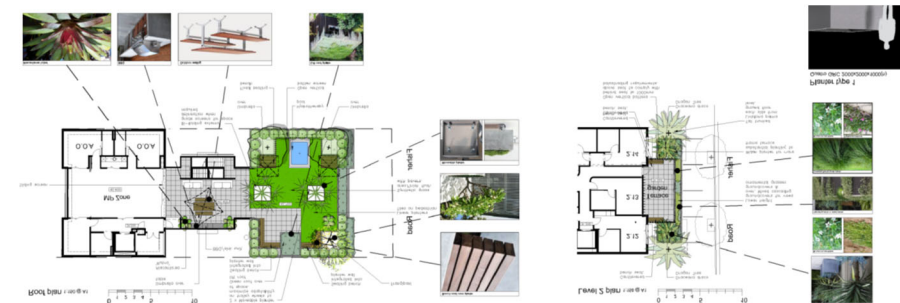
The Francis Street setback is significantly impacted by the driveway. The paved area is wider than the basement entry and this reduces the potential for landscaping and improving the character of this frontage to the street.

The lowered, narrow, and overshadowed nature of the landscape spaces are going to be difficult to develop as usable, high amenity spaces. While the landscape offers a lot of vegetation, which is positive, it is also exacerbating the deep, shaded, dark nature of these areas.

The planting is mixed native, and exotic does not have a clear character and is not making a significant contribution to biodiversity.

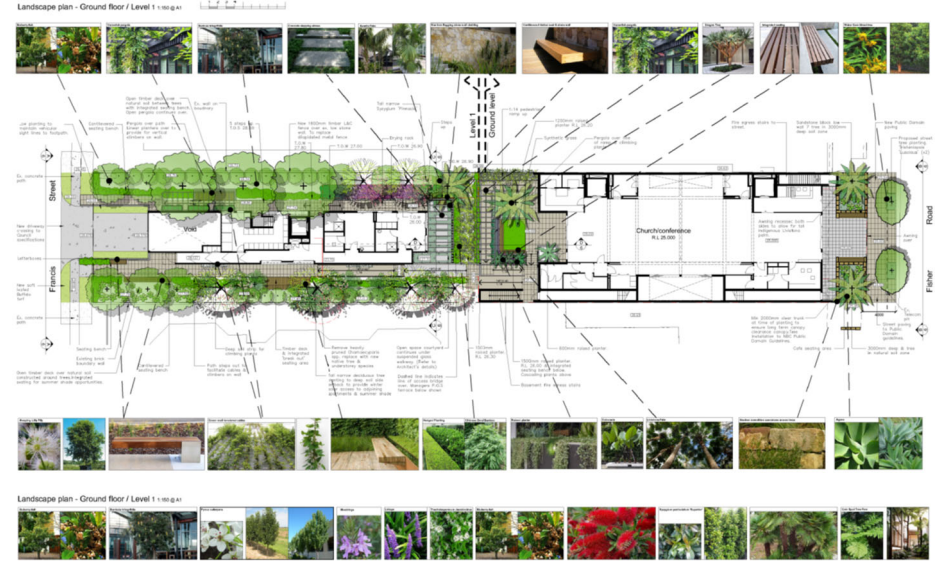
The furniture and fitments are quite public / commercial and are not contributing to the sense of this as a home to residents. This does not mean they cannot be contemporary in character.

The rooftop open space is a very positive provision and will offer a sunny usable area. While the water tanks are supported, they are taking up valuable rooftop space.

