

JRPP No:	2010SYE094
DA No:	N0634/10
PROPOSED DEVELOPMENT:	Construction of SEPP Seniors Living Development including 25 self contained dwellings, carparking, pool, gym, medical rooms, cafe and lounge areas - 6-14 Macpherson Street, Warriewood
APPLICANT:	ANGLICAN RETIREMENT VILLAGES C/- AURECON
REPORT BY:	Sophie Garland, Senior Planner, Pittwater Council

Assessment Report and Recommendation

REPORT TO THE JOINT REGIONAL PLANNING PANEL (2010SYE094)

SUBJECT: N0634/10- 6-14 MACPHERSON STREET, WARRIEWOOD
Construction of a SEPP Housing for Seniors Development Consisting of 25 Independent Living Units and Associated Facilities Including a Swimming Pool, Cafe, Multipurpose Room and Medical Consulting Rooms

Determination Joint Regional Planning Panel

Date: 16th March 2011

Level:

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Sophie Garland
APPLICATION SUBMITTED ON:	2/11/2010
APPLICATION SUBMITTED BY:	ANGLICAN RETIREMENT VILLAGES C/- AURECON PO BOX 538, NEUTRAL BAY 2089
OWNER(S):	ANGLICAN RETIREMENT VILLAGES DIOCESE OF SYDNEY

INTRODUCTION

The proposal is for the construction of a 25 self contained dwellings under SEPP (Housing for Seniors and People with a Disability), associated ground floor car parking, ancillary facilities including a recreational swimming pool, gym, medical consulting rooms, lounges, multi-purpose room and café. . It has a stated construction cost of \$16,850,000 and therefore, the Joint Regional Planning Panel is the determining authority.

The subject development site is part of Sector 3 and Buffer Area 2 of the Warriewood Land Release Area. Development application N0102/05 approved the demolition of the existing

structures and construction of a SEPP Seniors Living development including 260 self-contained dwellings in 9 separate buildings, 119 bed Residential Aged Care Facility, ancillary facilities including administration offices, chapel/hall, community centre, child care centre, construction of associated roadwork, car parking and support facilities.

The proposal seeks to amend the original approval for buildings J and K (located in the western corner of the site) through the lodgement of a new Development Application. The original approval included a Childcare centre in building K with associated basement car parking and ten independent living units in building J with adjoining multipurpose hall, community facilities, health and fitness centre and administration offices. As a result of the proposed development, there will be an increase of 15 dwellings from the original approval of 260 dwellings.

2.0 BACKGROUND

The subject application was lodged with Council and notified for a period of 31 days in accordance with the requirements of Pittwater LEP 1993 and Pittwater 21 DCP. During this time one (1) submission was received from an adjoining property at 105 Macpherson St, Warriewood. The application was referred to the following internal and external departments:

Internal:

- Warriewood Valley Land Release Team
 - Urban Infrastructure;
 - Natural Environment;
 - Reserves and Recreation;
 - Community Services;
 - Strategic Planning Land Release Team
- Environmental Health

External

- Department of Planning- CI 30D of Pittwater LEP 1993
- Roads and Traffic Authority (RTA)

Additional information was requested on 7th December 2010 regarding the submission of a Water Management Plan, compliance with Food Standards and an SEPP 1 objection for the density.

As discussed above, the proposed development is part of the Anglican Retirement Village development, which was approved by Council in 2006 (N0102/05). This application was further modified in 2007 and 2008.

A pre-lodgment meeting was held on 10 August 2010 between Council staff and the applicant's proponents regarding the current proposal. The applicant was provided with advice regarding the permissibility of the proposal on the site, with issues relating to the whether the application could be determined as a Section 96 modification.

3.0 SITE DETAILS

The site is known as 6-14 MACPHERSON STREET, WARRIEWOOD (LOTS A & B DP 400488, LOT 22 DP 5464, LOTS 5, 6, 7 AND 8 DP 1115877 AND LOTS A & B DP 358765). The site has a total area of 66, 519m² or 6.65 hectares. The subject area of the site has a

frontage to Macpherson Street of 130m and is located between the entrance to Warriewood Brook Village and Brands Lane to the northwest. The subject site is located within Sector 3 and Buffer Area 2 of the Warriewood Valley Land Release area.

The site is located within Warriewood Valley, adjacent to Narrabeen Creek upstream of its crossing at Macpherson Street. A portion of the site has been developed including the Aged Care Facility and buildings A, B and C as well as the associated infrastructure of the development including access roads, fencing, and lake. The area of the subject proposal is currently vacant and clear of vegetation with a boundary fence around the perimeter. The topography of the land is generally flat with minimal fall.

Surrounding the site is a variety of uses including residential across the road of Macpherson St, and existing commercial nurseries existing to the north west along Macpherson St. To the south of the development, are the Warriewood wetland and Sewerage Treatment Plant.

4.0 PROPOSAL IN DETAIL

The proposal is for the construction of one (1) building with 25 serviced self care dwellings (independent living units) consisting of 13 X 3 bed and 12 X 2 bed with 5 of the dwellings being located on ground level facing Macpherson Street and the remaining located on the upper level of the building. Twenty-five (25) car spaces are proposed on the ground floor along with the ancillary facilities including a recreation pool, putting green, gym, medical consulting rooms, resident meeting rooms, lounges and a large multipurpose room and café. Additional parking has also been provided adjacent to the ancillary facilities and at the rear of the building. Access to the site is provided via the existing entrance off Macpherson Street.

The building itself is an 'L' shape two storey structure, with a low pitched roof and simple articulation and detailing around the exterior of the building. The building has been designed to 'fit in' with the existing and future built form of the site as well as responding to the desired future character of Warriewood Valley.

5.0 DEVELOPMENT CONTROLS

The site is zoned 2(F) Residential F Urban Purposes- Mixed Residential pursuant to Pittwater Local Environmental Plan 1993. Within the 2(F) zoning, residential buildings, associated community and urban infrastructure are permitted with development consent. The proposed ancillary facilities are directly associated with the proposed Senior Housing considered to be 'residential dwellings' as per Pittwater LEP 1993.

The application is subject to the following State and Local Government Plans and Policies:

- Pittwater Local Environmental Plan 1993;
- Pittwater 21 Development Control Plan – Amendment 6 which in Appendix 3 contains Warriewood Valley Urban Land Release Planning Context and Criteria, Appendix 8 contains the Flood Risk Management Policy for Development in Pittwater;
- State Environmental Planning Policy (SEPP) (Housing for Seniors and People with a Disability) 2004

6.0 ISSUES

- SEPP (Housing for Seniors and People with a Disability) 2004
- Clause 30C of Pittwater Local Environmental Plan 1993
- Clause 30D of Pittwater Local Environmental Plan 1993
- Pittwater 21 DCP- D16.1 Character as viewed from a public place
- Pittwater 21 DCP- D16.14 Height
- Pittwater 21 DCP- C2.12 Protection of Residential Amenity
- Pittwater 21 DCP- D16.6 Site Coverage- Warriewood Valley Residential Sectors

- Clause 33 of SEPP HSPD Neighbourhood amenity and streetscape
- Clause 50 of SEPP HSPD- Standards that cannot be used to refuse development consent for self-contained dwellings

**7.0 COMPLIANCE TABLE – STATE ENVIRONMENTAL PLANNING POLICY
(HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY) 2004**

CLAUSE	DESCRIPTION	COMPLIANCE	PERFORMANCE
4	Land to which Policy applies - Site zoned: 2(f) Urban Purposes- Mixed Residential	YES	YES
10, 13	Seniors housing Definitions and categories: Self-contained dwellings, Serviced self-care housing	YES	YES
17	Development on land zoned primarily for urban purposes and adjoins land zoned primarily for urban purposes	YES	YES
19	Development on land adjoining land zoned primarily for urban purposes	YES	YES
26	Location and access to facilities	YES	YES
27(2)	Vicinity of bushfire prone land	YES	YES
28	Water and Sewer	YES	YES
29	Site Compatibility (identify nuisances, natural environment, adjoining built form, etc)		
30	Site analysis	YES	YES
32	Design of residential development	YES	YES
33	Neighbourhood amenity and streetscape	YES	YES
34	Visual and acoustic privacy		
35	Solar access and design for climate	YES	YES
36	Storm water	YES	YES
37	Crime prevention	YES	YES
38	Accessibility	YES	YES
39	Waste management	YES	YES
40	Development standards		
Site	Site size – minimum 1000m ² (66, 519m ²)	YES	YES
	Site frontage – minimum 20m wide (>20m)	YES	YES
41	Standards for hostels and self-contained dwellings (Schedule 3)		
	Siting Standards		
	Wheelchair access	YES	YES
	Road access	YES	YES
	Common areas	YES	YES
	Identification	YES	YES
	Security	YES	YES
	Letterboxes	YES	YES
	Private car accommodation - car	YES	YES

