

JRPP No:	2010SYE116
DA No:	DA2010/2047
PROPOSED DEVELOPMENT:	Construction of a Seniors Housing Development
APPLICANT:	Peter Alward (C/- Salvation Army of NSW)
REPORT BY:	Malcolm Ryan – Director Strategic & Development Services – Warringah Council

Assessment Report and Recommendation

Assessment Officer: Alex Keller

Address / Property Description: No. 8 Homestead Avenue, Collaroy (also known as 1039 – 1041 Pittwater Road), Lot 100 DP 806942 & (part of) Lot 2, DP 787711; No. 22 Homestead Avenue, Collaroy, (part of) Lot 2, DP 604580. (Salvation Army Site)

Proposal in Full: Staged Development to provide Housing for Older People or People with Disabilities, including subdivision and ancillary site works.

The proposed Stages comprise:

Stage One - Residential Aged Care (RAC) Facility for 126 beds in a townhouse style clustered development including; chapel/hall, internal café, communal gardens, disabled access facilities, 37 carparking spaces, loading facilities, administration and services rooms, new internal roads, landscaping, stormwater infrastructure and subdivision.

Stage Two – concept approval for Independent Living Units (ILU's) including 25 apartment style units within a single building, including 37 basement and 'at grade' carparking spaces.

Development Application No: DA2010/2047

Plans Reference:

- Architectural Plans by *Thomson Adsett Architects*
- Civil Engineering Stormwater *TLB Engineering Consulting Engineers*
- Roof Stormwater Plans by *LHO Group Consulting Engineers*
- Landscape Plans by *Taylor Brammer Landscape Architects*

Applicant: Peter Alward (C/- Salvation Army of NSW)

Owner: Salvation Army of NSW (Property Trust)