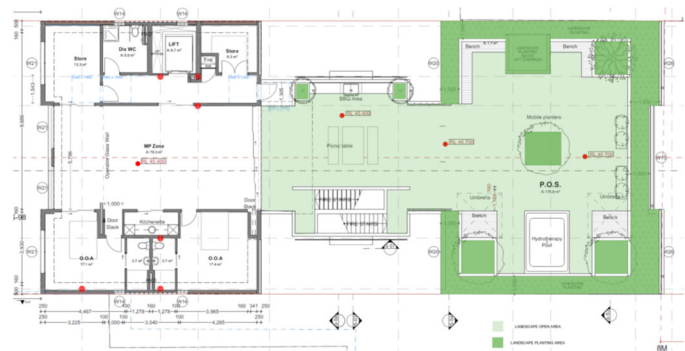


**Landscape Response**

- We note that after amendment the project has achieved a preliminary endorsement for the council referral.
- It is acknowledged that the site is a challenging shape and proportion and we have tried to get the best from the available space. We have engaged with specialist landscape architects and urban designers to achieve this.
- The presentation and entry experience have been eased in relation to DSAP comments.
- Communal spaces that were in a semi-basement zone have been relocated to a more open and central location on the rear of the Francis St site. The hydrotherapy pool has been relocated to the communal roof space at the Fisher Rd site.
- The Landscape Architect has worked to make the spaces more cohesive and subtle, with retreat spaces off the main thoroughfares and numerous communal areas. We have tried to work with the various ramps required to traverse the site, and have redefined the main pedestrian routes through the building so as to diminish the need for primary path through the ground level church zone.



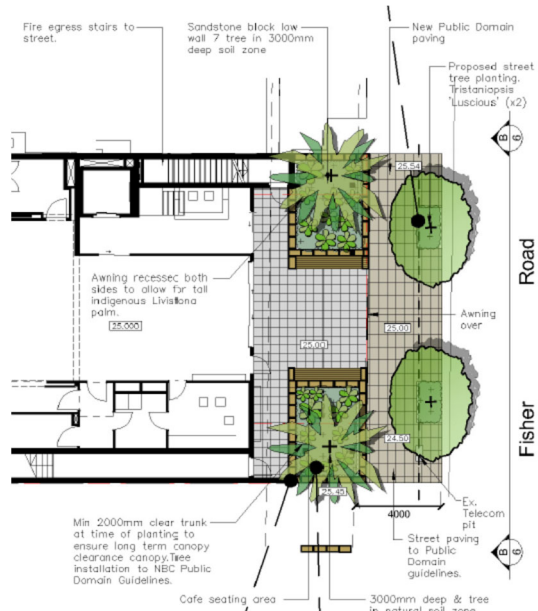
- A greater focus on landscape at the Fisher Rd communal rooftop has been provided. With thinner perimeter roof water tanks, security and privacy screening and moveable furniture and planting items.
- The only "sunken" landscape area in the scheme is at the rear of the Fisher Rd church and communal area. This serves as more of a breakout space from the rear of this area rather than a sunken space and makes good visual and accessible sense from the perspective of the open Fisher Rd Ground level experience.
- The Manager's private space and boarding unit have been relocated to level 1 at the rear of the Francis St site and have north facing breakout and a relocated hydrotherapy pool space.
- A separated access for the residential components of the site has been secured from an individual foyer at the ground level Fisher Rd north side. This foyer accesses to the lift that will be managed to a level 1 residential foyer and reception counter space. A dignified pathway at level 1 runs through the development and links to the level 1 Manager and counter at the Francis St end of the development to ensure a linked and bookended experience for visitors.
- Deep soil areas have been added to the Fisher Rd frontage sides to provide basis for large-scale planting at the edges of the podium and also detailed planting fronting to the communal entry courtyard and café area for an active streetscape.
- The Francis St frontage driveway has required widths as a waiting zone for 2 vehicles, but has been softened with porous planting to the trafficable edges of the driveway to soften. It is necessary for it to be wider than the single vehicle basement carpark entry.
- Landscaping has received attention to open it up whilst maintaining privacy aspects. Deciduous trees will provide winter sun entry to long narrow spaces. Council LEP calls for minimum dimensions of space that informs the site development zones. The articulated building form and significantly lower Francis St roof than height allowance will allow for sun entry and achieves side boundary envelopes at Francis St site.
- Water tanks have been diminished in size and width with planting to their tops.





**Recommendations**

13. Maximise landscape on the Fisher Street frontage by cutting back the basement and the rooms over. Allow for the provision of trees within the site – similar to what is shown on the renders
14. Minimise pavement and maximise landscape on the Francis Street frontage to improve the streetscape presentation
15. Simplify the landscape, consider usability and amenity and as far as possible reduce the sense that the linear landscape spaces will simply be for circulation
16. Reconsider the design of the rooftop for flexibility of use, increased planting and safety of potential for stepping up and falls. Look to relocate the water tanks to liberate more rooftop space for communal use.
17. Rework the location of the managers private open space and hydrotherapy pool to expand the ground level open space amenity
18. Reconsider the planting palette to enhance biodiversity, use endemic/ native species and where shade and canopy is beneficial and where access for light is the priority
19. Consider the character of the furniture and fitments and the creation of comfortable 'homely' spaces for the residents
20. Consider pervious paving to the wide part of the driveway



