

JRPP No.	2010SYE004
Development Application No:	DA2009/1693
Description:	Demolition of existing buildings and associated structures and construction of 67 self-contained dwellings for older people and people with a disability (Old Darby and Joan precinct of the RSL War Veterans Retirement Village).
Address / Property	Lot 2641 DP 752038 & Lot 2026 DP 752038, Lot 1/ Veterans Parade, Wheeler Heights.
Applicant:	RSL Lifecare Limited
Reporting Officer:	Malcolm Ryan – Director Planning and Development Services
Application Lodged:	17/12/2009
Plans Reference:	Drawing No. DA3.01 (issue B), DA3.02 – DA3.10 (issue A), DA 3.12 – DA3.13 (issue B), DA3.14 (issue A), DA3.15 (issue B), and DA3.16 – DA3.19 (issue A) – all prepared by Young Metclalf Architect.
Amended Plans:	YES – (DA Drawing No. DA3.01, DA3.12, DA3.13, & DA3.15 – issue B)
Owner:	RSL Lifecare Limited
Locality:	B6 War Veterans
Category:	Category 1 ('Housing for older people or people with a disability')
Draft WLEP 2009 Permissible or Prohibited Land use:	Permissible with consent under the Zoning (SP1 Special Activities)
Clause 20 Variations:	No variations sought
Land and Environment Court Action:	NO
Referred to JRPP:	YES (Capital Investment Value >\$10m)
Referred to WDAP:	NO
SUMMARY	
Submissions:	One (1) submission received
Submission Issues:	Increase in traffic will result in bushfire hazard for the area.
Assessment Issues:	Desired Future Character for the B6 Locality, SEPP (HSPD) 2004, and issues raised by the resident.
Recommendation:	Approval (subject to conditions)
Attachments:	Site Plan and Elevations Pre - Lodgement Notes

LOCALITY PLAN (not to scale)



Subject Site: Lot 2641 DP 752038 & Lot 2026 DP 752038, Lot 1/ Veterans Parade, Wheeler Heights.

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 88 adjoining land owners and occupiers for a period of 14 calendar days commencing on 14/01/2010 and being finalised on 29/01/2010. Furthermore, the application has been advertised within the Manly Daily on 13/01/2010 and a notice was placed upon the site.

SITE DESCRIPTION

The 'subject site' is commonly known as the 'RSL War Veterans Retirement Village' located on Veterans Parade, Wheeler Heights.

The site is approximately 44 hectares in area and occupies land (comprising 6 Lot titles) between Veterans Parade, Lantana Avenue and an unmade portion of South Creek Road. The Village comprises the following Lot titles:

<ul style="list-style-type: none">• Lot 2611 – DP 752038• Lot 573 – DP 752038• Lot 1-DP 803645	<ul style="list-style-type: none">• Lot 1 – DP 774980• Lot 2026 – DP 752038• Lot 2641-DP 752038
--	---

The form of accommodation within the village varies from one and two storey detached bungalows to a large nursing home and hostel buildings of up to five storeys in height. The buildings are dispersed amongst landscaped areas, bushland and internal roads.

The RSL Village consists of a number of 'precincts'. This application relates to the old Darby and Joan precinct, which is located in the south eastern part of the village and fronts Lantana Ave. The Old Darby and Joan Precinct is currently occupied by an existing 30 single storey (self – contained dwellings) that are brick cottages with tiled hipped roofs consisting of two attached units in the form of one cottage. This application relates to 22 of the 30 dwellings (being Dwellings Nos.3 – 24). Dwellings No. 1 and 2 will remain as part of the village, whilst dwellings No. 25 – 30 form part of the redevelopment of the New Darby and Joan Precinct (which is the subject of a separate DA).

Vehicle access to the old Darby and Joan precinct is via the internal village road (being First Avenue and Second Avenue) which intersects with Edmondson Drive. Edmondson Drive is one of the main internal roads in the village and intersects with Veterans Parade, which provides the main vehicular access to the village.

Pedestrian access to Lantana Avenue by residents of Old Darby and Joan is available via a number of ramps and stairs.

Surrounding development outside the Village is characterised by residential dwellings to the east (Veterans Parade) and south (Lantana Ave), bushland within Jamieson Park to the north and north-west and Narrabeen Lake to the north and west.

RELEVANT BACKGROUND

A pre-lodgement meeting was held with Council on the 16/09/2009. A copy of the pre-lodgement notes is attached to this report.

PROPOSAL IN DETAIL

The applicant is seeking consent for the redevelopment of the old Darby and Joan precinct involving the demolition of the self contained dwellings and construction of new self – contained dwellings. In summary, the development comprises the following:

- Demolition of 22 existing self-contained dwellings (i.e. 11 buildings) and associated structures within the old Darby and Joan Precinct;

- The construction of 67 self contained dwellings in the form of:
 - 2 x 1 bedroom dwellings;
 - 14 x 2 bedroom dwellings; and
 - 51 x 2 bedroom plus study dwellings
- Construction of a small communal facility;
- Widening of existing internal roadways (James Wheeler Street, First Avenue and Second Avenue);
- Construction of 11 single garage spaces for the upper levels of the existing dwellings know as Simpson of Gallipoli and replacement as necessary of the existing carports to the lower level of the Simpson of Gallipoli dwellings;
- Site works including excavation;
- Associated site landscaping including planting and paving;
- Provision of utility services to new buildings; and
- Stormwater management works

The proposed development predominantly consists of townhouses (which the applicant's architect describes as over/under townhouses). The proposed developments have been designed using the natural fall of the land.

Vehicular Access

The proposed development includes an access to the old Darby and Joan precinct through the addition of a driveway off Lantana Avenue which connects into the First and Second Avenues. First and Second Avenue are currently one way streets with an average width of 4.5 metres. The proposal includes the widening of the internal roads to a width of 5.5 metres to accommodate two-way traffic. Additionally, James Wheeler Drive to the west of the old Darby and Joan is also proposed to be widened (in part) to accommodate two way traffic.

Five (5) driveways for access to the proposed dwellings (No. 2, 4, 6, 8, 10, 12, 14, 16 and 18) are proposed off Lantana Avenue.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulation 2000
- c) State Environmental Planning Policy No. 55 – Remediation of Land
- d) State Environmental Planning Policy No. (Housing for Seniors or People with a Disability) 2004
- e) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- f) State Environmental Planning Policy (Infrastructure) 2007

- g) Warringah Local Environment Plan 2000
- h) Warringah Development Control Plan
- i) Warringah Section 94A Development Contributions Plan
- j) Draft Warringah Local Environmental Plan 2009

REFERRALS

Comments from External Authorities:

NSW Rural Fire Service

The NSW Rural Fire Service has provided comments as the integrated authority (as defined by Section 91 of the EPA Act 1979) and has issued a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997.

The NSW Rural Fire Service has issued conditions that have been included within the recommendation of this report.