Application Lodged: 13/12/2010

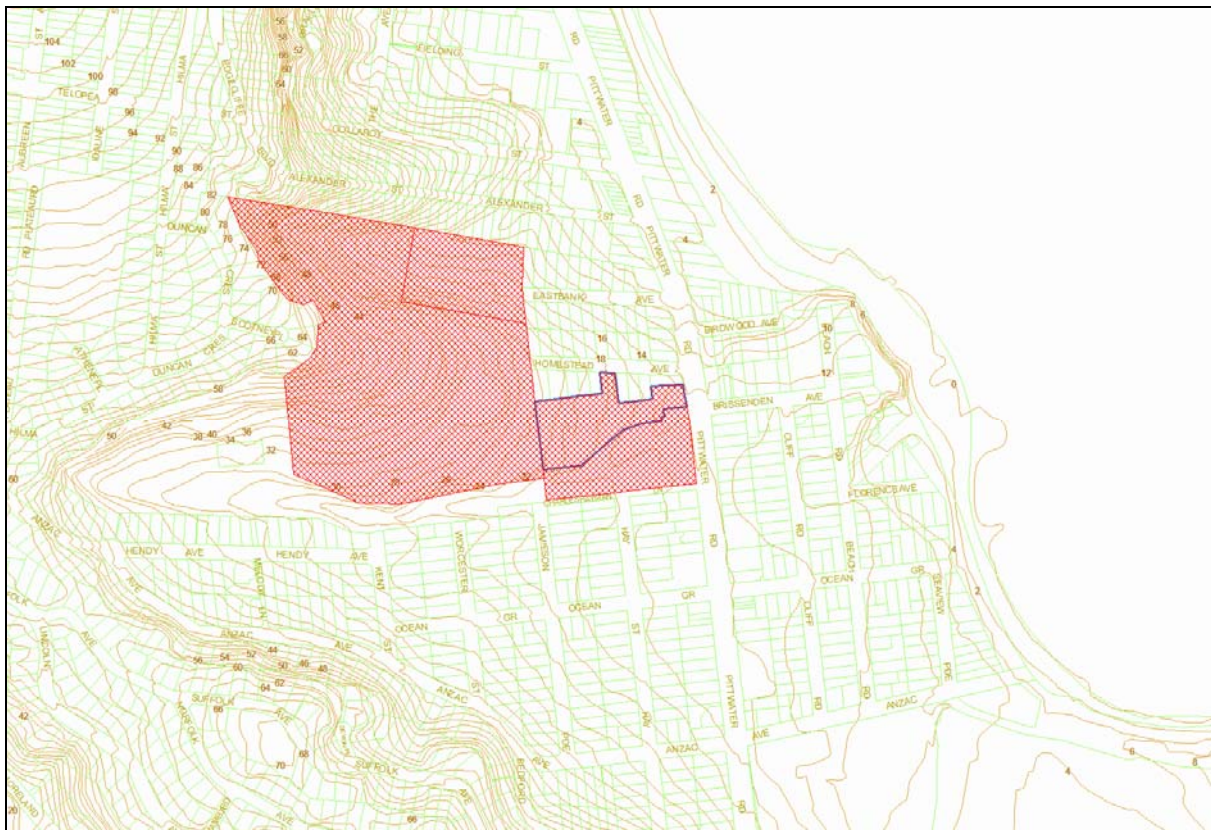
Amended Plans: NO

Designated Development:	NO
Integrated Development:	YES (Requires referral for a Controlled Activity Approval from the <i>NSW Office of Water</i> and a Bushfire Safety Authority from the <i>NSW Rural Fire Service</i>)
Concurrence Required:	NO
Category under WLEP 2000:	Category 2 (Housing for Older People of People with Disabilities)
Locality under WLEP 2000:	D5 - Long Reef
Clause 20 Variations under WLEP 2000 Required:	YES (Building Height (the RAC Facility & ILU's), Building Envelope (ILU's), Floor Space Ratio, Private Open Space (ILU's))
Land and Environment Court Action:	NO
Referred to JRPP:	YES (Development over \$10 million CIV)

SUMMARY

Submissions:	Nine (9) objections
Submission Issues:	<ul style="list-style-type: none"> • Traffic and parking impacts (including congestion, delays and safety) • Noise impacts (construction, traffic and occupation) • Overdevelopment of the site • Lack of screen planting (buffers between development and dwellings in Homestead Avenue) • Inadequate landscaping area • Amenity impacts of building bulk to adjacent land
Assessment Issues:	<ul style="list-style-type: none"> • Traffic and Parking • Bushfire Protection and Riparian Restoration • Flooding • Landscaping and privacy screening • Streetscape • Building Height and Building Envelope • Privacy • Residential Flat Design Code (RFDC) • Floor Space Ratio • Private Open Space
Recommendation:	Approval subject to conditions
Attachments:	Site and Elevation Plans

LOCALITY PLAN (not to scale)



Subject Site: No. 8 Homestead Avenue, Collaroy (also known as 1039 – 1041 Pittwater Road),
Lot 100 DP 806942 & (part of) Lot 2, DP 787711;
No. 22 Homestead Avenue, Collaroy, (part of) Lot 2, DP 604580.

Advertising/ Notification:

The application was advertised and notified in accordance with the Environmental Planning and Assessment Regulation 2000, Warringah Local Environmental Plan 2000 (WLEP 2000) and Warringah Development Control Plan.

The advertising / notification period was from Monday 24 January 2011 to Thursday 24 February 2011.

As part of the notification 556 surrounding landowners were notified by letter, including a sign placed on the site, and an advertisement was placed in the *Manly Daily*.

1 SITE DESCRIPTION

The site comprises a number of lots (detailed under the heading 'subject site') which make up part of what is known as the "Salvation Army Collaroy Site". The overall Salvation Army site is located on the western side of Pittwater Road, has a total area of 14.67 hectares which includes a conference centre, sporting field, remnant bushland and the aged care sections of the Salvation Army development - "Elizabeth Jenkins Place", "Warringah Place" and "Trigg Village" in addition to ancillary internal roads and buildings. The subject site is generally adjoined by the following:

- **West** - The site adjoins the Council owned Public Reserve (Collaroy Reserve) and residential properties (detached dwellings) in Scotney Place and Duncan Crescent.
- **South** - The site is adjoins Collaroy Reserve and Charles Hayman Lane and residential areas (detached dwellings) generally in Jamieson Parade, Hay Street and Pittwater Road.
- **North** – Partly, the site adjoins the rear of residential properties (detached dwellings) which have frontage to the southern side of Homestead Avenue and partly it adjoins the rear of residential properties (detached dwellings) which have frontage to the southern side of Alexander Street.
- **East** – The site adjoins Pittwater Road. Opposite Pittwater Road are detached residential properties. Also, part of the site adjoins residential properties.

The site is within proximity of the following:

- 125 metres from Collaroy Commercial Centre
- 200 metres from Collaroy Beach and ocean pool
- 200 metres from Collaroy Cinema
- 330 metres from Collaroy Beach Ex-Servicemen's Club
- 500 metres to Long Reef Golf Club and tennis courts
- 400 metres to Long Reef Beach

The site is presently developed with a range of uses, including aged housing comprising "Warringah Place" and "Trigg Village", the nursing home comprising "Elizabeth Jenkins Place" and the Collaroy Conference Centre with a youth hostel, associated internal roads and carparking, open space, bushland and drainage infrastructure. It is noted that part of the Trigg Village has been demolished in preparation for the construction of the new RAC facility. The remaining dwellings within 'Trigg Village' may be retained for re-occupation in the interim period until the Salvation Army is ready to proceed further with the development of Stage 2.