FISHER RD ENTRY WITH DEEP ROOT PLANTING INTO BASEMENT

ROOF-TOP LANDSCAPED COMMUNAL AREA FLOWS DIRECTLY FROM THE INTERNAL ROOF-TOP COMMUNAL AREA & DEMONSTRATES A VARIETY OF OPEN AND PARTLY-COVERED SPACES

**Recommendation responses**

13. Basement area has been removed with significant corner of site deep soil planting areas installed. Side areas of boarding rooms have been diminished at the podium area to allow for tall planting to soften the edge approaches of the building. Low planting informs the more personal spaces of the under-awning frontage and pedestrian entry café and residential access foyer.
14. Francis St Pavement at the required edge of the vehicle pavement entry has been softened with trafficable edge planting zone on both sides.
15. Landscape has been simplified and opportunity for seating, breakout has been added in an effort to breakup the linear nature of the site and the required width planting areas as much as possible



FRANCIS ST LEVEL 1 PLANTING PLAN FEATURING COMMUNAL AREA AND MANAGER

16. Fisher Rd Rooftop has been reworked for wider zones with flexible planting areas. Water tanks have been minimised and act as perimeter landscape beds and privacy and security buffers to neighbours.
17. The manager's room has been relocated to level 1 with external POS to the north and hydrotherapy pool relocated entirely.
18. The landscape architect has used endemic / native species and has tried to work to a practical and consistent theme.
19. Furniture has been reworked. It is also considered that moveable furniture can be moved out into garden spaces to supplement fixed items. It is also noted that many disabled persons have wheelchairs and other assistance mechanisms where they bring their furniture with them.
20. Pervious paving and planting have been added to the wider edges of the driveway.

**Amenity**

The relationship of the entry to Fisher Road has been improved. Nevertheless, a separation between residents and church/conference attendees is necessary to provide dignity and amenity for both. It would be preferable for the lifts to be relocated to the southern side of the building to provide access for residents up to the boarding house. The cafe, toilets and public spaces would therefore be located in a manner which avoids conflict between the two uses on the site.

As previously stated, the communal landscape space in the centre of the site is supported however the manager's accommodation laundry and common space could be improved with better access to natural light ventilation and landscaped area.

The amenity of the rooms has been significantly improved however some are short of storage space. Consideration should be given to providing meeting rooms for groups of 5-10 rooms.

The sloped floor in the Common room at the rear is simply strange in addition to creating very awkward sill and threshold conditions.

**Amenity response**

- A separate and dignified entry to the residential components of the development from the Fisher Rd has been provided. The café has been swapped to the south side of the ground level foyer to allow for this residential foyer.
- A separated access for the residential components of the site has been secured from an individual foyer at the ground level Fisher Rd north side. This foyer accesses to the lift that will be managed to a level 1 residential foyer and reception counter space. A dignified pathway at level 1 runs through the development and links to the level 1 Manager and counter at the Francis St end of the development to ensure a linked and bookended experience for visitors. It must be pointed out though that the communal church facilities will be used as a large multi-use communal facility for the residents during regular days and hence there will be a range of cross-over events between the church (owners of the site) and the residential participants on all levels.
- There is a flexible communal meeting room for each group of 5 and 10 residential rooms on all levels of the buildings. This is intended as a communal living space, meeting space, consultant meeting space etc to need and offers a different scale communal experience to the larger roof-top internal and external communal areas, the ground level multi-functional communal areas (for a range of larger groups) as well and the Communal spaces located in the Francis St building.