Comments from Internal Departmen

Department	Comments
Council Landscape officer	<p>Council's Landscape officer has reviewed the proposal and has provided the following comments:</p> <p><i>"The Plans indicate removal of a number of trees on site to accommodate the proposed works.</i></p> <p><i>It is noted that a significant group of native trees are to be retained in the centre of the proposal, which is supported.</i></p> <p><i>The landscape plan indicates replanting of approximately 90 trees, the majority being local native species.</i></p> <p><i>It is noted that Eucalyptus nicholii is included in the plant list which is not a local species and not considered a suitable species in the locality. Conditions have been included below to amended the landscape plan to substitute this species.</i></p> <p><i>No objection are raised to the proposed works, subjection to conditions"</i></p> <p>Comment: The conditions as recommended by Council's Landscape officer have been included within the recommendation of this report.</p>
Council Traffic Engineer	<p>Council's Traffic Engineer has provided the following comments:</p> <p><i>"DA2009/1693 involves the demolition of 22 self-containing dwellings and construction of 67 new dwellings resulting in a net increase of 45 self-contained units. The traffic report by Varga Traffic Planning indicates no adverse impact in terms of traffic and parking from the proposed development".</i></p> <p><i>Overall while it appears that there would be no major traffic generation and parking impact as the result of the proposal for both developments, the traffic report provides information on access arrangement to the site and its appropriateness".</i></p>

Department	Comments
Natural Environment	<p>Council's Natural Environment section has reviewed the proposal and has raised no objection to the proposed development subject to conditions.</p> <p>Comment: The conditions as recommended by Council's Natural Environment section have been included within the recommendation of this report.</p>
Development Engineers	<p>Council's Development Engineers section has reviewed the proposal and has raised no objection to the proposed development subject to conditions.</p> <p>Comment: The conditions as recommended by Council's Development Engineer have been included within the recommendation of this report.</p>
Heritage Officer	<p>Council's Heritage Officer has reviewed the proposal and has raised no objection to the proposed development subject to conditions.</p> <p>The specific comments provided by Council's Heritage Officer are detailed under Clause 79 of the General Principle table of this report.</p> <p>Comment: The conditions as recommended by Council's Heritage Officer have been incorporated within the recommendation of this report.</p>

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application was notified in accordance with the EPA Regulation 2000 and Warringah DCP. As a result the application was notified by letter to 88 adjoining and nearby property owners and occupiers and the application was advertised within the Manly Daily on 13 January 2010.

The application has been amended to address Council's concerns in relation to the streetscape impact of development fronting Lantana Ave. The amended plans submitted by the applicant substitute the three (3) attached dwelling modules fronting Lantana Ave and replaced with two (2) separate dwellings (which appears as single storey from Lantana Ave). The amended/additional information submitted has effectively reduced the visual impact of the development on Lantana Ave. Therefore, further public exhibition of the amended plans was not considered necessary, consistent with part 2.12 of the Warringah Development Control Plan.

As a result of the notification, one (1) submission was received as detailed below:

Submission Received	Address
P. Brinkman	21 Lantana Avenue, Wheeler Heights

The concerns raised in the submission are as follows:

- **Increase in Traffic will result in bushfire hazard for the area.**

Comment: The application has been reviewed by Council's Traffic Engineer and the NSW Rural Fire Service and no objections were raised to the proposed development on the grounds of increased traffic or bushfire hazard. The concern raised is noted but is not considered to warrant amendment to the proposal or refusal of the application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments and WLEP 2000” of this report.
Section 79C (1) (a) (ii) – Provisions of any draft environmental planning instrument.	See discussion on “Draft Warringah Local Environmental Plan 2009 of this report”.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies and has been addressed within this report.
Section 79C (1)(a)(iii(a) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	<p>Clause 92 of the EPA Regulations 2000 requires Consent Authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval.</p> <p>Clause 98 of the EP&A Regulation 2000 states that a prescribed condition of consent is that the work is to be undertaken in accordance with the Building Code of Australia (BCA). If the application is approved a condition of consent could be included in the recommendation to ensure that the proposal complies with the BCA.</p>
Section 79C (1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control table in this report. In summary, the proposed development is acceptable in relation to the environmental impacts.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the continues use of the building as residents for older people and people with disability.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing land use.</p>
Section 79C (1) (c) – The suitability of the site for the development	The site is considered suitable for the proposed development. Furthermore, the proposal is considered consistent with development in the B6 locality and is appropriately designed to complement the site topography and size of the site. Accordingly, the site is considered suitable for the proposed development.
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regulation	In regards to the public submissions, refer to ‘Notification and Submissions’ section of this report.
Section 79C (1) (e) – the public interest	The public interest is served by the continued maintenance of the site, the orderly development of the land, the provision of development which is consistent with the planning controls applying to the proposed land use within this locality.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

The public exhibition of the draft Warringah Local Environmental Plan 2009 (the draft LEP) commenced on 12 October 2009 and ended on 30 December 2009. The draft LEP is therefore a relevant matter for consideration under Section 79C of the EP&A Act.

Definition: Seniors Housing

Land Use Zone: SP1 Special Activities (i.e. Housing for older people and people with disability)

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: Not Applicable

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	The proposed development does not seek to subdivide the land	NA	NA	N/A
Rural Subdivision:	Not applicable to the proposed development	NA	NA	NA
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	The subject site is not within rural or environmental zones.	NA	NA	NA
Height of Buildings:	There is no height control for this zone	NA	NA	NA

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

State Environmental Planning Policies

Further consideration is required for the following State policies:

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

Clause 7(1)(a) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and Clause 48 of WLEP 2000 state that a consent authority must not consent to the carrying out of any development on land unless;

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the development proposed to be carried out, it is satisfied that the land will be remediated before the development is carried out.

The site has been utilised for residential purposes since 1943 and there are no records to indicate that there are contamination issues on this site. Additionally, a preliminary Stage1 Environmental Site report prepared by Jeffrey Katauskas consultancy dated September 2009 was submitted with the application.

The report concludes that the site does not identify any contamination in the vicinity of the proposed development. The proposed development is therefore consistent with the requirements of this SEPP.

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

The subject application has been lodged under the provisions of WLEP 2000 not the former SEPP 5 or SEPP SL or the current State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).

SEPP HSPD applies within the State of NSW. As such, SEPP HSPD is relevant to the assessment of this Development Application. However, any clauses in SEPP HSPD which are prefaced for their operation with the words 'development application made pursuant to this chapter' would not be relevant to the application as per the NSW Land and Environment Court decision of Talbot J on 31 May 2004, in *Mete v Warringah Council* (2004 NSWLEC 273).

In accordance with Section 79C of the EPA Act 1979, the assessment of this application has taken into consideration the relevant provisions of SEPP HSPD as per the above noted NSW LEC decision. As SEPP HSPD does apply (in part) to Warringah Council, an assessment is provided with regard to the relevant provisions of SEPP HSPD, as follows:

Chapter 1 – Preliminary

The proposed development is considered to be consistent with the aims of the policy, in that the proposed development will increase the supply and diversity of residences to meet the needs of seniors or people with a disability. The development will make efficient use of existing infrastructure and services available to the site and in the locality, and the proposed development is considered to be of satisfactory design.

The proposed development is considered to be consistent with the definitions contained in this policy, the policy applies to land within Warringah and there are no agreements or covenants that require suspension.

Accordingly, on this basis, it is considered that the proposed development is consistent with the provisions outlined under Chapter 1 of SEPP HSPD.