While the site has frontage to Pittwater Road, no vehicular access is gained from that frontage and the primary pedestrian and vehicular access is from No.8 Homestead Avenue.

2. RELEVANT BACKGROUND

- **DA2007/0433** was approved by Council on the 7 May 2009 for demolition of the existing 'Trigg Retirement Village', 'Elizabeth Jenkins Nursing Home' and Hostel and construction of an Aged Care Facility, Independent Living Units, Community Centre and associated carparking, new internal roads, landscaping and stormwater infrastructure. The proposal included a 102 bed residential aged care facility with 30 car spaces, 51 independent living units with 62 car spaces. Part demolition works for have been completed as per DA2009/1271. (Refer to attached site plan)
- **DA2009/1271** was approved by Council on the 14 January 2010 for the demolition of 14 of 22 buildings within the "Trigg Village" area ("Area 3") and the removal of 55 trees. This DA has been commenced and works completed in preparation for the progress of DA2007/0433.
- **PLM2010/0091** – A prelodgement meeting was held on the 19/10/2010 in relation to the proposal to gain advise relating to the submission of the subject development application.

2.2 Community Consultations Prior to DA Being Lodged

The applicant engaged in community consultations with residents in the surrounding area as a self-initiated with the subject DA progressing. A summary of results of the consultations made, 4 March 2011, is included as an attachment to this report.

2.2.3 Staged Development Applications

Section 83B of the *Environmental Planning and Assessment Act, 1979* deals with staged development applications as follows:

Section 83B Staged Development Applications

- “(1) For the purposes of this Act, a "staged development application" is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- (2) A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
- consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
 - the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*
- (4) The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3).”*

In order to clarify the limitations of Staged Applications, the Land and Environment Court has provided some guidance in the form of a Planning Principle, handed down as part of the court hearing in relation to *Anglican Church Property Trust v Sydney City Council NSWLEC 353*. The judgement states that:

Multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?

The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient.

3. PROPOSAL IN DETAIL

- **Staged Development** – to replace part of the previous approval of development works under DA2007/0433 within that area known as “Area 3” (Trigg Village).

Refer to Plan DA002 / A by Thomsen Adsett which illustrates the relevant site areas within the Collaroy Salvation Army Site known as: Area 1 – Conference Centre, Area 2 “Elizabeth Jenkins Place”, Area 3 – subject site for DA2010/2047, Area 4 – “Warringah Place”

- **Stage 1** - Residential Aged Care (RAC Facility) for 126 beds in a townhouse style clustered development including; chapel/hall, internal café, communal gardens, disabled access facilities, 37 carparking spaces, loading facilities, administration and services rooms, new internal roads, landscaping, stormwater infrastructure and subdivision (boundary adjustment).
- **Stage 2** – Independent Living Units for 25 apartment style units within a single building, including 37 carparking spaces. NOTE: There are no detailed supporting documents and designs for Stage 2; only the building footprint, heights, setbacks and indicative floor layout plans. A detailed DA will be submitted at a later date for the ILU's. It is considered that the level of detail that has been submitted however is satisfactory for the purposes of satisfying Section 83B of the Act.



Figure2: Illustration of Stage1 and Stage 2 for the proposal. (Blue cross shading represents flood prone area)

3.1 Purpose and Intent of the Revised Proposal for the RAC Facility and ILU's

The prior approvals issued to demolish the existing 'Trigg Village' and 'Elizabeth Jenkins Place' and replace these facilities new aged housing and aged care facilities remain active. However, DA2010/2047 seeks to replace Stages 1 and 2 of DA2007/0433. DA2007/0433 will remain active unless otherwise surrendered or eventually superseded in whole by the applicant. The intention of the present revised DA is to provide a more intuitive facility with a 'town house' style RAC Facility, and

retain the ILU's; albeit as a smaller building footprint. The Salvation Army considers that the new townhouse style of development for Stage 1 will better suit market demand and provide a superior quality of lifestyle and living environment for future occupants of the RAC Facility. Stage 2 of the proposal for the ILU's has been essentially only reduced in footprint to accommodate the new design for the RAC Facility. Overall the revised proposal seeks to provide a high level of modern care for ageing or disabled persons within a coastal bushland setting which affords high quality lifestyle and meets the Federal Governments safety and fire standards for aged housing and care establishments.

4. STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulation 2000
- c) Conveyancing Act 1919
- d) Local Government Act 1993
- e) Disability Discrimination Act 1992
- f) Rural Fires Act 1997
- g) Water Management Act 2000
- h) SEPP 55 – Remediation of Land
- i) SEPP 65 – Design Quality of Residential Flat Development
- j) SEPP 2004 – Housing for Seniors or People with a Disability
- k) SEPP - Building Sustainability Index (BASIX) 2004
- l) SEPP 2007 – Infrastructure
- m) Warringah Local Environment Plan 2000
- n) Draft Warringah Local Environmental Plan 2009
- o) Warringah Section 94A Contributions Plan
- p) Warringah Development Control Plan

5. REFERRALS

5.1 External Referrals

a) NSW Rural Fire Service (Rural Fires Act 1997)

A Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997* is required for the proposal as it is Integrated Development under Section 91 of the EP&A Act 1979. The *Rural Fire Service* has reviewed the proposal and provided its response including conditions of approval dated 22 March 2011

b) NSW Office of Water (Water Management Act 2000)

A referral was sent to the *NSW Office of Water* since the site is adjacent the drainage line known as "Collaroy Creek". The Office of Water previously issued General Terms of Approval under DA2007/0433 which included works proposed in the vicinity of 'Elizabeth Jenkins Place'. The previous assessment made in relation to DA2007/0433 concluded that that works in the vicinity of Trigg Village (Area 3) did not require GTA. Notwithstanding this a referral has been sent to the Office of Water to update their records of the current development proposal. At the time of writing this report the Office of Water has not confirmed whether new GTA's will be issued for the current proposal despite the previous assessment under DA2007/0433.

c) Energy Australia (SEPP Infrastructure)

The proposal was referred to *Energy Australia* to meet the requirement of SEPP 2007 (Infrastructure). *Energy Australia* has reviewed the proposal and provided a response involving conditions of approval dated 6 January 2011.

5.2. Internal Referrals

a) Heritage

The development site is in proximity to heritage items of 'Jenkins Family Grave', (Homestead Avenue), "Roscrea", (No.1048 Pittwater Road) and "Dwelling house – (No.1071 Pittwater Road)". Council's Heritage Officer, carried out an assessment of the potential impact of the proposal on the heritage items and concluded that there be will no significant impact. No objections are raised on heritage issues and no conditions recommended.

b) Natural Environment Unit

The proposal has been reviewed by Councils Natural Environment Unit and raises no issues of objection to the development subject to conditions to address flora, fauna, flooding and erosion control issues.

c) Development Engineering -

Council's Development Engineer has reviewed the proposal and raises no objection to the development on engineering issues subject to conditions.

d) Traffic Engineering

Council's Traffic Engineer has reviewed the proposal and raises no objection to the development on traffic issues subject to conditions.

e) Aboriginal Heritage

Councils Aboriginal Heritage Office has reviewed the proposal and raises objection to the development subject to conditions to address procedures in the event of any relics being found.

f) Landscape

Council's Landscape Officer has reviewed the proposal and raises no objection to the development on landscaping issues subject to conditions.

g) Waste Services

Council's Waste Services Officer has reviewed the proposal and raises no objection to the development on waste issues subject to conditions to address legal access for service vehicles.

Planning Comment: The interdepartmental planning comments are agreed with and all conditions are included in the recommendation.

6.0 NOTIFICATION & SUBMISSIONS RECEIVED

The development application, including the Statement of Environmental Effects was placed on public exhibition at Council's Civic Centre for 14 days to satisfy the requirements of the EP&A Regulation 2000 and WLEP 2000 as follows:

- Advertisement in the Manly Daily on 22 January 2010
- Sign on the site
- Letters sent to 556 adjoining and surrounding landowners
- The advertisement and the notification letter included details of the classification of the application as "Integrated Development" as required by the EPA Regulation 2000.

A total of 9 submissions were received in response to the notification of the application as shown in the following table:

	Respondents Name	Address
1.	D & P Turiano	2 HOMESTEAD AVENUE COLLAROY
2.	M & M Jackson	3 HOMESTEAD AVENUE COLLAROY
3.	N & N Crealy	4 HOMESTEAD AVENUE COLLAROY
4.	J & I MacDougall	5 HOMESTEAD AVENUE COLLAROY
5.	G and A Grant	6 HOMESTEAD AVENUE COLLAROY
6.	R and L Hammond	12 HOMESTEAD AVENUE COLLAROY
7.	P Bryant	13 HOMESTEAD AVENUE COLLAROY
8.	A & B Pockaj	15 HOMESTEAD AVENUE COLLAROY
9.	R Green	19 HOMESTEAD AVENUE COLLAROY
10.	C Duggan	P.O. Box 726 NARRABEEN

The issues and concerns raised in the submissions are addressed as follows:

<p>1. Traffic and Parking Related Issues</p> <ul style="list-style-type: none"> • Homestead Avenue is not capable of handling the additional traffic generated by proposal • Exacerbate delays and safety concerns in Homestead Avenue • Vehicular access should be off Pittwater Road • The proposal has insufficient parking spaces for staff and residents
<p>Comment: A Traffic Impact Assessment has been prepared for the proposal by <i>Traffix</i>, dated Nov 2010. The ILU's and RAC Facility are relatively low traffic generating land uses in traffic planning terms. Notwithstanding, Homestead Avenue will experience an increase in traffic activity, and it will continue to operate at an acceptable service "Level B" with some additional but acceptable delays at the signalised intersection with Pittwater Road. The predicted increase in peak hour movements is estimated to be 47 Vehicle movements per hour, with these trips split in both directions. The RAC Facility and ILU's will have sufficient parking to contain all long term parking demand within the site. Council's Traffic Engineer has confirmed that the additional traffic directed through Homestead Avenue can be satisfactorily accommodated. The proposal has been designed to comply with AS2890 for all vehicle access and parking.</p> <p>Based on the fact that the traffic experts have agreed that the proposed development can function with satisfactory levels of service on Homestead Avenue and the related intersections, the traffic related concerns raised by respondents do not warrant refusal of the application.</p>
<p>2. Residential Amenity Issues</p> <ul style="list-style-type: none"> • Noise impacts (construction, traffic and occupation) • Loss of Privacy to adjoining residences • Lack of screen planting buffers between development and dwellings in Homestead Avenue
<p>Comment: Issues of privacy, noise, and screen planting are dealt with in detail in the relevant sections of this report. In summary, noise emissions during the construction and occupation phases have been conditioned appropriately, and privacy has been assessed and additional screening is required in certain areas (namely along the common boundary with properties fronting Homestead Avenue) and where buildings or balconies are in close proximity to boundaries with residences.</p> <p>Based on the above, the concerns raised in relation to residential amenity do not warrant refusal of the application.</p>
<p>3. Excessive building height</p>
<p>Comment: The building height control applying to this site and the D5 Long Reef locality is 8.5 metres overall height and 7.2 metres to the ceiling of the topmost floor. The proposal involves variations to the height controls as outlined in the "Built Form Controls" section of this report. The proposed variation to the height standard (8.0 m as per Clause 29 & 8.5/7.2 as per the BFC) is supported under Clause 20 of WLEP 2000. In summary, the non-compliance with the height standards largely stems from the variations in slope, point encroachment for</p>

selected roof spans and the need to raise floor levels due to flood protection. The variations do not translate into detrimental impacts on neighbouring properties or the streetscape based on the fact that the buildings are within a confined visual catchment and are setback substantially from the boundaries of the site. The heights of buildings are appropriate in the context and setting of the site and its surrounds. The front building setback to Pittwater Road will be required to be consistent with adjacent buildings and the landscape buffers to residential properties in Homestead Avenue will be required to be increased / intensified to address issues of visual impact and streetscape which also relate to screening of the building form.

Therefore, the non-compliance with the building height control does not warrant refusal of the application.

4. Overdevelopment of the site

Comment: The site as defined by the applicant captures an area totalling 1.89 Hectares. The proposal is able to comply with the cumulative FSR development standards applying to aged housing developments under WLEP 2000 required for the RAC Facility and ILU's. In addition it is considered that the proposal suitably responds to the DFC requirement for future development to be consistent with detached style development in a landscaped setting as for the RAC Facility building and the ILU facility will be within a smaller footprint and lesser scale than previously approved for Stage 2 under DA2007/0433.

Therefore, the proposal is not considered to constitute an overdevelopment of the site.

7.0 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration and Comments
<p>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument See discussion on WLEP 2000, SEPP 55, SEPP 65 – Design Quality of Residential Flat Development, SEPP – Housing for Seniors or People with a Disability 2004, SEPP infrastructure and SEPP BASIX in this report.</p>
<p>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument The Warringah Draft LEP 2009 has been considered later within this report.</p>
<p>Section 79C (1) (a)(iii) – Provisions of any development control plan Warringah Development Control Plan applies to this proposal as detailed in the Public Exhibition section of this report. The requirements of WDCP were applied in full in the notification of this application.</p>
<p>Section 79C (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement No VPA or Draft VPA applies to this application.</p>
<p>Section 79C (1) (a)(iv) - Provisions of the regulations In accordance with the EPA Regulation 2000, Integrated Development must be publicly exhibited in accordance with Clauses 86 to 91 of the EPA Regulation 2000. In this regard, the public notification and advertising of this integrated development application have been complied with in full.</p>
<p>Section 79C (1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>(i) General - The environmental impacts of the proposed development on the natural and built environment are addressed in detail in the Statement of Environmental Effects (SEE) submitted with the DA. Review by Council Officers and the relevant State Government Departments, including the <i>Department of Environment Climate Change and Water</i> and the <i>NSW Rural Fire Service</i> has determined that the environmental impacts associated with the development of this site for the purposes of "Housing for Seniors or People with a Disability" can be mitigated or managed in such a manner that the outcomes will be acceptable in terms of impacts on the natural and built environment, subject to the conditions provided by the government agencies and internal departments of Council.</p> <p>(ii) Environmental - The proposed development will have a conservative and controlled environmental impact in the vicinity of the site considering the proposal provides for the enhancement of the built form and streetscape, improvement of internal resident amenity, upgrading of the landscape treatment of the site, bushland management and incorporation of ecologically sustainable development measures.</p>