PROPOSED FISHER RD COMMUNAL LIVING AREA

COMMUNAL MEETING AREAS ARE LOCATED DIRECTLY ADJACNE TO CLUSTERS OF 5 ROOMS IN THE FISHER RD BUILDING. ADDITIONALLY THERE ARE MULTIPLE OTHER SCALE COMMUNAL AREAS IN THE DEVELOPMENT

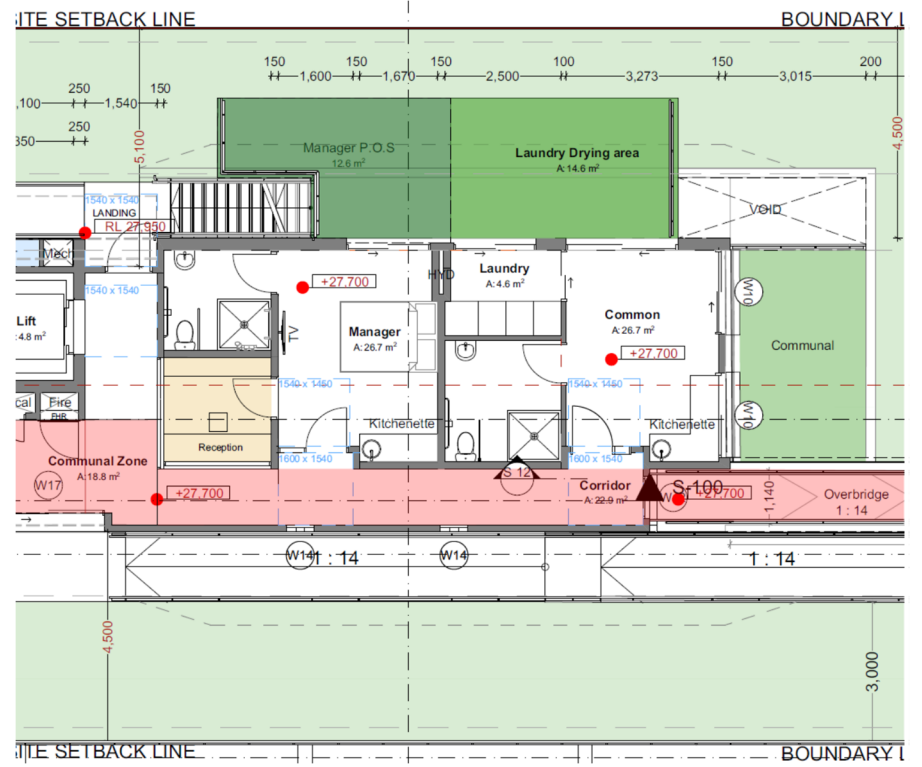
- This communal sloped floor area has been eliminated (at basement level)

**Recommendations**

21. Reconsider the arrangement of the common room, managers accommodation and hydrotherapy pool to improve accessibility and privacy

**Recommendations Response**

21. The Communal area and the manager’s room has been relocated to level 1 with external POS to the north and hydrotherapy pool relocated entirely. This creates a private area and increased accessibility. The Manager’s space functions as an adjunct to required reception and office spaces and adjacent communal and laundry areas. These are focused to the southern pedestrian concourse and away from the Manager’s private areas.



MANAGER/RECEPTION AND ALSO COMMUNAL AREA MOVED TO LEVEL 1 FRANCIS ON THE RESIDENTIAL PEDESTRIAN PATHWAY THAT CONNECTS THROUGH THE CENTRE AT LEVEL 1

**Facade treatment/Aesthetics**

The external expression of the building has been greatly enhanced compared to the original DA submission – with better articulation of walls and roofs. Nevertheless, consideration should be given to minimising excessive use of perforated metal screening.

**Facade treatment/Aesthetics Response**

Noted. Perforated screening has been removed from over façade areas at recessed articulation points of the buildings and has been left at detailed fenestration points as sculptural forms. Colours at recessed points remain feature darker greens.



FISHER RD FRONTAGE

**Recommendation**

22. Consider using simple overhead window projections to northern windows and operable and/or fixed louvres to the east and west. These would be appropriate and provide greater visual interest to the buildings instead of perforated screens.

**Recommendation Response**

22. We have removed much of the perforated screen material off the north and south facades particularly, but have maintained some as a penetrable privacy screens that will allow light and air through, create 3-D visual interest off the façade, and allow for a full height sliding door solution to the fenestration to the east and west. Hoods surround this to provide sculpture off the face. This result has been arrived at in conjunction with our Urban Design specialist consultant (Jon Johannsen). Northern and southern windows have the required privacy screens and function primarily into the recessed centralised articulated forms of the buildings.