Chapter 2 – Key concepts

The proposed development is consistent with the key concepts contained within SEPP HSPD. The proposed development comprises of 67 self-contained dwellings, which are to be occupied by seniors or people with a disability.

Accordingly, on this basis, it is considered that the proposed development is consistent with the provisions outlined under Chapter 2 of SEPP HSPD.

Chapter 3 – Development for seniors housing

Chapter 3 of SEPP HSPD contains a number of development standards that are applicable only to development applications made pursuant to SEPP HSPD. However, as the development application was made pursuant to WLEP 2000, the specific provisions prefaced for their operation with the words “made pursuant to this chapter” of Chapter 3 do not apply. There are no relevant provisions of Chapter 3 applicable to this development application.

Accordingly, the provisions outlined under Chapter 3 of the SEPP are not applicable to the assessment of this application.

Chapter 4 – Miscellaneous

The proposed development is consistent with the provisions contained in Chapter 4. The site (subject of this DA) is not on environmentally sensitive land, is not affected by amendments to other SEPPs, and the special provisions do not apply to this land. Accordingly, no further assessment of the application is required under Chapter 4 of the SEPP.

SEPP (Infrastructure) 2007

Clause 45 of SEPP Infrastructure 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; or
- Within 5m of an exposed overhead electricity power line.

The application was referred to Energy Australia to determine if the subject site was within or immediately adjacent to any of the above electricity infrastructure. Energy Australia by letter dated 18 January 2010 stated that the subject site was not affected by any of the above electricity infrastructure. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) applies to the development.

BASIX Certificates for the individual dwellings have been submitted. The certificates confirm that the proposed development meets the NSW government's requirements for sustainability. The development meets the water and energy performance targets and achieves a pass for thermal comfort. Conditions should be included in any consent if the application is approved to ensure compliance with the commitments listed in the BASIX certificates.

STATUTORY CONTROLS

Warringah Local Environmental Plan 2000

Desired Future Character – B6 War Veterans Locality

The subject site is located in the B6 War Veterans Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

The War Veterans locality will continue to provide housing for older people and associated uses to meet the needs of residents within the locality.

Future development will respond to the prominence of this locality by keeping buildings below the predominant tree-line when viewed from the Narrabeen Lake viewing catchment. Articulated building forms, landscaping and colours will combine to break up apparent building mass and reduce the impact of new development on long distance views of the locality. The redevelopment of existing buildings so that their visual presences in the Narrabeen Lake viewing catchment are reduced will be strongly encouraged.

The scale and height of development along Veteran Parade and Lantana Avenue will be consistent with the adjacent established residential development and building are to address the street.

New buildings will be grouped in areas that will minimise disturbance of vegetation and landforms. Bushfire hazard reduction measure and stormwater detention required as a result of development will be confined to the locality.

Visually and ecologically significant vegetation species and communities and significant natural landforms will be preserved in their natural state. There will be no development within areas within the locality shown cross-hatched on the maps, except for path ways and other passive recreation purposes and the existing approved vehicular access.

The proposed development is defined as 'housing for older people or people with a disability' under the provisions of the WLEP 2000 Dictionary. 'Housing for older people or people with a disability' is identified as Category 1 development within the B6 War Veterans Locality.

Clause 12 of WLEP 2000 provides that the consent authority is to consider the development against the localities Desired Future Character Statement. Accordingly, an analysis of the various relevant components of the Desired Future Character of the B6 War Veterans Locality is as follows:

The War Veterans locality will continue to provide housing for older people and associated uses to meet the needs of residents within the locality.

Comment: The proposed development will provide additional housing for older people within the established RSL retirement village, which satisfies the intent and requirement of this component of the DFC.

Articulated building forms, landscaping and colours will combine to break up apparent building mass and reduce the impact of new development on long distance views of the locality. The redevelopment of existing buildings so that their visual presences in the Narrabeen Lake viewing catchment are reduced will be strongly encouraged.

Comment: The proposed new buildings are consistent with the scale of the existing buildings, providing articulation and consistency with the existing built form and natural environment. This combined with existing and proposed landscaping will ensure the apparent visual mass and bulk of the proposal and the impact of long distance views are minimised. The proposed external colours and materials (submitted with the application) indicate that these colours will blend with the colours and textures of the natural landscape.

For the above reason, the proposed development is found to be consistent with this component of the DFC.

The scale and height of development along Veteran Parade and Lantana Avenue will be consistent with the adjacent established residential development and building are to address the street.

Comment: A number of the proposed dwellings will front Lantana Avenue. Council raised some concerns in regards to the bulk and scale and size of the proposed development (particularly with the building containing unit's No. 14 – 18) when compared to residential development along Lantana Ave.

In response to Council's concern, the applicant has submitted an amended scheme for the Lantana Avenue frontage (Drawing No. DA3.01, DA.12, DA3.13, DA3.15 – Issue B). The amended plans show the removal of Unit 16 and the relocation of this unit to the upper level of the building (containing Units 14 and 18). The removal of unit 16 has resulted in the creation of a building which appears as two separate detached style dwellings when viewed from Lantana Avenue. The proposed development (as amended) is considered to be consistent with the adjacent established residential development along Lantana Avenue.

The remaining proposed dwellings along Lantana Avenue have been designed to address the street and will appear as single storey dwellings due to the significant drop from Lantana Ave into the site. The design of the proposed development is consistent with the scale of the existing residential dwellings on the southern side of Lantana Avenue.

For the above reasons, the proposed development (as amended) satisfies the requirement of this component of the DFC.

New buildings will be grouped in areas that will minimise disturbance of vegetation and landforms. Bushfire hazard reduction measure and stormwater detention required as a result of development will be confined to the locality.

Comment: The proposed new developments have been clustered which is in keeping with the bulk and scale of single residential dwellings in order to limit disturbance to the natural landscape and existing infrastructure.

Bushfire hazard reduction has been adequately addressed and stormwater from the proposed development will be connected to the existing systems.

For the above reasons, the proposed development satisfies the requirement of this component of the DFC.

Visually and ecologically significant vegetation species and communities and significant natural landforms will be preserved in their natural state.

Comment: The new work does not affect any visually or ecologically sensitive area identified in the locality. Accordingly, this component of the DFC is not applicable to the proposed development.

There will be no development within areas within the locality shown cross-hatched on the maps, except for path ways and other passive recreation purposes and the existing approved vehicular access.

Comment: The proposed development is not located within the cross hatched areas as shown on the map. Accordingly, this component of the DFC is not applicable to the proposed development.

Built Form Controls for Locality B6 War Veterans

The following table outlines compliance with the Built Form Control's of the above locality statement:

Built Form Standard	Required	Proposed	Compliance
Landscaping	40% of Site Area	56%	YES

Note: The calculation of the Landscape open space is based on the landscape calculation plans (Drawing No. 4a and 4b) provided by the applicant. The calculation does not include areas shown as cross hatched on the map.

Clause 20 Variation

Clause 20 Variations are not applicable to this development.