Section 79C 'Matters for Consideration and Comments

The revised RAC Facility scheme for this part of the Salvation Army site will involve a more modern and contemporary built form which has been architecturally designed to include visual relief, better aesthetic interest, a variety of suitable materials, colours and textures appropriate for a large site surrounded by residential development and bushland and adjacent to escarpment bushland and traversed by natural watercourses which will minimise the visual, scenic and streetscape impact of the development. The proposal represents an opportunity to achieve satisfactory environmental outcomes for the site, given the intensification of development on the Salvation Army site. On balance, the environmental impacts are considered to be reasonable and acceptable, subject to special conditions to manage and mitigate impacts as detailed elsewhere in this report.

- (iii) **Economic and Social** - The assessment does not envisage any significant adverse economic or social impacts as a result of revisions to the development. Rather, the upgraded facilities will allow for modern aged care accommodation to be provided onsite that meets the Federal Governments fire and safety standards and privacy and space requirements in a natural setting and location which is conducive to providing high levels of resident amenity, care, relaxation and enjoyment. In this regard, the proposal represents an orderly and economic use of the land.

Section 79C (1) (c) – The suitability of the site for the development

Location - It is noted that the site is presently used for the purposes of an aged care facility, hostel and nursing home and ILU's. However, the suitability of the site for the proposed upgraded facilities in this portion of the Salvation Army site must still be assessed and determined. In this regard, the site is "zoned" for aged housing uses under WLEP 2000 and Draft LEP 2009. The site is located within close proximity to public transport on Pittwater Road, shopping and entertainment facilities in Collaroy and Long Reef, recreational opportunities at Collaroy and Long Reef Beaches and sporting facilities, including Collaroy Ocean Pool, Long Reef Golf Course and tennis courts and Long Reef Headland. It is noted that the Salvation Army Site – Collaroy, as a whole has close relationships to residential properties in adjoining local roads, being Homestead Avenue, Eastbank Avenue and Alexander Street. In this regard, Homestead Avenue will receive most of the traffic impacts in relation to Stage 1 and Stage 2. However, the long term traffic impacts do not require any substantial change in terms road access and traffic planning leading to and from the site.

Physical – The site has a low to moderate degree of physical constraints which include the natural watercourses which traverse the site and associated flooding, bushland cover to the west and associated bushfire hazard risk. It is noted that the southern watercourse is an overland flow path associated with a creek flowing from the adjoining public reserve which drains a portion of the Collaroy Plateau escarpment. The site is not within the Coastal Zone under SEPP 71 and is not subject to landslide under Council's hazard mapping information.

Design wise, the architectural and urban design outcome is generally satisfactory having regard to the manner in which the built form has been broken up into a series of articulated forms and "detached" buildings and townhouse villa's for the RAC Facility. The ILU has a reduced footprint and generally meets the DFC with some non-compliance in relation to height and building envelope. Generally the building will present as an acceptable addition to the streetscape in Pittwater Road (subject to the conditions imposed) and when viewed from adjoining and surrounding residential areas. The visual and scenic impacts for the RAC Facility will not be such to warrant refusal. The visual impacts of the ILU's at this point in time is suitable for conceptual approval and will be subject to further refinement with the Stage 2 DA.

The proposal has been the subject of considerable investigation and analysis, particularly in relation to stormwater and flooding, impacts on bushland, landscape setting, streetscape, traffic generation and traffic safety. The assessment concludes that the site is suitable, subject to conditions in relation to mitigating/managing environmental impacts including works within and adjacent the riparian zone, bushfire asset protection zone's (APZ) and issues relating to landscape setbacks and buffers. These matters are dealt with through conditions of consent.

Section 79C 'Matters for Consideration and Comments

Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs

The public submissions to the application are discussed in detail under the relevant headings in this report. The submissions raised a number of issues which have resulted in some minor changes being carried out to address construction management, landscape buffer planting to adjoining residential properties and built form (relating to the ILU). Other issues raised in submissions are either satisfactorily addressed in the plans, not concurred with or do not warrant design changes or refusal of the application. It is noted that many of the issues have been dealt with by the experts in the assessment and review of the proposal and the development plans and special conditions have been imposed where required.