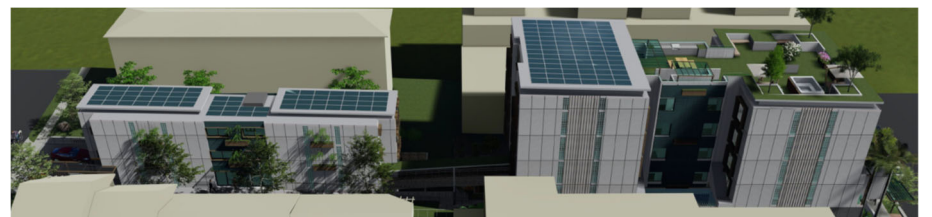
**Sustainability**

**Recommendations**

23. On site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid  
 24. Install EV charging allows for bi-directional (2-way) charging of EV battery for powering the building

**Sustainability - Recommendation Response**

23. There is created room to allow for the installation of on-site battery backup systems. Details and viability of this will be examined as a part of the procurement process.  
 24. EV Charging panels have supplied as significant PV arrays on the roof and these can couple with battery systems.



LONGITUDINAL VIEW OF THE SITE INDICATES PV ARRAYS ON THE ROOF

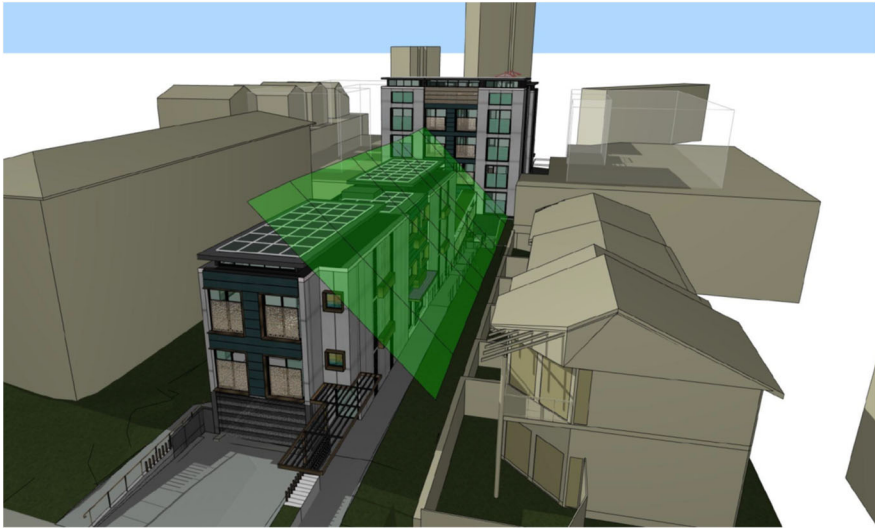


**PANEL CONCLUSION**

The Panel does not support the proposal in its current form.

The Panel very much appreciates the proponent's willingness to accept the comments made on the previous submission and engage in additional peer review. This process has been very helpful, and the overall design has improved significantly however both resident and vehicular circulation is complex, awkward and detracts from the landscape spaces. In short, the circulation simply does not work and will require a redesign of the lower levels.

The Panel recognises and supports the significant social benefits this proposal provides in terms of the provision of low-cost housing for disadvantaged members of the community. Suggestions made by the Panel should be incorporated to enhance the quality of the design.



ENVELOPE ACHIEVED TO FRANCIS ST SOUTH AND NORTH PROVIDES A BUILDING MUCH LOWER THAN HEIGHT ALLOWANCE TO ALLOW FOR SOUTHERN NEIGHBOUR SOLAR ACCESS AND BETTER LOCALISED RESPONSE

**CONCLUSIONS RESPONSE**

It is noted that significant time has been put into addressing the DSAP comments and to reach with practical solutions. We feel that the development proposal is significantly better for it.

Particular attention has been given to landscape solutions, linked and dignified residential entries, parking and communal areas.

The buildings demonstrate a consistent theme that will be value-adding to the community and the streetscape. They comply with the relevant LEP numeric requirements and have received council endorsements across the board

We feel that the quality of design has significantly increased as a result of this and particularly at the pedestrian interface lower levels and parking zones. There is a clear range and offering in the communal areas offered that provides indoor, outdoor, and smaller to larger range venues. Residential groupings of 5 rooms maximum are evident adjacent to smaller breakout communal areas.

Carparking is clearly delineated between residential uses (upper basement) and church uses (lower basement) and utility services, storage areas and loading areas are clearly delineated.