Clause 29

Clause 29 does not apply to Development within the B6 War Veterans Locality.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan, 2000 are applicable to the proposed development;

General Principle	Applies	Comments	Compliance
CL38 Glare & reflection	Yes	Issues of glare and reflection, including building colours and materials, internal and external lighting of the buildings and flood lighting of the site will be the subject of conditions if the application was recommended for approval requiring: <ul style="list-style-type: none"> • Compliance with the approved colours and materials as shown on the submitted sample board which is considered satisfactory, • Full details of lighting in the form of a Lighting Strategy which is to minimise impacts on the night-time amenity of adjoining residential properties. 	Yes, subject to conditions
CL39 Local retail centres	No	NO Comment	Not Applicable

CL40 Housing for older people or people with disabilities

Comment: Clause 40 of WLEP 2000 provides that '*housing for older people of people with a disability*' with adequate access and compliance with the provisions of Schedule 16.

Assessments of the requirements under Clause 40 of the LEP are outlined as follows:

Control	Required	Proposed	Compliance
Adequate access to facilities (shops, bus stops, banks etc)	Site within 400m of a shopping centre or bus stop	<p>The proposed development is located within 400m of:</p> <ul style="list-style-type: none"> A local shopping centre on Veterans Parade providing a variety of shops, a medical practitioner and postal facilities. Residents of the Village have 24 hour, 7 day a week access to emergency assistance with care staff available to attend independent residents who need emergency assistance. An on site clinic where a number of local doctors and health professionals practise is also available to residents. A bus stop that provides access to major regional shopping, commercial and recreational facilities including Warringah Mall, Manly, the City and Chatswood. The village has a fleet of buses, which provides services to local amenities on a regular timetable. 	YES
Adequate access to services	Reasonable access to meals, nursing and housework	As indicated above, adequate services are located within the development, commercial centres and through Council's community services directory.	YES
Wheelchair access	<u>Site Gradient</u> 100% of dwelling to have continuous path of travel to public road, internal road or driveway	<p>In relation to this Clause the applicant has provided an access report, prepared by Morris – Goding Accessibility Consultants, dated 14 December 2009.</p> <p>The report found that the site with less than 1:10 will provide wheelchair access via a continuous accessible path of travel to the public pedestrian</p>	YES

Control	Required	Proposed	Compliance
		footpath on Veterans Parade, Colooli Road and Edmondson Drive for 100% of all the proposed dwellings.	
	<u>Common Areas</u> Access to be provided to all common areas and facilities	All of the proposed dwellings will have a continuous path of travel to all essential areas and facilities within the Village	YES
	<u>Adaptability</u> 10% of dwellings to have a continuous path of travel to all essential areas and facilities inside the dwelling, including toilet, bathroom, bedroom and living area	All the dwellings are single storey and wheelchair access by a continuous path of travel to the essential areas of the dwellings. All dwellings are capable of being used or adapted for wheelchair access.	YES

Schedule 16

The following is an assessment of the requirements outlined under Schedule 16 of WLEP 2000:

Control	Required	Proposed	Complies
1. Identification	If more than one (1) street, street signage incorporating house numbers at each intersection.	The existing village is well sign posted and the proposal will not introduce new signage.	Not Applicable
2. Security	Pathway lighting to be positioned at a low height and to be a minimum of 50 lux.	To be required as a condition of consent. Security lighting is currently provided throughout the village.	YES – Subject to condition
3. Letterboxes in multi-dwelling developments	Must be lockable, located together in a central location adjacent to the street entry and be situated on a hard standing area with wheelchair access.	The plans submitted with the application do not show the location of the Letterbox. The applicant has indicated that letterboxes for the proposed development will be grouped to suit Australian Post delivery requirements. Compliance with this standard will be incorporated as a condition of consent.	YES – subject to conditions
4. Private car accommodation	Spaces are to be not less than 6m x 3.2m and garages are to have an internal clearance of 2.5m and must have a power operated roller door.	Proposal complies and compliance with this standard will also be incorporated as condition of consent.	YES – Subject to condition
5. Accessible entry	All entries must have a slope that does not exceed 1: 40 and must comply with Clauses 4.3.1 and 4.3.2 of AS4299 and must have an entry door handle and other hardware that complies with AS 1428	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition

Control	Required	Proposed	Complies
6. Exterior – general	All external doors to any one (1) dwelling must be keyed alike.	Compliance with this standard will be incorporated as condition of consent.	YES – Subject to condition
7. Interior general	Internal doors must have a clearance of at least 820mm and internal corridors must have a width of at least 1000mm and the width of internal door approaches must be at least 1200mm.	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
8. Living & dining room	A living room must have a circulation space of at least 2250mm in diameter and as set out in Clause 4.7 of AS 4299 and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
9. Kitchen	A kitchen in a self-contained dwelling must have a width of at least 2.7m and a clear space between benches of at least 1450mm, and additional requirements as specified in the schedule (see schedule 16).	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
10. Main bedroom	The main bedroom must have an area sufficient to accommodate a wardrobe and a queen size bed and a minimum of 1200mm clear space at the foot of the bed, etc (see schedule)	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
11. Bathroom	A bathroom must have an area in compliance with AS 1428 and a slip resistant floor surface and a shower complying with requirements of schedule 16, etc (see schedule)	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
12. Toilet	A dwelling must have a toilet that is a visitable toilet within the meaning of Clause 1.4.12 of AS 4299, with a slip resistant floor surface, and additional requirements as per the schedule (see schedule 16).	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
13. Access to kitchen, main bedroom, bathroom & toilet	Kitchen, main bedroom, bathroom and toilet must be located on the ground floor, etc (see schedule 16).	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
14. Laundry	A self contained dwelling must have a laundry that has provision for the installation of an automatic washing machine, etc (see schedule 16)	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition

Control	Required	Proposed	Complies
15. Storage	Dwelling must have a linen cupboard that is at least 600mm wide and has adjustable shelving.	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
16. Doors	Door hardware provided as the means for opening doors must be able to be operated with one (1) hand and located between 900mm and 1100mm above floor level.	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
17. Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	Compliance with this standard will be incorporated as condition of consent.	YES – Subject to condition
18. Ancillary items	Switches must be located between 900mm and 1100mm above floor level and general purpose outlets must be located at least 600mm above floor level.	Compliance with this standard will be incorporated as a condition of consent.	YES – Subject to condition
19. Garbage	An outside garbage storage area must be provided in an accessible location.	The proposed development complies with this requirement.	YES
20. Applications by certain housing providers	Clause 40 of the Warringah Local Environmental Plan 2000 and Clauses 7 – 19 of schedule 16 of Warringah Local Environmental Plan 2000 can be varied if the DA is made by the Department of Housing, or a local government or community housing provider.	Not applicable as the application is not by the Department of Housing.	Not Applicable
21. Neighbourhood amenity and streetscape	a. Contribute to an attractive residential environment with clear character and identity.	As detailed throughout this report the proposal is considered to provide satisfactory amenity and appropriate character to the locality.	YES
	b. Where possible, retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan.	As detailed under Clause 79 of the General principle table of this report. The proposed development is found to be satisfactory with the with respect to the impact of the development on items of heritage significance.	YES
	c. Where possible, maintain reasonable neighbour amenity and appropriate residential character by providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing,	There is no specific height controls for the B6 locality. The proposed development has been designed to achieve a building height (i.e. less 8.5m) which is consistent with the height of the residential dwellings along the southern side of Lantana Ave. The proposed building height is considered to be consistent with that of surrounding and nearby development.	YES