CLAUSE	DESCRIPTION	COMPLIANCE	PERFORMANCE
	space dimensions		
	Accessible entry	YES	YES
	Interior: general	YES	YES
	Main bedroom	YES	YES
	Bathroom	YES	YES
	Toilet	YES	YES
	Surface finishes	YES	YES
	Door Hardware	YES	YES
	Ancillary items	YES	YES
	Living and dining room	YES	YES
	Kitchen	YES	YES
	Access to kitchen, main bedroom, bathroom and toilet	YES	YES
	Lifts in multi-storey buildings	YES	YES
	Laundry	YES	YES
	Storage for linen	YES	YES
	Garbage	YES	YES
42	Serviced self-care housing 1. (a) home delivered meals (b) personal care and home nursing (c) assistance with housework 2. All services provided by ARV 3. 260 dwellings are proposed	YES	YES
43	Transport services to local centres for serviced self-care housing	YES	YES
44	Availability of facilities and services (on site)	YES	YES
45	Vertical villages	N/A	N/A
50	Standards that cannot be used to refuse development consent for self-contained dwellings		
	Should the building be 8m or less in height? (height is defined as distance measured vertically from any point on the ceiling of the top most floor to the ground level below that point) Height: 6.65m to ceiling	YES*	YES*
	Should the density and scale as FSR is 0.5:1 or less FSR = 0.66 (43902.54m ²)	NO*	YES*
	Should 30% of the site be landscaped area (minimum) Landscape Area = 51.2%	YES	YES
	Not less than 15% (115m ²) of site is available as a <i>deep soil zone</i>	YES	YES

CLAUSE	DESCRIPTION	COMPLIANCE	PERFORMANCE
	Should living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter Proposed = 70% of dwellings comply	YES	YES
	Private open space for in-fill self-care housing Ground floor dwelling – not less than 15m ² (with one 3m x 3m area) Any other dwelling – not less than 10m ² (or 6m ² for 1 bed), not less than 2m x 2m and access from living area	YES	YES
	Parking 0.5 spaces per bedroom= 31.5 spaces 52 space provided with one car spot allocated per dwelling in the basement.	YES	YES

*These issues are discussed later in the report.

8.0 COMPLIANCE TABLE- PITTWATER 21 DCP AMENDMENT 6 AND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993.

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Development Engineer					
B3.19 Flood Hazard - Flood Category 1 - High Hazard - Other Development			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.2 Wastewater Disposal					
B5.3 Greywater Reuse					
B5.4 Stormwater Harvesting		Adequate details provided. There are no issues of concern.	Y	Y	Y
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual			-	-	-

Occupancy					
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
C6.4 Flood - Warriewood Valley Land Release Area Residential Sectors			Y	Y	Y
C6.18 Utilities and services - Warriewood Valley Land Release Area			Y	Y	Y
C6.20 Water Management for Development in Warriewood Valley Land Release Area		See comments below regarding water management of the site and further recommended conditions of consent.	Y	Y	Y
C6.22 Landscaping on the Existing and Proposed Public Road Reserve Frontage to Subdivision Lots - Warriewood Valley			Y	Y	Y

Land Release Area					
Health					
C 1.13 & C2.10 Pollution Control			Y	Y	Y
C2.21 Food Premises Design Standards	<p>Compliance with Australia New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment).</p> <p>Compliance with Australia Standard 4674-2004 Design, Construction and Fit-out of Food Premises</p>	Conditions of consent have been provided by Councils Environmental Officer	Y	Y	Y
Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.18 Saltmarsh Endangered Ecological Community			Y	Y	Y
C6.11 Natural Environment - Warriewood Valley Land Release Area			Y	Y	Y
Planner					
EPA Act Section 147 Disclosure of political donations and gifts	Application and public submissions made in accordance with S.147 of Act	Application and submissions accompanied by relevant statements.	Y	Y	Y
Clause 30D Mitigation of Odours from the Warriewood Sewerage Treatment Plant	Council cannot consent to development within 400m of the STP until it has been notified by the Director General of the DOP that satisfactory arrangements have been made to mitigate the odours.	The applicant has been advised to contact Sydney Water in order to meet the requirements of Clause 30D. Deferred Commencement recommended, please see discussion below.	N	N	Y
3.1 Submission of a Development Application and payment of appropriate fee		All required information has been submitted.	Y	Y	Y
3.2 Submission of a Statement of Environmental Effects		Statement of Effects in accordance with requirements received.	Y	Y	Y
3.3 Submission of supporting		Plans and supporting documentation in	Y	Y	Y

documentation - Site Plan / Survey Plan / Development Drawings		accordance with requirements received.			
3.4 Notification		Undertaken in accordance with P21 DCP and Pittwater LEP 1993 (31 days)	Y	Y	Y
3.5 Building Code of Australia	Compliance with the BCA	Design Certification provided that proposal is capable of meeting BCA	Y	Y	Y
3.7 Designated Development		The proposal is not designated development.	-	-	-
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
5.1 Referral to the Roads and Traffic Authority (non-concurrent)	Referral to NSW Roads and Traffic Authority		Y	Y	Y
5.2 Referral to the NSW Police Service			-	-	-
6.6 Section 94 Contributions - Warriewood Valley	Contributions, and dedication of land to be in accordance with Warriewood Valley S.94 Contributions Plan		Y	Y	Y
A1.7 Considerations before consent is granted	Consistency with Pittwater LEP 1993 & the development controls applicable to the development. Council to have regard to section 79C of the EPA Act 1979	The proposal is considered to be consistent with all relevant planning instruments applicable on the site.	Y	Y	Y
B1.3 Heritage Conservation - General		The site is not listed as having any heritage significance.	-	-	-
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)	A climate change assessment shall be provided and shall assess the impacts of climate change over the life of the development and the adaptive measures to be incorporated in the design of the project. The assessment shall consider: Scenario 1: Impacts of sea level rise only; Scenario 2: Impacts of	Stormwater Management Report. Council's Project Leader - Floodplain Management.	Y	Y	Y

	sea level rise combined with increased rainfall volume				
B5.1 Water Management Plan		Adequate details provided.	Y	Y	Y
C6.23 Site coverage- Sector Development- Warriewood Valley Land Release Area	Maximum site coverage of sector- 50%	As discussed below, the development spreads over two sectors and therefore sector site coverage cannot be determined at this stage. However, site coverage has been calculated for the development area and discussed under D16.6. Density of the sectors has also been discussed below.	Y	Y	Y
Residential Development					
C1.2 Safety and Security	Development shall address the Crime Prevention through Environmental Design principles. Lighting to be designed and located so that it minimises possibility of vandalism or damage. Security lighting must meet AS4282 The control of the obtrusive effects of outdoor lighting.	Safety and security deemed acceptable	Y	Y	Y
C1.3 View Sharing			-	-	-
C1.9 Adaptable Housing and Accessibility	The design of the residential development shall meet the criteria of AS 4299- 1995 Adaptable Housing where 100% of the units are to be adaptable in accordance with SEPP HSPD.	Accessibility report has been provided as part of the application. Conditions of consent are recommended to ensure compliance with the Australian Standards and provisions of the SEPP HSPD.	Y	Y	Y
C1.10 Building Facades	Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place. For Multi Unit Housing or SEPP (Housing for Seniors or People with a Disability) 2004 and other development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street	Minimum detail has been provided by the applicant regarding the location of façade elements or letterboxes. A condition of consent is recommended to ensure compliance.	Y	Y	Y