Section 79C 'Matters for Consideration and Comments

Section 79C (1) (e) – The public interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is “*Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development?*”. For the reasons stated in this report, it is apparent that there is significant social benefit to be derived from the upgrading of the residential care facilities and aged care housing on the Salvation Army Site to comply with current standards, expected levels of amenity and design, and to help meet the market demand for Seniors housing in the area

The non-compliance with the building height controls has not been shown to translate into significant adverse impacts having regard to the architectural and urban design aspects of the buildings, the setbacks and degrees of spatial separation from adjoining residential properties, subject to some amendments required through conditions of consent. The change in the existing skyline and localised impacts on views, vistas and outlooks from nearby and distant residential properties differs widely depending on the vantage point. However, the buildings will fit reasonably comfortably in the landscape from most vantage points. The views of the development from the street will be minimal due to the minor extent of main (Pittwater) road frontage. The impacts from properties in Homestead Avenue will be most noticeable in terms of visual impact as they will be viewing the new buildings across the length of the site in a southerly direction. Notwithstanding this, adequate setbacks, building articulation and aesthetic interest have been incorporated into the design to lessen such impacts. It is considered that the proposal represents a satisfactory visual amenity which is co-ordinated and integrated with the natural setting of the site and the locality that it sits within.

The increased traffic associated with the increased density of development on the site and the variations to the configuration and scale of the development can be considered to be within acceptable limits and do not cause unacceptable long term impacts for the local urban environment.

In this regard, the balancing of these matters results in a finding that the benefits outweigh the negative impacts and as such the proposed development will have an overall public benefit.

7.1 Local Government Act 1993

Council is empowered under the *Local Government Act* to be the approval authority for this proposal and grant any works or permits required in accordance with Section 68 of that Act as part of the development assessment process. Suitable conditions are recommended to address these matters.

7.2 Disability Discrimination Act 1992

Under section 23 of the *Disability and Discrimination Act 1992* (DDA), provision must be made to ensure equitable and convenient access to the public and semi public space within the development. Accessibility design standards are defined with *AS 1428* for construction work. In this case, the proposal is for an entire facility which is purpose built to accommodate aged or disabled persons and has been specifically designed to comply with all relevant accessibility requirements.

7.3 Subdivision

The definition of “subdivision” is detailed under the Section 4B of the EPA Act and further detailed as related by “plan of subdivision” under the Conveyancing Act as follows:

7.3.1 The Conveyancing Act 1919

The *Conveyancing Act 1919* defines a plan of consolidation and a plan of subdivision as the following:

“**plan of consolidation** means a plan that shows the consolidation of 2 or more existing lots into a single lot, where there is no simultaneous redivision of them into 2 or more new lots, whether or not the plan also shows one or more of the matters referred to in paragraph (a), (b) or (c) of the definition of *miscellaneous plan*.

plan of subdivision means a plan that shows:

- (a) the division of an existing lot into 2 or more new lots, or
- (b) the consolidation of 2 or more existing lots and their simultaneous redivision, along new boundaries, into 2 or more new lots”, [following sections not included]

It should be noted that there is no definition for a “boundary adjustment” on which the application may rely. This establishes that the proposed re-defined lot area for the site can only be defined and considered as a “subdivision”.

7.3.1 Clause 21(WLEP 2000) - Can land be subdivided

<p>(1) <i>Land can be subdivided so long as:</i></p> <ul style="list-style-type: none">(a) <i>the resulting allotments can be developed in accordance with this plan, or</i>(b) <i>the resulting allotments contain buildings or works lawfully created or approved.</i>	<p>(a) the resulting allotments are capable of being developed in accordance with this plan, subject to conditions to ensure compliance with building setbacks from boundaries (including BCA requirements) and clear delineation of site parameters for future asset management.</p> <p>(b) The existing allotments contain lawfully approved buildings and works. The resulting allotment layout is essentially a reconfiguration of the existing internal boundaries to redefine the relevant site area and remove the future event of property boundaries that cross over or through building structures.</p>
<p>(2) <i>Subclause (1) (b) does not apply to the following localities:</i></p> <p><i>A2 Booralie Road, A4 Myoora Road, A5 McCarrs Creek Road, A7 Mona Vale Road North, B9 Mona Vale Road East, B2 Oxford Falls Valley, C8 Belrose North and C10 Mona Vale Road West.</i></p>	<p>Not applicable</p>
<p>(3) <i>In addition to other matters specified in this plan, the consent authority must be satisfied that the proposed development is consistent with the provisions of Schedule 7 (Matters for consideration in a subdivision of land) before approving an application for consent to subdivide land.</i></p>	<p>The proposal requires an internal boundary adjustment (subdivision). All matters under <i>Schedule 7 - Matters for Consideration in the Subdivision of Land</i>, are satisfactory and the proposed development will be consistent with the provisions of Schedule 7.</p>

8.0 State Environmental Planning Policies

8.1 SEPP Infrastructure

Pursuant to Clause 104 and Schedule 3 of SEPP Infrastructure, the proposed development is required to be referred to *Energy Australia* and the referral response has been addressed previously in this report. Referral to the *NSW Roads and Traffic Authority* was not required under the SEPP.