Control	Required	Proposed	Complies
	d. Where possible, maintain reasonable neighbour amenity and appropriate residential character by using building form and sitting that relates to the site's land form,	The proposed buildings are setback a minimum of 4.7 meters from existing dwellings within the village. The proposal is considered to maintain neighbour amenity through design (built form, window location etc). The proposal will maintain adequate solar access to neighbouring properties and is not considered to create any sense of enclosure. The proposed developments have been designed using the natural fall of the land.	YES
	e. Where possible, maintain reasonable neighbour amenity and appropriate residential character by adopting building heights at the street frontage that are compatible in scale with adjacent development,	As noted in the DFC section of this report, the proposed development has been design in keeping with the bulk and scale of single residential dwellings within the village. The development along Lantana Ave will address the street and will appear as single storey dwellings due to the significant drop from Lantana Ave into the site. The development (as amended) is considered to be consistent with the scale of the dwellings on the southern side of Lantana Ave and the proposed external finishes will be in keeping with adjoining development (which includes face brick and concrete roof tile).	YES
	f. Where possible, maintain reasonable neighbour amenity and appropriate residential character by considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,	The proposed buildings are setback a minimum of 4.7 meters from existing dwellings within the village The proposed development maintains reasonable and appropriate residential character.	YES
	g. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,	As detailed throughout this report the proposal is considered to provide satisfactory amenity and appropriate character to the locality.	YES
	h. Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	Neighbour amenity is considered to be maintained, to building form, provision of landscaping, and location of windows and balconies.	YES

General Principal	Applies	Comments	Compliance
CL41 Brothels	No	No Comment	Not Applicable
CL42 Construction Sites	Yes	Construction is proposed for the site. Conditions are recommended to be imposed to maintain the amenity of neighbouring properties with regard to construction site access, sediment and erosion control, tree protection and hours of construction.	YES - Subject to conditions

General Principal	Applies	Comments	Compliance
CL43 Noise	Yes	The proposed development is for residential use which is not considered to significantly impact upon neighbouring properties with regard to noise. Accordingly, subject to conditions the proposal is considered to be satisfactory with regard to noise impact.	YES
CL44 Pollutants	No	Not applicable	Not Applicable
CL45 Hazardous Uses	No	Not applicable	Not Applicable
CL46 Radiation Emission Levels	No	Not applicable	Not Applicable
CL47 Flood Affected Land	No	Not applicable	Not Applicable
CL48 Potentially Contaminated Land	Yes	Based on the current and previous land uses it is considered that there is no contamination issue. (Refer to SEPP 55 heading previously for further information).	YES
CL49 Remediation of Contaminated Land	No	Not applicable	Not Applicable
CL49a Acid Sulphate Soils	No	Not applicable	Not Applicable
CL50 Safety & Security	Yes	The proposed development is satisfactory with regard to the provisions subject to the imposition of a condition requiring security lighting to be installed.	YES - Subject to conditions.
CL51 Front Fences and Walls	No	No Comment	Not Applicable
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	Yes	The existing building is well setback from Jamieson Park to the north west, a bushland reserve which extends to the Narrabeen Lakes. The proposed development will not impact on the nearby reserve or parkland.	YES
CL53 Signs	No	Not applicable.	Not Applicable.
CL54 Provision and Location of Utility Services	Yes	Conditions have been imposed requiring connection to all utility services including an approved telecommunications provider, energy, water and sewerage.	YES – Subject to conditions
CL55 Site Consolidation in 'Medium Density Areas'	No	The subject land is not within the nominated areas under the Clause 55.	Not Applicable.
CL56 Retaining Unique Environmental Features on Site	Yes	There are no unique or significant environmental features located on the subject site, with specific regard to the location of the proposed works. Council records do not indicate that the subject site in the location of the proposed works contains any threatened flora or habitat for fauna species. While it is noted that the adjoining Jamieson Park contains significant vegetation and critical habitat for flora and fauna, it is considered that the proposed development will not impact on the environmentally sensitive areas of Jamieson Park. Further, Council's Natural Environment section has reviewed the proposal and has raised no objection to the propose development.	YES

General Principal	Applies	Comments	Compliance
CL57 Development on Sloping Land	Yes	<p>In accordance with Clause 57, the height and bulk of the development is to be minimised on sloping land and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope.</p> <p>The proposed development has been designed in response to the land topography and there are minimal cut and fill proposed as part of this application.</p> <p>The proposed development is satisfactory with regard to this Clause.</p>	YES
CL58 Protection of Existing Flora	Yes	<p>The subject site contains (being the old Darby and Joan precinct) 180 trees. As result of the proposed development 126 of these trees are proposed to be removed and 54 trees are retained and protected.</p> <p>An Arborist report (prepared by Urban Tree Management) has been submitted with the application. The report found that 126 trees (proposed to be removed) are in poor condition, or are structurally compromised or located within the proposed building or construction footprint and are unable to be retained. The report also found that out of the 180 trees, only 30 trees were assessed as being of high significance, of which 16 are able to be retained.</p> <p>The report concludes:</p> <p><i>"The majority of trees to be removed are of medium significance. Where trees are to be removed replacement trees will be introduced to the site".</i></p> <p>Council's Landscape officer has reviewed the proposal and has raised no objection to the proposed development in terms of the removal of these trees subject to conditions requiring replacement planting.</p> <p>Accordingly, the proposed development is found to be satisfactory with regards to this Clause.</p>	YES – Subject to Conditions
CL59 Koala Habitat Protection	Yes	The site is not known to contain any koala habitat.	YES
CL60 Watercourses & Aquatic Habitats	No	No Comment	Not Applicable
CL61 Views	Yes	The proposed development being generally two storey and below the 8.5m height limit will not result in view loss from the public or private domain.	YES
CL62 Access to Sunlight.	Yes	The proposal will not create any overshadowing for adjoining development. In addition all the proposed dwellings will have adequate access to sunlight of at least two (2) hours per day.	YES
CL63 Landscaped Open Space (LOS)	Yes	The landscaped open space provision for the site complies with the numerical requirements as contained within Warringah LEP 2000. Accordingly, the proposal is considered	YES

General Principal	Applies	Comments	Compliance
		satisfactory in terms of landscaped open space.	
CL64 Private open space.	Yes	<p>In accordance with Clause 64 Private open space of WLEP 2000, private open space is not to be located within the street setback area unless the site is a corner allotment or the applicable Locality Statement provides otherwise.</p> <p>The private open space provided for each dwelling is satisfactory in addressing the requirement of this Clause.</p>	YES
CL66 Building bulk	Yes	<p>This general principle seeks to ensure that development does not dominate the streetscape by virtue of its bulk or is inconsistent with the scale of nearby development.</p> <p>The proposed development is satisfactory in relation to the built form controls of the B6 War Veterans locality Statement and as such, is not excessive in size, bulk and scale. The architectural designs of the dwellings are acceptable and appropriately fit in with the existing design of dwellings within the village.</p> <p>As indicated in the DFC section of this report, the applicant has submitted an amended scheme for the Lantana Avenue frontage). The amended plans have resulted in the creation of a building which appears as two separate detached style dwellings when viewed from Lantana Avenue. The proposed development (as amended) is considered to be consistent with the adjacent established residential development along Lantana Avenue.</p> <p>The development is considered to be satisfactory with regards to this Clause.</p>	YES
CL67 Roofs	Yes	The proposed new roof (i.e. hipped roofs) form will complement the existing buildings and is considered to be satisfactory.	YES
CL69 Accessibility – Public and Semi-Public Buildings	Yes	The proposed development has been designed to allow for continuous access for older people or people with a disability through the development. The proposal has been designed to comply with the relevant Australian Standards.	YES
CL70 Site facilities	Yes	The site contains adequate space for general waste and recycling storage and open air clothes drying facilities which will not be altered as part of this application.	YES
CL71 Parking facilities (visual impact)	Yes	<p>The car parking spaces proposed as part of this application are in the form of single door garages. These are integrated within the design of the dwellings.</p> <p>Further, the garages proposed as part of the dwellings fronting Lantana Avenue have also been integrated into the dwelling design and will not dominate the streetscape.</p>	YES