	to reduce visual clutter and the perception of multiple dwellings.				
C1.12 Waste and Recycling Facilities	Waste and recycling receptacles are to be stored within the property boundaries.	Garbage rooms have been included as part of the development.	Y	Y	Y
C1.13 Pollution Control	Residential premises must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	The proposed development is not considered to result in environmental pollution and conditions have been included within the consent relating to pollution control.	Y	Y	Y
C1.15 Storage Facilities	A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Provided within the garages	Y	Y	Y
C1.18 Car/Vehicle/Boat Wash Bays	A designated wash bay is to be incorporated on the site where developments have more than ten units.	A carwash bay is provided within the ARV development area for use by all residents	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.20 Undergrounding of Utility Services	All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.	Undergrounding of the utilities has been completed as part of the constructed works within the site.	Y	Y	Y
C1.21 SEPP (Housing for Seniors or People with a Disability) 2004	Housing for Seniors or People with a Disability, developments shall: <ul style="list-style-type: none"> • be in keeping with the development of the surrounding area in regard to bulk, height, scale and character. • not result in such an accumulation of Housing for Seniors or People with a Disability developments to create a dominant social type in the surrounding neighbourhood. • not result in such an accumulation of Housing for Seniors or People with a Disability developments to create a dominant 'multi-unit' housing appearance in the neighbourhood. 	The proposal is considered to be designed to respect the natural environment and is in keeping with the existing surrounding development.	Y	Y	Y
C1.23 Eaves	Dwellings shall incorporate eaves on all elevations	The development has incorporated eaves on all	Y	Y	Y

		elevations.			
C1.25 Plant, Equipment Boxes and Lift Over- Run	Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building.	Lift over run has been incorporated into the building to minimise the visual impact of the structure.	Y	Y	Y
Business Development					
C2.6 Accessibility	An assessment from an accredited access consultant as to its compliance with P21 DCP and AS1428 Design for Access and mobility is required as the proposed building is publicly accessible	Access report provided by Access Associated Sydney dated September 2010. Condition of consent included to ensure the requirements meet relevant Australian Standards.	Y	Y	Y
C2.7 Building Facades	Façade not to contain stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place	To be included as a condition of consent.	Y	Y	Y
C2.8 Energy and Water Conservation	Buildings to be designed to be energy and water efficient.	The building has been designed with energy efficiency in mind and conditions have been included on the consent.	Y	Y	Y
C2.9 Waste and Recycling Facilities		Garbage bays have been provided within the site.	Y	Y	Y
C2.11 Business Identification Signs					
C2.12 Protection of Residential Amenity	Development which responds to the existing development and streetscape. Including consideration of solar access, privacy and amenity of adjoining residential properties.	One submission has been received from an adjoining property owner regarding the bulk of the development and proposed uses of the site.	Y	Y	N
C2.14 Commercial Swimming Pools			-	-	-
C2.15 Car/Vehicle/Boat Wash Bays			-	-	-
C2.20 Public Road Reserve - Landscaping and Infrastructure		See comments regarding landscaping.	Y	Y	Y
D14.2 Scenic protection - General			Y	Y	Y
D16.1 Character as viewed from a public place	Use of design elements (roof forms, textures, materials, windows, modulation, spatial separation, landscaping etc).	Proposal is for a large building, which uses a number of design elements in order to present a modern	Y	Y	N

	Blank street frontage facades without windows shall not be permitted. Walls without articulation shall not have a length > 8m to any street frontage.	a building when viewed from a public place that responds to the desired future character of the Locality.			
D16.2 Building colours and materials	Dark and earthy tones, recessive colours, low reflectivity finishes	The proposed colours are similar to the constructed stages of the ARV development. Colours include clay brown and mid grey.	Y	Y	Y
D16.3 Front building lines	Minimum frontage setback to Macpherson St: 6.5m Minimum frontage to Brands Lane: 4.0m	Setback from Macpherson St- 8m Setback from Brands Lane- 6m	Y	Y	Y
D16.4 Side and Rear Building Lines – Warriewood Valley Residential Sectors	Side and rear building line- Residential: 2.5m to at least one side and 1m to the other.	South-east: 5.2m North-west: secondary frontage applies see D16.3.	Y	Y	Y
D16.6 Site Coverage- Warriewood Valley Residential Sectors	Maximum site coverage- 55% or 36 585.45m ² Minimum landscaped area- 45%	Site Coverage= 39 247m ² or 59% Landscaped area= 41%	N	Y	Y
D16.7 Fences- Warriewood Valley Residential Sectors		No fencing is proposed as part of this application.	Y	Y	Y
D16.8 Construction, Retaining Walls, terracing and undercroft areas			Y	Y	Y
D16.9 Utilities and Telecommunication Services	Adequate utility services capacity	The site has adequate utility service capacity.	Y	Y	Y
D16.10 Pets and Companion Animals		No pets are permitted within the ARV development	Y	Y	Y
D16.11 Location and Design of Carparking facilities- Warriewood Valley Residential Sectors	Garages and carports are to be integrated with the design of the dwelling, such as located behind the building frontage or designed in such a way so as to not be prominent when viewed from the street. Car spaces on site may be covered or uncovered.	Car parking has been located on the ground level and will not be able to be viewed from Macpherson St or other areas of the public domain as the dwellings, which front the street, screen the parking spaces.	Y	Y	Y
D16.12 Landscaping		Council's Landscape Architect has assessed the proposal and has no objections subject to the imposition of conditions.	Y	Y	Y
D16.13 Solar		Adequate solar access will	Y	Y	Y

Access- Warriewood Valley Residential Sectors		be achieved to the primary living and recreation areas.			
D16.14 Height	Maximum height of 8.5m to the ridge line of the roof	9.35m from NGL 5.00. Non-compliance supported given the minimal impact of the non-compliance and compliance with the development standards under SEPP HSPD.	N	Y	Y

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

8.0 NOTIFICATIONS

Twenty-eight (28) property owners notified

One (1) submission received from the following:

- Ms Kareena Tilley- 105 Macpherson St, Warriewood- reduced privacy and amenity, impact on the streetscape, parking and appearance as being high density.

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

The application of SEPP NO. 1 is not required
(see discussion below regarding CI 30C of Pittwater LEP 1993)

10.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

11.0 DISCUSSION OF ISSUES

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

Clause 30C of Pittwater Local Environmental Plan 1993

The proposed Seniors Housing development is within an existing approved Seniors Living Development, which approved 260 self-contained dwellings. The proposed development will include 25 self-contained units and results in an increase of 15 dwellings from the originally approved application.

The original approval of 260 dwellings had exceeded the maximum number of dwellings permitted under Clause 30C of Pittwater LEP 1993. The subject site is located within Sector 3 and Buffer Area 2, with 29 dwellings attributed to the western portion of the site in Sector 3 and 132 dwellings as the maximum number permitted in Buffer Area 2. The proposal for an additional 15 dwellings results in 275 self-contained dwellings within the ARV development, well above the maximum permitted number of 161 dwellings (the sum of 29 and 132 dwellings).

As outlined within Cl. 2 of SEPP HSPD 2004, the aims of the policy are to be achieved by (inter alia):

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy.*

Furthermore, Cl. 5 of SEPP HSPD 2004 (inter alia) states that:

- (3) *If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

Therefore, the 'development standard' within the LEP is not considered to hold determining weight and a SEPP One objection has not been required in this instance. A standard to limit the number of dwellings which provide Housing for Seniors is inconsistent with the aims of the policy and would restrict the ability to develop the site in order to meet the density controls within SEPP HSPD.

However, the density standards of Cl. 30C of Pittwater LEP 1993 are relevant in determining the provision of infrastructure and the required Section 94 Contributions required.

The applicant has advised that they are willing to accept a cap across the entire site of 260 dwellings as approved under development consent N0102/05. A condition of consent is recommended to require the new consent to be read in conjunction with the previously approved consent however this condition does not override consent N0102/05 as it relates to dwelling numbers. The combined dwelling density of consent N0102/05 and the current proposal is 275 dwellings. Should the applicant wish to construct 275 dwellings the additional infrastructure is accommodated by proposed condition E24. As mentioned above, should the applicant wish to "cap" the overall density to 260 dwellings it would be necessary to modify consent N0102/05 by reducing it by 15 dwellings. This would negate the additional Section 94 contributions.

Clause 30D (2) of Pittwater Local Environmental Plan 1993

Council cannot consent to any development within 400m of the Warriewood Wastewater Treatment Plant until it has been notified by the Director General of the Department of Planning that satisfactory arrangements have been made to mitigate the odour of the treatment plant.

The applicant has been requested to consult Sydney Water regarding meeting the requirements of Clause 30D. This includes that an agreement is signed and lodge a unconditional bank guarantee with Sydney Water. To this date, no further correspondence has been received from the applicant regarding an agreement with Sydney Water or that the requirements of Clause 30D have been met. Therefore, a Deferred Commencement Condition is recommended to allow the applicant 12 months to come to an agreement with Sydney Water in meeting the requirements of Clause 30D.