General Principal	Applies	Comments	Compliance
		The proposed development is therefore found to be consistent with the requirement of this Clause.	
CL72 Traffic access & safety	Yes	<p>The proposed vehicle access driveway into the village off Lantana Avenue and into the driveways to the dwellings fronting Lantana Ave have been designed to minimise traffic hazards, avoid traffic queuing and pedestrian conflict . The internal road design and parking arrangement satisfy AS 2890.1.</p> <p>In addition to the above, Council's Traffic Engineer has reviewed the proposed development and has raised no objection to the development on traffic and access grounds.</p> <p>The proposed development is satisfactory with regard to this Clause.</p>	YES
CL73 On-site Loading and Unloading	YES	The War Veterans Village contains collective designated locations for service vehicles, delivery and emergency services. These services are satisfactory in the requirement of this Clause for the proposed development.	YES
CL74 Provision of car parking	YES	<p>Clause 74 stipulates that adequate off-street car parking is to be provided to serve a development and that the application must be assessed against the provisions of Schedule 17.</p> <p><i>Assessment under the provisions of Schedule 17</i></p> <p>The provisions of Schedule 17 provides car parking requirements for 'older people or people with a disability' to be provided with 0.5spaces per bedroom and 1 visitor space per 5 dwellings when the number of dwellings onsite exceeds 8.</p> <p>The proposed re-development of the old Darby and Joan precinct will involve the construction of 67 new dwellings, which requires the following parking rate:</p> <p>2 x 1 bedroom dwelling - 0.5 space 14 x 2 bedroom dwelling - 14 spaces 51 x 2 bedroom + study - 76.5 spaces Visitors spaces - 13.4 spaces</p> <p>Total car parking spaces required – 105</p> <p>The proposed development provides for a total of 99 parking spaces, comprising 67 single car garages plus off –street parking for a further 32 spaces.</p> <p>It is noted that out of the 32 off-street parking spaces 10 visitor's spaces are located within the front driveways off Lantana Ave, which encroaches into the road reserve. Therefore these 10 visitors' spaces cannot be approved as part of this application and a condition has</p>	Yes

General Principal	Applies	Comments	Compliance
		<p>been included within the recommendation of this report for these spaces to be deleted.</p> <p>Therefore, the proposal will have a total of 89 spaces, which is shortfall of 15.4 spaces in accordance with Schedule 17. The area of non-compliance stems from the provision of a study within 51 proposed dwellings. The applicant argues within the Statement of Environmental Effects that the development complies with car parking for two (2) bedroom dwellings.</p> <p>The proposed development provides one space per dwelling and 22 off – street parking spaces that can be used either by the visitors or the residents (if necessary). Given the design of the study area (for most dwellings) are such that they can open most of the wall and serve as an integrated extension to the living room or as bedrooms, the provision of a single car space per dwelling is considered adequate under the current circumstances.</p> <p>It should also be noted that adequate visitor parking is provided in collective and dispersed locations across the War Veterans village.</p> <p>Accordingly, the proposal is therefore considered to be consistent with regard to the provisions of Schedule 17 and Clause 74 of WLEP 2000.</p> <p>The proposed development is therefore satisfactory with regards to this clause.</p>	
CL75 Design of car parking Areas	YES	Car parking areas are designed in accordance with AS1428 and AS2890. Conditions are recommended to ensure construction is completed to the relevant standards	YES - subject to conditions
CL76 Management of Stormwater	Yes	Councils Development Engineer has reviewed the proposal and has raised no objection to the method of stormwater disposal subject to conditions that shall be contained within the recommendation of this report.	YES – subject to conditions
CL77 Landfill	YES	<p>The proposed development has been designed in response to the land topography and there are minimal cut and fill proposed as part of this application.</p> <p>The proposed development is satisfactory with regard to this Clause.</p>	YES
CL78 Erosion & Sedimentation	Yes	Development is to be sited and designed and related construction work carried out, so as to minimise the potential for soil erosion. Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site shall be imposed with any consent.	YES - Subject to condition.
CL79 Heritage Control	YES	Council's Heritage officer has reviewed the proposal and has provided the following comments:	YES – Subject to conditions

General Principal	Applies	Comments	Compliance
		<p><i>"This application proposes the demolition of all, bar one, of the Old Darby and Joan Cottages, which are located on the south-eastern portion of the village, with frontage to Lantana Avenue. One of the cottages is to be retained and restored as an example of these early self contained veterans accommodation. These are proposed to be replaced by 67 self-contained dwellings, some which address Lantana Avenue.</i></p> <p><i>This application is one of three concurrent applications for development within the War veterans Village. All three have been looked at together to determine the cumulative impact of these development proposals on the heritage items.</i></p> <p>Assessment of Impact:</p> <p><i>A Heritage Assessment has been prepared, which looks at all three (3) applications and assesses the impact of each individual application and the cumulative impact of these applications, on the identified heritage significance contained within the War Veterans site.</i></p> <p><i>In relation to the impact of this application on the existing heritage items on-site, the following comments are provided:</i></p> <p>ANZAC War Memorial: <i>This application will have no material or visual impact upon this item. However, given the amount of construction work proposed, care should be taken during construction to ensure that no damage occurs to the memorial structure and a condition should be imposed to ensure this.</i></p> <p>"Legacy Park" (Anzac House): <i>This application will have no impact upon the heritage significance of the building known as "Legacy Park". The proposed redevelopment of the Old Darby & Joan Cottages is located at least 300 metres away from the building and will not affect the curtilage or vistas from "Legacy Park".</i></p> <p>Wheeler Homestead Ruins: <i>This item is located at the extreme western edge of the War Veterans site, some 850 metres away from the Old Darby & Joan redevelopment. This application will have no impact upon the significance of this heritage item.</i></p> <p>It is also necessary to look at the impact upon the historical significance of the RSL War Veterans Village as a whole:-</p> <p><i>Impact upon RSL WAR Veterans Village: The Old Darby & Joan Cottages, proposed to be demolished by this application, were built in</i></p>	