Pittwater 21 DCP- C2.12 Protection of Residential Amenity

A submission was received from the adjoining property owner at 105 Macpherson St, Warriewood regarding reduced privacy and increases in noise from use of the recreational facilities. Councils controls require that a reasonable level of privacy is provided to residential properties and that any business or commercial uses do not have an adverse impact on adjoining properties.

The proposed swimming pool, café, multipurpose room and other uses recreational facilities are for the use of ARV resident only and have been designed to be located facing away from Macpherson St to provide adequate privacy to residential areas located on the opposite side of Macpherson St. The proposal is considered to provide adequate spatial separation in accordance with the requirements of the DCP and the outcomes of the control have been achieved. Further to the recommendations of the RTA, a condition of consent has also been

recommended requiring that the proposed multi-purpose room and associated facilities (café, swimming pool, putting green etc) are for the use of ARV residents only. This is considered to manage the inflow of traffic into the development and minimise amenity impacts to the adjoining residents.

Section 94 Contributions

The proposed development is subject to the Warriewood Valley Section 94 Contributions plan. Council's Manager of Urban Infrastructure has provided the contribution rates for the development. The contribution rates is based on:

- Contribution rates as adopted by Council on 15 November 2010
- SEPP SL Equivalent Dwellings as set out in the Warriewood Valley Contributions Plan Amendment No 16, and
- Creekline land and works being fully accounted for in Stage 1 and 2, i.e. no further contribution required.

Note: Further that there is an outstanding MPB payment from Council to ARV as a result of construction of the creekline corridor and amendment for the creekline land area in the amount of \$276,619. This payment is subject to ARV completing the MPB Agreement and providing certification of completion of the creekline corridor. This matter is unrelated to the current DA application.

The breakdown of the contribution for 15 additional dwellings is follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$75,546.57	SWTT
Community Facilities	\$56,009.55	SWCF
Public Recreation	\$142,527.00	SWPR
Pedestrians/Cycleways	\$38,695.80	SWPC
Library Services	\$12,788.85	SWLS

The condition E24 requires payment at Occupation Certificate stage only if consent N0102/05 is not modified to cap the total number of dwellings at 260.

Pittwater 21 DCP- D16.1 Character as viewed from a public place & Clause 33 of SEPP HSPD Neighbourhood amenity and streetscape

Concern was also raised by the owner of 105 Macpherson St regarding the reduction of visual quality of the streetscape and appearance of being high density. The development will be no more than two storeys and the scale of the development is considered appropriate for the size of the site, particularly the large frontage of the development area. The proposed structure has increased setbacks from Macpherson St to allow for additional landscaping as well as minimizing the impact of the non-compliant height when viewed from public places.

The proposed development is considered to respond to the desired future character of the Locality as defined under A4.16, which includes the provision of mixed residential development and medium density housing. Therefore, the proposal is considered to respond the character of the Warriewood Valley locality and is able to meet the outcomes of the control.

Clause 33 of SEPP HSPD requires that the development should recognize the desirable elements of the location's current character or desired future character. This includes providing adequate building setbacks to the street frontage to allow for plantings and reduce

bulk and overshadowing. As outlined above, the proposal is considered to respond to the desired future character of the Locality while also respecting the amenity of adjoining residential properties on Macpherson St.

Pittwater 21 DCP- D16.6 Site Coverage- Warriewood Valley Residential Sectors

The control requires that the total built area on individual allotments shall not exceed 55% of the site area of the allotment. The subject development area crosses over two (2) sites with the whole ARV site occupying five (5) sites. The proposed site coverage when considering the entire developed area of all five sites is 59% or 39 247m² and therefore results in a technical non-compliance.

The control does permit a number of variations including for pathways less than 1m in width and impervious landscaped areas. With such variation provisions, the site coverage is reduced to 55% and therefore complies with the technical requirements of the control. The proposal is considered to maximize the landscaped area of the site and will enhance the site area. The landscaping will minimise the bulk and scale of the built form while also minimizing amenity impacts to adjoining residential properties.

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

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:

- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less

The overall development floor space ratio for the total site with an area of 66,519m² is 0.66 or 43,902.54m². This results in a minor reduction in the previously approved FSR of 0.69, which was supported on merit. The proposed removal of the previously approved Childcare Centre and reduction in floor space of proposed multipurpose centre reduces the overall FSR of the site. Therefore, although the proposed development will result in a non-compliant FSR, the impacts will be minimal and the overall floor space of the entire ARV site has been reduced. Accordingly, the proposal is supported on merit.

HEIGHT

The definition of height as defined by **SEPP HSPD 2004** is: *in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

SEPP HSPD specifically provides controls relating to height in Clause 50 'standards that cannot be used to refuse development consent for self-contained dwellings' which states that, *if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).*

As shown in the compliance table above the subject building will comply with the height limit within Clause 50 in that the maximum height will be 6.65 metres from the natural ground level of the site to the ceiling of the topmost floor.

The above height limit is considered to be applicable control that apply to the subject application. Notwithstanding this, the above definition differs from that provided within Pittwater 21 DCP D16.14, which measures the height from natural ground level to the highest point of the building (including the top of the ridgeline). It is considered that it is relevant to have regard for the height controls of Pittwater 21 DCP and to demonstrate how the proposal will appear in context to surrounding existing and future development.

The proposed height to the ridgeline of the building is 9.35 metres and results in a technical non-compliance with the height limit of 8.5 metres as defined within D16.14. It is important to note that, the proposed building will provide for significantly greater setbacks then the requirements of Pittwater 21 DCP. This will allow for the impacts of the non-compliant height to be mitigated by significant landscaping within this setback area. In addition, the greater separation will reduce the overall bulk and scale of the building when viewed from adjoining properties and the public domain. Therefore, the non-compliant height of the proposed buildings is considered to be adequately addressed by the increased setbacks and minimal visual impact when viewed from Macpherson St.

WATER MANAGEMENT AND FLOOD MANAGEMENT

The following comments have been provided by Council's Manager of Urban Infrastructure in relation to controls C6.20 Water Management for Development in Warriewood Valley Land Release Area, B3.19 Flood Hazard - Flood Category 1 - High Hazard - Other Development, B5.1 Water Management Plan and B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume).

The Water Management component of this application has been examined based on the following documents:

- *GHD Anglican Retirement Villages - Water Management Report - December 2006*
- *GHD letter dated 18 January 2011 supporting Stage 3*

Water Management

The updated information is acceptable where the 2006 Report is relied upon.

FLOOD MANAGEMENT

General

This is a constrained site in terms of flood management as the site in the pre-development condition is not flooded for the 100 year event, whilst the site forms a floodway from the Macpherson Street/Brands Lane intersection to Narrabeen Creek in the Probable Maximum Flood (PMF) event.

A floodway through the site is required to off-set the predevelopment condition for the developed condition.

Climate Change & Floodway

The 2006 Water Management Report did not include flood modelling for the PMF event (climate change scenario for 0.9m sea level rise) hence a refined analysis of the floodway path for the climate change scenario is required to be undertaken prior to this issue of the construction certificate and is to take into account the following:

- *Ensure the floodway from Brands Lane is not obstructed by landscape elements and has a clear passage to Narrabeen Creek*

- *Ensure that the entry gate at Brands Lane is designed to allow the passage of water*
- *Ensure the adjacent floor levels of Building J/K, including multi-purpose area and offices are at the PMF level (2100 climate change scenario for 0.9m sea level rise)*
- *Ensure that the crest of the existing carpark entrance ramp to the residential aged care facility has been constructed to the level as set in the Conditions of Consent (DA N0102/05) requiring all new construction to comply with Development Control Plan No 30 Pittwater Flood Risk Management December 2002, which requires access ramps to underground carparks to be at the Probable Maximum Flood level to prevent the ingress of water into the carpark during a flood event, and*
- *Demonstrate that the impervious areas of the development does not exceed 55% of the site being 6-14 Macpherson St, Warriewood.*

Floor Level of Multi-Purpose Area and Offices

The floor level of the multi-purpose area and offices is to be raised to the PMF level (2100 climate change scenario for 0.9m sea level rise). The reasoning behind this requirement is that:

- a. any PMF flood event will be of immediate duration with little or no warning*
- b. the multi-purpose area is in direct line with the floodway, and*
- c. the multi-purpose area will be inhabited by elderly people, possible unable to move quickly to a safe place*

Note: Any increase in the building floor level must not reduce the flood storage volume for the site through a build up of embankments adjacent to the building.

Flood Emergency Response

A detailed Flood Response Plan for the site and its surrounds is required prior to the issue of the Construction Certificate to cater for a flood up to the level of the PMF (2100 climate change scenario for 0.9m sea level rise).

The Flood Emergency Response Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated into the sites overall disaster/emergency management plan. The Flood Emergency Response Plan should encompass the whole ARV site.

Creekline Corridor

This development does not affect the already completed creekline corridor.

LANDSCAPING / RESERVES

The following comments have been provided by Council's Landscape Architect in relation to C6.22 Landscaping on the Existing and Proposed Public Road Reserve Frontage to Subdivision Lots - Warriewood Valley Land Release Area and D16.12 Landscaping:

I have reviewed submitted plans and make the following comments:

- *Setbacks from street to buildings are a priority in relation to the need for intensive screen planting (given scale of building)*

- *Macpherson Street frontage (concept plan Taylor Brammer) shows high proportion of turf/paving/hedges to this specific setback which will not provide the level of screening required for this setback. Will condition screen planting to street and entry setbacks, and*
- *Plan extremely concept in notion. Need actual detail plans to be submitted prior to CC.*

Recommended conditions of consent have been recommended in draft determination.

TRAFFIC & PARKING COMMENTS

The following comments were provided by Council's Principal Engineer, Strategy, Investigation and Design in relation to B6.2, B6.4, B6.6, B6.9 and B6.10 of Pittwater 21 DCP:

- *The conclusion of the Traffic and Parking Review, that 'The modifications to the design of buildings J and K are acceptable in terms of traffic generation and parking demand' is acceptable in that the outcomes of Council's DCP are achieved*
- *The deletion of the previously approved public parking area fronting Brands Lane from this DA now negates the need for the condition applied to the previous approval requiring the dedication of land as public road over the entire area of the proposed carpark and adjacent footpath, and*
- *The deletion of this carpark now requires a new condition to be applied to this DA should it be approved requiring the full length of the existing dish drain in Brands Lane (constructed under the current approval to provide access to the proposed carpark) to be removed and replaced with barrier kerb and gutter to Council's Requirements.*

ROADS AND TRAFFIC AUTHORITY

The application was referred to the RTA for comment. The application was reviewed and no objection was raised given the minimal generation of significant traffic on the road network.

It was also noted that if the proposed multipurpose room and associated facilities were to be used by the public additional parking is to be provided for all users of the facilities. As discussed above, as per the previously approved DA N0102/05, the multi-purpose room is to be conditioned to be used by residents of ARV only.

12.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP, SEPP (Housing for Seniors and People with Disability) 2004 and other relevant Council policies.

The proposal is permissible within the specified zoning being 2(F) Urban Purposes- Mixed Residential zone as defined by Pittwater Local Environmental Plan 1993 and is considered to be acceptable and consistent with the controls, outcomes and variations for development within the zone and locality as discussed within this report.

While there are some minor non-compliance with Council's codes and policies, the development will respond to the desired future character of the Locality and will not dominate the residential area. The proposal is two storeys and has an increased setback from Macpherson St to further reduce the bulk of the dwelling.

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

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That the Joint Regional Planning Panel, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to development application N0634/10 for construction of a SEPP Housing for Seniors development including 25 self contained dwellings, associated ground level car parking, ancillary facilities including recreational swimming pool, gym, medical consulting rooms, lounges, multi-purpose room and café subject to conditions of consent as contained in the draft determination.

Report prepared by

Sophie Garland
SENIOR PLANNER

**DRAFT DETERMINATION
CONSENT NO: N0634/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
ANGLICAN RETIREMENT VILLAGES
C/- AURECON
PO BOX 538
NEUTRAL BAY

D

Being the applicant in respect of Development Application No N0634/10

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0634/10 for:

The Construction of a SEPP Housing for Seniors development including 25 self contained dwellings, associated ground level car parking, ancillary facilities including recreational swimming pool, gym, medical consulting rooms, lounges, multi-purpose room and café.

At: 6-14 MACPHERSON STREET, WARRIEWOOD (LOTS A & B DP 400488, LOT 22 DP 5464, LOTS 5, 6, 7 AND 8 DP 1115877 AND LOTS A & B DP 358765)

A

Decision:

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

Drawings numbered 0100 rev. a04, 1200 rev. a04, 1201 rev. a03, 0200 rev. a05, 2200 rev. a03, and 2500 rev. a03 prepared by NRP Architecture dated 14/12/2010.

Accessibility report prepared by Access Associates Sydney dated September 2010

Traffic Review prepared by Aurecon dated 16 September 2010

Acoustic Assessment prepared by Acoustic Logic Consultancy dated 16th September 2011

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

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

DEFERRED COMMENCEMENT CONSENT

PART 1

THE COMMENCEMENT OF THIS CONSENT IS DEFERRED UNTIL PITTWATER COUNCIL IS SATISFIED AS TO COMPLIANCE WITH THE FOLLOWING CONDITION:

1. Details are to be submitted that demonstrate that the Director General of the Department of Planning has certified in writing that the requirements as set out in Clause 30(D) of Pittwater Local Environmental Plan 1993 have been met and that an agreement with Sydney Water has been entered into.

Upon receipt of evidence within twelve (12) months from the date of this consent satisfying the above, the consent will become operative, subject to conditions listed in Part 2 below.

The consent will lapse if evidence satisfying the above conditions is not received within the prescribed time period.

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PART 2

Conditions of Approval

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

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

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

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

5. 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:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor, and

- ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- b) in the case of work to be done by an owner-builder:
 - i) The name of the owner-builder, and
 - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
- 7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

- 1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified,
- 2. The development is to comply with the standards outlined in State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004, and
- 3. This consent should be read in conjunction with Development Consent N0102/05 relevant to this site endorsed 6th April 2006 as amended.
- 4. Any vegetation planted outside approved landscape zones is to be consistent with:
 - a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan,
 - b) Species listed from the Endangered Ecological Community, and
 - c) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and *Native Plants for Your Garden* link available from Council's website www.pittwater.nsw.gov.au
- 5. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
- 6. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.

7. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.
8. For the life of the development Cats are to be kept in a cat run and / or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on the site or surrounding properties.
9. All services, including electrical and telecommunications, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan. The location of any trenching shall have regard for future and proposed landscaping in the public domain.
10. The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian access is to be maintained at all times during the construction phase.
11. The adjustment of all public utilities and services is to be at the full cost of the developer.
12. Water conservation devices with an AAA rating must be installed and maintained, including tap flow regulators, shower head roses and dual flush toilets. All new hot water systems are to have a minimum rating of 3.5 stars.
13. Only locally native canopy trees are to be planted on the site. Canopy tree species are to be from the vegetation community(s) on the site as per the lists in the Warriewood valley masterplan available from Council and on the Pittwater Web Site. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
14. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
15. No odour nuisance shall be caused from the carrying out of any operation within the premises.
16. Dwelling(s) are to be constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling.
17. All external glazing is to have a maximum reflectivity index of 25%.
18. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.
19. Timber log retaining walls are not permitted and are not to be included in the proposed development.
20. Roofs to all structures are to be dark grey, brown and/or green tones only.