General Principal	Applies	Comments	Compliance
		<p><i>the 1950's. The Village has progressively developed over the last 70 years and its history is defined by its continual building to meet the needs of War Veterans and the elderly in the community. It is considered that this application continues with this historic thread, being part of the evolution of the Village to meet the current aged care needs in the community. The new development proposed will still be providing accommodation for aged and War Veterans. As the Old Darby & Joan cottages were originally identified as a heritage item, it is important that one cottage pair be retained (as is proposed in this application), and that all cottages be photographically recorded, prior to any demolition occurring. Additionally, the bushland setting should be retained by ensuring adequate landscaping. Conditions should be imposed outlining these requirements.</i></p> <p>No objections are raised on heritage grounds to this application subject to the imposition of a number of conditions.</p>	
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	The subject site is not located within the vicinity of any known or potential Aboriginal sites.	Not Applicable
CL81 Notice to Heritage Council	No	The existing buildings are not defined as items of state heritage significance. Accordingly no consultation is required with the Heritage Council.	Not Applicable
CL82 Development in the Vicinity of Heritage Items	Yes	<p>Clause 82 of the LEP provides that development in the vicinity of heritage items or heritage conservation areas is to complement the character of the heritage item or buildings of heritage significance within that area in terms of its architectural style, scale, setback, sitting, external materials, finishes, colours and setting. Significant views to and from heritage items or heritage conservation areas, are not to be adversely affected.</p> <p>The subject site is located within the vicinity of a locally listed item of heritage significance as noted and addressed under Clause 79 of this report.</p> <p>As detailed under Clause 79 of this report, the proposed development is found to be satisfactory with the impact of the development on the development that are listed as heritage significance.</p>	YES
CL83 Development of Known or Potential Archaeological Sites	No	The subject site is not located within the vicinity of any known or potential archaeological sites	Not Applicable

SCHEDULES

Schedule 8 - Site analysis

Site Analysis	Adequate site analysis documentation has been submitted with this application.
----------------------	--

Schedule 16 – Principles and standards for housing for older people or people with disabilities

Housing for older people or people with disabilities	Refer to the General Principles of Development Control (Clause 40) of this report for assessment.
---	---

Schedule 17 – Car parking Provision

Car parking Provision	Refer to Clause 74 General Principles of Development Control WLEP 2000 of this report for assessment.
------------------------------	---

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2008

The proposal is subject to the application of Council's Section 94A Development Contributions Plan. The following monetary contributions are required to provide for additional infrastructure generated from this development;

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$23,155,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	219,972.50
S94A Planning and Administration	0.05%	11,577.50
Total	1.0%	\$231,550

If the application is approved, a condition of consent can be included to ensure the required contributions are paid prior to the issue of the Construction Certificate.

MEDIATION

Mediation was not requested for this development application.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy No. (Housing for seniors or People with a Disability) 2004, Warringah Local Environmental Plan 2000, Draft

Warringah Local Environmental Plan 2009, Warringah Development Control Plan and the relevant codes and policies of Council.

The proposal is consistent with the desired future character statement with respect to the character, sitting, bulk and scale of the development and the visual and scenic impact of the development. The proposal is also considered to be compatible with the character of the existing village. The proposed development (as amended) is considered to be consistent with the adjacent and nearby established residential development along Lantana Avenue and is appropriately designed to address and enhance the streetscape of Lantana Avenue.

One (1) submission was received from an adjoining landowner in Lantana Ave. The issue raised in the submission asserted that an increase in traffic associated with the proposed development will lead to an increased bushfire hazard in the locality. The submission has been addressed in the notification section of this report and does not warrant amendment or the refusal of the application.

On balance, it is considered that the proposed development satisfies the appropriate controls applying and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval.

Recommendation (APPROVAL)

That the Joint Regional Planning Panel, as the relevant consent authority, grant Development Consent to Development Application No. DA2009/1693 for the demolition of existing buildings and associated structures and the construction of 67 self-contained dwellings for older people and people with a disability (Old Darby and Joan precinct of the RSL War Veterans Retirement Village), at Lot 2641 DP 752038 & Lot 2026, DP 752038, Lot 1/ Veterans Parade, Wheeler Heights, subject to the conditions printed below.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA3.02 – DA3.10, DA3.14, DA3.16 – DA3.19 (Issue A)	11/12/2009	Young Metcalf Architect
DA3.01, DA.12, DA3.13, DA3.15 (issue B)	11/03/2010 (Amended)	Young Metcalf Architect
SK01 – SK04 (issue A)	11/12/2009	Young Metcalf Architect
01 – 11 (issue A)	27/11/2009	Young Metcalf Architect

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
C-110 – C-117 (issue C)	September 2009	[Warren Smith & Partners Pty Ltd

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
LA01	November 2009	Taylor Brammer

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

2. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2000 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage.

3. No Development is to occur on the Cross Hatched Area

No approval is granted under this Development Consent for any works to occur within areas of the locality shown as cross –hatched on the maps.

Reason: To comply with the requirement of WLEP 2000.

4. Prescribed Conditions

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

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

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

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

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

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

Reason: Legislative Requirement.

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:
8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB (A) above the background level when measured from any property

boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

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

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

6. Deletion of the Visitor Parking Spaces

The plans are to be amended to show the deletion of the visitors parking spaces located within the Driveways for the dwellings fronting Lantana Ave.

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

Reason: To comply with the requirement of WLEP 2000.

7. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$23,155,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	219,972.50
S94A Planning and Administration	0.05%	11,577.50
Total	1.0%	\$231,550

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development.

8. Compliance with Standards

The development (where applicable) is to be carried out in accordance with all relevant Australian Standards.

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

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- (b) AS2601.2001 - Demolition of Structures
- (c) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (d) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities.

Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website:

www.hreoc.gov.au/disability_rights/buildings/good.htm
<www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

- (e) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (f) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted)
- (g) AS 4970 - 2009 'Protection of trees on development sites'

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

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

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

9. External Colours and Materials (Dwellings)

External Roofing

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

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

10. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property.

11. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

Reason: *To ensure that services have been provided as required by this consent.*

12. Retention of Old Darby & Joan Cottages 1 & 2

The Old Darby & Joan Cottage pair Nos. 1 & 2, off First Avenue, is to be retained and restored.

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

Reason: To ensure that one of the Old Darby & Joan cottages remains in-situ, as an example of this 1950's aged housing, for future historical reference.

13. Photographic Heritage Record

The Old Darby & Joan precinct should be photographically documented, in its entirety, prior to any demolition occurring. This is to be undertaken in accordance with the guidelines issued by the NSW Heritage Office.

Two (2) unbound copies of the record are required, one to be provided to Council and one to be lodged with Council's Local Studies Librarian. The photographic record can be made using film or digital technology and should include:-

- Location of property, date of survey and author of survey;
- A detailed site plan at a scale of 1:200 showing all Old Darby & Joan cottages and major landscape elements;
- Detailed documentation of at least one of the old Darby & Joan cottages, including a floor plan at a scale of 1:100; measured drawings of the structure and a photographic record of the interior and exterior;

- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. A photograph of the exterior and context of all of the Old Darby & Joan cottages is required.

(In the case of film, the record should include a proof sheet and a set of archivally developed negatives. In the case of digital, the record should include a thumbnail image sheet and electronic images on an archival quality CD-R disc. In both cases a set of A6 prints using archival paper and stable inks should be submitted. All images must be cross-referenced to a catalogue sheet).

Reason: To provide an historical photographic record of the site, including all buildings and landscape elements affected by the proposed works.

14. Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland protection measures are carried out according to the conditions of consent and the procedures, targets and recommendations as detailed in the Biodiversity Management Plan.

The Project Ecologist is to supervise the clearing undertaken for Asset Protection Zone construction nominating retention of any significant species where possible.

The Project Ecologist is to be a vegetation management specialist and to have at least 4 years experience in the management of native bushland in the Sydney region and have at least a TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration.

Reason: To ensure bushland management

15. Landscaping

All plants used in the landscaping for this development must be grown from local provenance seed and cuttings as per the species list for Bloodwood Scribbly-gum Woodland (available from Council).

No noxious weeds, environmental weeds, *Grevillea* or *Banksia* hybrids or non-local *Acacia* species are to be used in the landscaping for this development.

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

Reason: To ensure compliance with the requirements of the Threatened Species Conservation Act 1995

16. Biodiversity Management Plan

A Biodiversity Management Plan (BMP) shall be prepared, submitted and implemented for the site in accordance with Council's Biodiversity Management Plan Guidelines (available from Council).

As a minimum, the BMP must describe, in detail, management regimes for the following:-

- Any retained native vegetation (primary, secondary and maintenance weed management and supplementary revegetation);
- Drainage areas;
- Sediment and erosion control;
- The APZ;
- Landscaped areas (including the use of locally native species of local endemic stock); and
- The retention of micro-habitats on the site (such as hollows, sandstone outcrops etc).

The BMP must also:

- Be consistent with and reference relevant landscaping plans;
- Be staged to reflect pre-construction, construction and post-construction measures; and
- Include performance targets to be met for each of the key objectives in perpetuity.

Details prepared by the Project Ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To promote the long-term sustainability of ecosystem functions.

17. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee paid of \$210.00 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

A Bond of \$3,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

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

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

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

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. 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 \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

19. Bushland Protection Fencing

Prior to the commencement any onsite building works, the boundary between the natural bushland zone (the APZ) and the construction area is to be surveyed and marked clearly on the ground.

A temporary 2.0 metre in height steel mesh fence is to be erected on the surveyed boundary between the natural bushland zone (the APZ) and the construction area for the duration of construction work.

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

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction.

20. Delineation of the Asset Protection Zones

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the extent of the Asset Protection Zone must be fenced. The fence shall conform to the specification for bush protection fencing consisting of 1150mm high galvanised hinge joint fencing (8/115/30) (Stocktite or similar) fixed to fence with 3x strands 3.15mm galvanised fencing wire. Posts are to be capped, 50mm round galvanised pipe at 3m centres. End posts are to be stayed with galvanised pipe stay every 15m. Inline stays are to be fixed to 50mm post. Posts are to be concreted into the ground. This fence is to be constructed prior to any construction works.

The installation of this fence to delineate the Asset Protection Zone is to be supervised by the Project Ecologist.

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

Reason: Bushland Protection

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. Vehicle Crossings

The provision of 6 vehicle crossings, 5 at 6 metres wide and 1 at 4 metres wide in accordance with Warringah Council Drawing No A4-3330/ N and specifications. 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.

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

Reason: To facilitate suitable vehicular access to private property.

22. Layback Construction

5 laybacks 6 metres wide and 1 layback 4 metres wide (excluding the wings) are to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property.

23. Maintenance of Road Reserve

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

Reason: Public Safety.

24. Trees Condition

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

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

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

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

Reason: Protection of Trees.

25. The Anzac War Memorial

The Anzac War Memorial fronting Veterans Parade is to be protected at all times during demolition and construction works, to ensure that it is not damaged.

Reason: To ensure that there is no damage to the heritage listed memorial as a result of construction traffic and works.

26. Requirement to Notify about New Contamination Evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

27. Imported Fill

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Environment & Climate Change's guidelines the validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.

28. Fauna and Tree Hollow re-location

Tree hollows are to be salvaged from trees within the development area and strategically placed within the APZ. This is to be done by a suitably qualified person, under the direction of a Project Ecologist. Other micro-habitat features such as logs and sandstone outcrops must be retained within the APZ

A detail prepared by the Project Ecologist in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland management in accordance with Local Habitat Strategy 2007

29. Weeds

No noxious or environmental weeds, as listed on Warringah Council's website are to be imported on to the site.

Any noxious weeds or environmental weeds on the site are to be managed continuously, in accordance with the Noxious Weeds Act 1993 and the Biodiversity Management Plan for this development.

Reason: To ensure bushland and riparian management

30. Bushland management during construction

The procedures, targets and recommendations detailed in the *Biodiversity Management Plan* (BMP) must be followed in full to ensure that the remaining bushland and landscaped areas on the site are conserved and restored in the appropriate manner by appropriately qualified people. The work outlined in BMP must be started as soon as site works commence.

A suitably qualified project ecologist is to be responsible for ensuring that the works are carried out in accordance with the BMP.

The Project Ecologist is to certify that this condition has been complied with and provide the PCA with compliance certificates outlining on-site works as informed by the BMP. Copies are to be immediately forwarded to Warringah Council.

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

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: Management of bushland

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

31. House / Building Number

House/building numbers are to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

32. Registration of Encumbrances for On-site Stormwater Detention

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

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

Reason: To identify encumbrances on land.

33. Reinstatement of Kerb

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

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

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

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

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

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

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

35. On-Site Stormwater Detention Compliance Certification

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

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

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

36. Positive Covenant for On-site Stormwater Detention

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

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system

37. Creation of Positive Covenant and Restriction as a User

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

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

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

Reason: To identify encumbrances on land

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

38. Visitors Sign

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

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

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

39. Fertiliser

No fertilisers are to be spread on any portion of any Lot at any time.

Reason: *To ensure bushland and riparian zone management*

40. Construction Work within Public Land

The written consent of Council must be obtained to enter or undertake any work within adjoining public lands prior to the commencement of works.

Reason: Protection of existing public infrastructure.

SPECIAL CONDITIONS FOR HOUSING FOR OLDER PEOPLE OR PEOPLE WITH A DISABILITY

41. Occupation of Seniors Housing or Housing for Persons with a Disability

A positive covenant pursuant to S88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

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

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

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

AND

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

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

Reason: Statutory requirements.

42. Requirements for Seniors Housing or Housing for Persons with a Disability

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the Schedule 3 (Standards concerning accessibility and useability for self-contained dwellings) of the State Environmental Planning Policy (Housing for seniors or people with Disability 2004).

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

Reason: To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.

43. Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

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

Reason: To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.

CONDITIONS PROVIDED BY THE NSW RURAL FIRE SERVICES

44. General Conditions

The development proposal is to comply with the design and development layout identified on the drawings prepared by Young & Metcalf Architects Pty Ltd, Drawing Number DA3.01 10 DA3.19, Issue A, dated 11/12/09.

45. Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

An emergency/evacuation plan is to be prepared for the entire facility, in accordance with the emergency management provisions within 4.2.7 of Planning for Bush Fire Protection 2006 and consistent with The NSW Rural Fire Service Guidelines for the Preparation of Emergency Evacuation Plan. The prepared plan is for implementation by the occupants in the event of a bush fire emergency. If a plan already exists, it needs to be updated to include the proposed development.

46. Landscaping

Landscaping and property maintenance within the site are to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of NSW RFS