21. Sanitary facilities must comply with the Building Code of Australia Provision must be made for storage of garbage containers, containers for recyclable material in an external areas of the premises or in a rooms specifically for that purpose.
22. No water pollution shall result from the operation of any plant or equipment or activity carried out.
23. Street lighting facilities to the development street frontages of the site and to the existing Public Road reserve are to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia if required.
24. All services, including electrical and telecommunications within the development, shall be provided underground in accordance with the draft Warriewood Valley Development Control Plan The location of any trenching shall have regard for future and proposed landscaping.
25. Storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be protected from flooding by reference to the Flood Planning Level as determined in the Water Management Report. (The level will be the 1% AEP flood level plus a freeboard safety factor of 500mm). This may be achieved by suitable flood protection works where the works are located below the relative level of the Flood Planning Level.
26. Noise from the operation of any plant or equipment at the premises (excluding construction activities) shall not exceed 5dB(A) above the background noise level measured inside the nearest dwelling on the property as well as measured inside the nearest dwelling adjacent to the property.
27. All garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
 - 1) A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables,
 - 2) The area used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted,
 - 3) The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface,
 - 4) The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure,
 - 5) Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters,
 - 6) The garbage and recycling enclosure shall be made vermin proof,

- 7) Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2, and
 - 8) Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
28. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
29. The construction, fit out and finishing of the kitchen, cafe and food storage areas must comply with: Australian Standard 4674 –2004 Design, construction & fit-out of food premises, and The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the Food Regulation 2004.
30. Walls in and adjoining food handling areas (café and kitchen) must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction & fit-out of food premises.
31. Floors shall be:
- a) appropriate for the area,
 - b) able to be effectively cleaned, and
 - c) laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests.
32. Coving shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No “feather edge skirting” is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.
33. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.
34. Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 & 4.4 of AS 4674-2004 Design, construction & fit-out of food premises.
35. The ceiling over all food handling areas (including over the kitchen and cafe) must be non-perforated and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.
36. Hand washbasins must be provided in the food cafe/kitchen area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and useable.
37. Hand washbasins must be provided with:

- (i) an adequate supply of potable warm running water delivered through a single spout,
 - (ii) a supply of liquid soap, and
 - (iii) single use hand towel.
- 38. Premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction & fit-out of food premises.
- 39. Dishwashers and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.
- 40. Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.
- 41. All service pipes, conduits and electrical wiring shall be either concealed in floors, walls, ceilings or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.
- 42. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination
- 43. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable be constructed and installed to prevent vermin harbourage.
- 44. A commercial kitchen must be provided with a kitchen exhaust hood complying with [AS/NZS 1668.1](#):1998 (Fire and smoke control in multi-compartment buildings and [AS 1668.2](#)-1991 (Mechanical ventilation for acceptable indoor-air quality) where:
 - a) any cooking apparatus has:
 - (i) a total maximum electrical power input exceeding 8 kW,
 - (ii) a total gas power input exceeding 29 MJ/h.
 - b) the total maximum power input to more than one apparatus exceeds:
 - (i) 0.5 kW electrical power; and
 - (ii) 1.8 MJ gas per m² of [floor area](#) of the room or enclosure.
- 45. Provision must be made for storage of garbage containers, containers for recyclable material in an external area of the premises or in a room specifically for that purpose.
- 46. External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.

47. Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
48. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
49. No noise nuisance shall be caused through the operation of any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.
50. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.
51. Medical treatment rooms are to comply with the "Infection Control Guidelines for Oral Health Care Settings" published by NSW Health.
52. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pool Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools
53. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
- a) The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
 - b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - (i) that are set out in accordance with the relevant provisions of that Guideline,
 - (ii) that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - (iii) that are illustrated by drawings with key words only in bold print,
 - c) a statement to the effect that formal instruction in resuscitation is essential,
 - d) the name of the teaching organisation or other body that published the sign and the date of its publication.
54. The multi-purpose room in Building J is for the sole use of ARV staff, residents and their guests only and is not to be used by those external to the site.

55. This consent does not approve or regularise any works on adjoining sites.
56. The full length of the existing dish drain in Brands Lane between the roundabouts (constructed under the current approval (N0102/05) to provide access to the proposed carpark) is to be removed and replaced with barrier kerb and gutter to Council's Requirements.
57. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Engineering details showing the Water Reuse Scheme are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Pittwater 21 DCP.
2. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
3. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped the plans before the issue of any Construction Certificate.
4. The applicant shall submit to the accredited Certifier details of the kitchen, café, and kiosk. The design, fitout and construction of these food areas must comply with AS 4674 and Food Safety Standard 3.2.3.
5. Driveway Access to Brands Lane - Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier or Council with the Construction Certificate application.
 - a) Street Levels must be obtained from Council for all access driveways across the public road verge to road edge. The street levels provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway,
 - b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge i.e. other than a plain concrete finish, within the public road reserve,
 - c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor, and
 - d) Councils Fees and Charges apply to Street Levels and Deed of Agreement for Access Driveway.

6. An updated Water Management Report, based on the Water Management Report - GHD December 2006 and GHD letter 18 January 2011 supporting Stage 3, detailing the design and plans for all works needed to achieve full compliance with the *Warriewood Valley Water Management Specification (February 2001)* and *Pittwater 21 Development Control Plan* is to be submitted by the applicant.

The detailed design and specification of all works associated with the water management system must provide for a complete system which meets the objectives and requirements of the *Warriewood Valley Water Management Specification (February 2001)* and the updated Water Management Report referred to in condition C9.

The updated Water Management Report is to address the following:

- Confirmation of the Probable Maximum Flood (PMF) level (for 0.9m sea level rise) for establishing the finished floor level for building J/K including multi-purpose room and offices based on the 2100 Climate Change Scenario for the PMF condition,
- Confirmation of the Probable Maximum Flood (PMF) level for the crest of the ramp to the carpark entrance of the existing residential aged care ensuring safety of the carpark for the PMF condition,
- A detailed flood Emergency Response Plan for the site and its surrounds to cater for a flood up to the level of the Probable Maximum Flood (PMF) with a 2100 Climate Change Scenario (for 0.9m sea level rise), and
- Demonstrate that the impervious areas of the development does not exceed 55% of the site being 6-14 Macpherson St, Warriewood.

The Flood Emergency Response Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated into the total site overall disaster/emergency management plan.

7. The Flood Management System is to be designed to meet the objectives and requirements of the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification and is to include and provide for:-

(i) Design of the works to achieve:

- a) An unobstructed floodway is constructed from Brands Lane leading to Narrabeen Creek to carry floodwaters in a Probable Maximum Flood event with a 2100 climate change scenario (for 0.9m sea level rise),
- b) All habitable floor levels of the adjacent building J/K including multi-purpose area and offices, are at the Probable Maximum Flood level 2100 climate change scenario (for 0.9m sea level rise), and
- c) The entrance gate to the driveway at Brands Lane is to be designed to allow the passage of water.

- (ii) The Stormwater Management System is to include a design for a stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The systems are to include combined piped and overland flow components, which convey the 1% AEP and Probable Maximum Flood events and comply with relevant Australian Standards and contemporary engineering best practice.
8. The updated Water Management Report and all associated plans must be certified in accordance with the *Warriewood Valley Water Management Specification (February 2001)* as meeting the requirements of these conditions.
9. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
10. Erosion and Sediment Management Plan is to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual.

The plan is to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

11. A waste management plan as per Appendix 4 of the Warriewood Valley Urban Land Release Planning Context and Criteria is to be prepared and submitted to the Private Certifying Authority with the Construction Certificate application for all construction and site works including excavation and / or removal of existing waste and debris from the site, construction of roads, drainage facilities, buildings and other structures where waste may be generated.
12. Detail landscape plans to be prepared by a qualified landscape architect showing detail of landscape works generally in accordance with Landscape Plan LA01 as prepared by Taylor Brammer Landscape Architects. Landscape plans to include the following elements:
- Setback to Macpherson Street to maximise use of all areas for screening shrub/tree planting. Turf/paved areas to be minimised with intensive shrub planting 2-3m in height to be densely planted with trees at 10m centres along the entire frontage.
 - All trees to Brands Lane, Macpherson Street and internal access road frontages to be 400 litres in size. Native palms to be 3-5m clear trunk height. Shrub planting as per planting schedule (Taylor Brammer LAOI). Mounding up to 500mm to the frontage to assist screening of the built form would be accepted.
 - Report from qualified landscape architect independently certifying that works as installed are in accordance with detail landscape plans is to be submitted and approved by nominated certifier prior to release of occupation certificate.

13. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

14. A Schedule of Works prepared by a qualified practising Structural Engineer with corporate membership of the Institution of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field is to be submitted to the Accredited Certifier or Council in respect of the following items:
- 1) The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area,
 - 2) The proposed method of disposal of collected surface waters is to be clearly detailed, and
 - 3) Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
15. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.
16. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
17. Design details and technical specifications relevant to recommendations in the Access Report, Prepared by Access Associates Sydney dated September 2010, must be submitted to the Accredited Access Adviser for written confirmation and submitted to the Accredited Certifier or Council with the Construction Certificate application.
18. A revised Accessibility Report is to be provided which adequately addresses the raised floor level of the Multipurpose Centre and offices. Design details and technical specifications relevant to the revised recommendations area to be submitted to an Accredited Access Adviser for written confirmation and submitted to the Accredited Certifier or Council prior to the issue of a Construction Certificate application.

19. The ridge line of the multi-purpose area and associated offices is to be maintained as shown on development drawings numbered 3- 2500 amendment date 14/12/2010 prepared by NRP Architecture.

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

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

1. No works are to be undertaken in Council's Road Reserve without the written approval of the Council under Section 139 of the Roads Act, 1993.
2. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's road reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed on site.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
5. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
6. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.
7. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
8. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
12. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - 1) The builder's name, builder's telephone contact number both during work hours and after hours,
 - 2) That no works are to be carried out in Council's Road Reserve without the written approval of the Council,
 - 3) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the

road opening works the Road Opening Permit must be visibly displayed at the site,

- 4) That no skip bins or materials are to be stored on Council's Road Reserve, and
 - 5) That the contact number for Pittwater Council for permits is 9970 1111.
13. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
- 1) Quantity of material to be transported,
 - 2) Proposed truck movements per day,
 - 3) Proposed hours of operation, and
 - 4) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
14. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
15. Toilet facilities are to be provided in a location, which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
16. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
- A Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant for the contractor is required to be submitted for approval by Council prior to the commencement of any site works.
17. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, on front-on and one from each side of the property, are to be submitted to Pittwater Council with the notification of the commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.
18. An all weather vehicular access must be maintained throughout the construction period to ensure continuous access to Foley's Nursery in Brands Lane. Such access must accommodate all vehicles including retail customers and service / delivery vehicles.

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

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

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

1. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to Council or the accredited certifier, prior to release of the Occupation Certificate.
2. All appropriate infrastructure is to be provided to service the development, including roads and access ways, drainage facilities, landscaping, water management facilities, and siltation and sedimentation control measures.
4. A Certificate by a qualified Engineer or Architect confirming that all access driveways in the public road reserve have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate.
5. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained.
6. All parking areas and driveways are to be sealed to an all weather standard, line marked, signposted and maintained prior to occupation/use of the site.
7. Appropriate easements are to be created where service lines or drainage lines pass through private property other than the lot which they benefit. Full details in this regard are to be submitted to Council, prior to release of the Occupation Certificate.
8. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Occupation Certificate:
 - (i) A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994,
 - (ii) The private certifier's Compliance Certificate. Each component of the works as outlined above is to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. In particular, the construction of the Water Management System is to be supervised and certified by person(s) with appropriate experience and expertise in Environmental Science, Hydrology and Hydraulics, and must be NPER registered members of the Institution of Engineers (Australia),

- (iii) Works-as-executed plans for all structures or facilities which will be dedicated to Council or which are located within drainage easements or which will require ongoing maintenance by Council,

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

- Boundary layout,
- Kerb and gutter, road pavement, footpaths, traffic devices, retaining walls,
- Signage (including type and wording), line marking,
- Easements, survey numbers and marks, reduced levels and co-ordinates,
- Stormwater drainage, pipe sizes and types, pit sizes and types, subsoil drains,
- Water quality devices, ponds, creek line corridors, parkland, play equipment, and
- Significant landscaping.

- (iv) A security deposit of 5 % of the value of the works is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.

9. Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to the development site have been carried out and completed in accordance with the engineering plans and specifications required under the conditions of this consent.
10. A Certificate by a qualified Engineer or Architect confirming that all driveways have been constructed in accordance with the approved plans is to be submitted to the Council and the accredited certifier (if any) prior to the issue of the Occupation certificate for each stage of development.
11. Certification is to be provided to Council, by an appropriately qualified professional, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under the conditions of this consent. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).
12. All works associated with the water management system required under the conditions of this consent are to be completed prior to the issue of the Occupation Certificate for each stage of development.
13. A copy of the updated Water Management Report required under the conditions of this consent must be submitted to Council. The Water Management Report must

contain all reports, assessments and plans as required by the Warriewood Valley Water Management Specification (February 2001).

14. Notification to Council, certified by the appropriately qualified professional, of the properties to be notated under Section 149(2) for either Flood Category 1 or 2. Such notification is required to be submitted in sufficient time to allow process through the elected Council (approximately 6 weeks).
15. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
16. Street numbers are to be affixed to the building prior to occupation.
17. The Certifying Authority is to submit to Council the completed and signed Food Premises Occupation Certificate Fit-Out Form, this form is available at http://www.pittwater.nsw.gov.au/business/commerce_and_industry_premises/information_for_food_premises
18. Council's Environmental Health Officer is to be contacted (phone: 9970-1111) to make arrangements for an inspection of the premises for verification of compliance with the form. A minimum of 48 hours notice is required for the inspection
19. Council is to forward written advice of the result of the inspection in order to confirm that there is no objection to the issuing of the Occupation Certificate.
20. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority **prior to the issue of the Occupation Certificate**.
21. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings) and 1668.2-1991 (Mechanical ventilation for acceptable indoor-air quality), must be provided to the certifying authority **prior to the issue of the Occupation Certificate**.
22. The certifying authority must be provided with evidence that the food business has been notified with NSW Food Authority. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed food notification form to Council.

Note: A fee applies when lodging notification forms with Council.

23. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

24. Noting that its the applicants stated intention to develop a total of 260 dwellings overall, should Consent N0102/05 not be modified to reduce the overall combined dwelling yield under Consent N0102/05 and this Consent to 260 dwellings a contribution of **\$325,567.77** is to be made pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, for the provision of public infrastructure in accordance with Warriewood Valley Section 94 Contributions Plan,

relative to the 15 additional dwellings provided for within this consent. The breakdown of the contribution for 15 additional dwellings is as follows:

Element	Contribution	Cashier Code
Traffic & Transport	\$75,546.57	SWTT
Community Facilities	\$56,009.55	SWCF
Public Recreation	\$142,527.00	SWPR
Pedestrians/Cycleways	\$38,695.80	SWPC
Library Services	\$12,788.85	SWLS

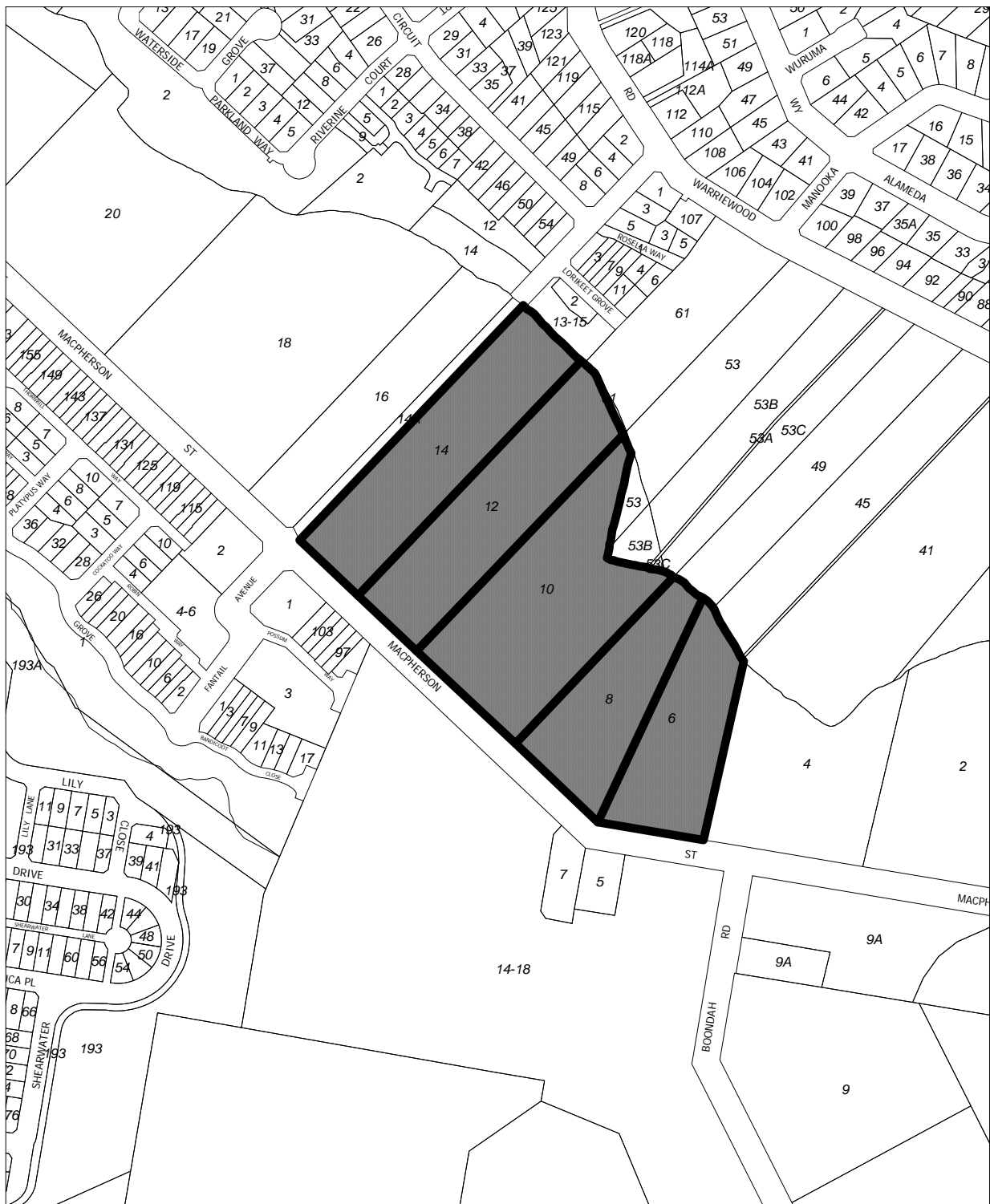
The *Warriewood Valley Section 94 Contributions Plan* may be inspected at Pittwater Council, 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the occupation certificate unless consent N0102/05 is modified as per this condition.

F. Advice:

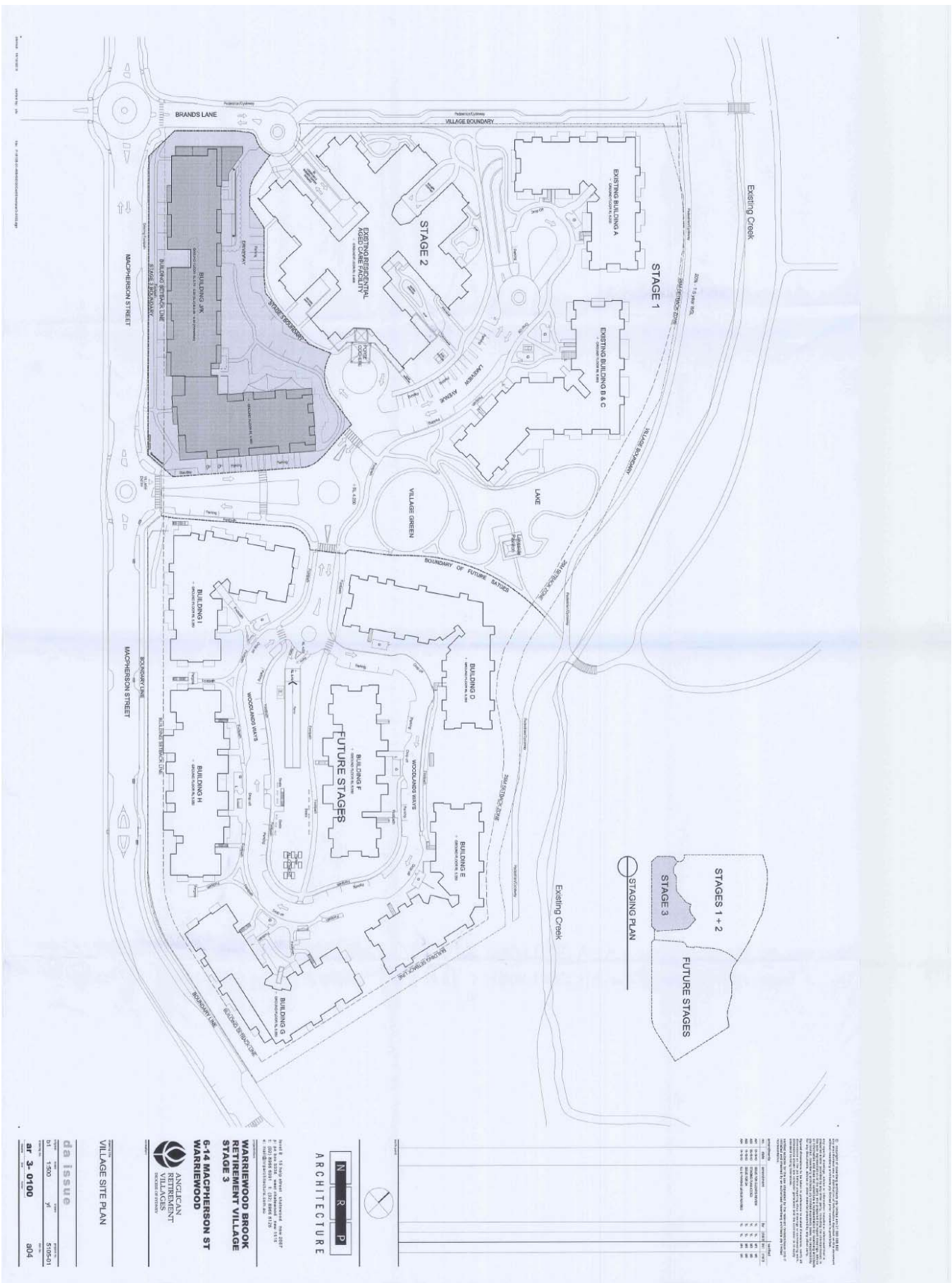
1. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its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

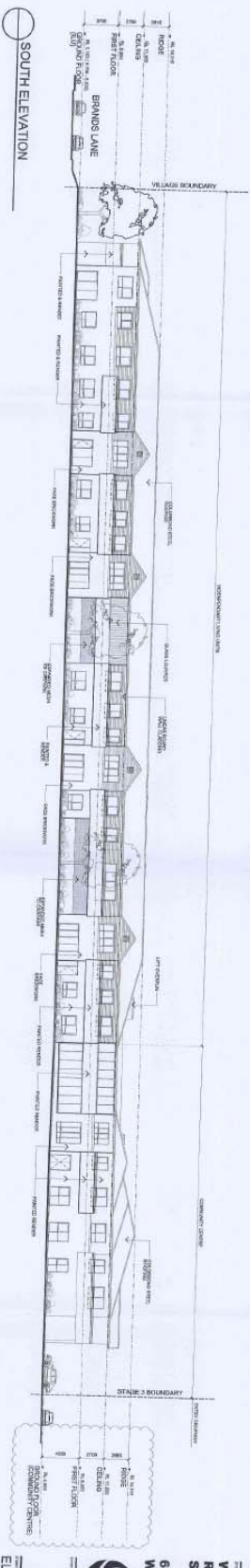
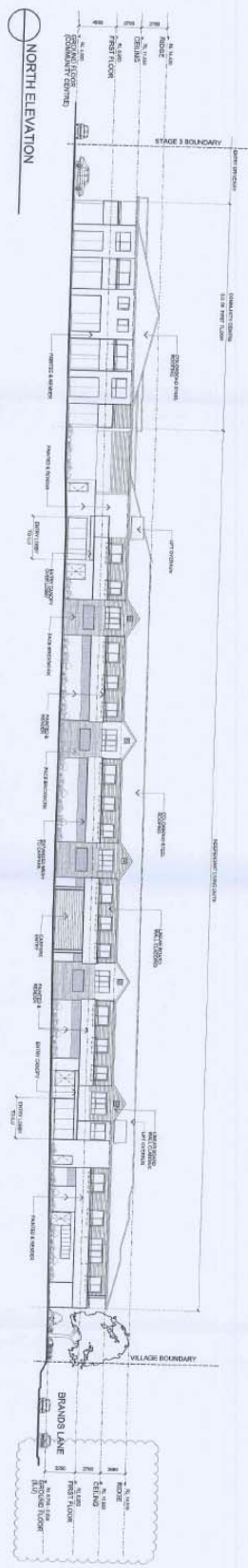
7. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
8. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental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

LOCALITY MAP



NOTIFICATION PLAN





ARCHITECTURE

**WARRIEWOOD BROOK
RETIREMENT VILLAGE
STAGE 3**

6-14 MACPHERSON ST
WARRIEWOOD



ELEVATIONS

da issue

Accession	Accession	Accession
b1	1200	5105-0

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