8.2. SEPP No. 55 – Remediation of Land

The application satisfies the requirements of SEPP 55 as discussed under Clause 48 – “Potentially Contaminated Land” in the General Principles of Development Control section of this report.

8.3. SEPP 65 – Design Quality of Residential Flat Development

SEPP 65 applies to new residential flat buildings, substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The proposal involves the concept approval for future (Stage 2) construction of Independent Living Units development (ILU's) which is envisaged to be partly 3 storeys and containing in excess of 4 self-contained dwellings. Therefore, the provisions of SEPP 65 are applicable to the assessment of this application in so far as they form a basis for determining whether the future envelopes are capable of complying with the provisions of the SEPP. It must be noted that a more detailed assessment of the RFDC and SEPP 65 will be made (and revisited) with submission of a Stage 2 development application giving comprehensive details for the ILU's building. Information provided by the applicant, and the preliminary assessment within this report for the ILU building, has been included at this stage to confirm that the building envelopes proposed are capable of satisfying the provision of SEPP 65 and to give a full understanding of the entirety of the Staged Development being considered for approval.

Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer, which has been submitted from *Thomson Adsett Architects*.

SEPP 65 requires an assessment of the DA against 10 Design Principles contained in Clauses 9-18 and consideration of the matters contained in the publication “Residential Flat Design Code”, which is provided as follows:

Principle 1: Context

“Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the Desired Future Character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area”.

Comment: The subject site is situated within a locality which is dominated by detached dwellings, with a local retail centre and public open space nearby. The existing Salvation Army development is part of the established character of the locality, but is not specifically mentioned in the DFC for the locality. However, the DFC does make provision for “complementary and compatible development” such as the existing aged housing/aged care facility on the site and proposed redevelopment of those facilities.

The proposed land use is considered to be compatible within the context of the existing onsite aged housing and surrounding residential development. Further, it is considered appropriate for the site, given the large size of the site, its relative visual containment, its

proximity to the Collaroy Commercial Centre, the availability of public transport and the access to the Long Reef Golf Course, Long Reef and Collaroy Beaches and public open spaces.

Accordingly, the proposal is considered to be consistent with the intent of this principle.

Principle 2: Scale

“Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the Desired Future Character of the area”.

Comment: The bulk, scale and height of the proposed development is considered satisfactory in the context of the replacement and upgrading of existing aged care facilities. The ILU is a significant up-scaling of the size of development compared to the former single storey detached buildings forming “Trigg Village” and when compared to existing detached dwellings in the surrounding area. The scale of the new building is at the maximum of what would be reasonable for the site having regard to the scale of adjoining and nearby residential development in Homestead Avenue and Pittwater Road.

The building elevations have also been articulated and varying building materials used to create a development that will be suitable in its setting. Increased separation of the ILU at the narrow point adjacent the rear boundary of No.2 Homestead Avenue, through conditions of consent, will improve the negative impacts of bulk and massing in the relationship of the ILU to the rear setback of adjacent land. This will be at the time the Stage 2 DA is prepared.

Accordingly, the proposal (as amended) is considered to be consistent with the intent of this principle.

Principle 3: Built Form

“Good design achieves an appropriate Built Form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate Built Form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

Comment: As detailed elsewhere in this report, the overall architectural and urban design response to this large site and its bushland surrounds is considered satisfactory as it incorporates heavily broken-down built forms, varied building types, adequate levels of wall articulation and variety in the use of external finishes. However, the architectural treatment of the Pittwater Road elevation is still considered to be an issue and warrants further changes to provide the levels of articulation that respond to the DFC requirement for “detached style” and to ensure a suitable infill streetscape to Pittwater Road. A suitable condition recommended with the consent in this regard to address balcony locations and sizes, and improved separation of the built form adjacent the rear of No.2 Homestead Avenue.

Accordingly, the proposal is considered to be consistent with the intent of this principle subject to minor changes to be incorporated in the detailed design at of Stage 2.

Principle 4: Density

“Good design has a density appropriate for a site and its context; in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality”.

Comment: The density controls under WLEP 2000 are partly numerical (minimum standards under Clause 29) and partly merit based (how the buildings are sited and designed and landscaping is used to ensure the development relates favourably to the pattern, scale and landscape character of the street and surrounding development).

In this regard, the proposal is able to comply with the provisions of Clause 29 through a boundary adjustment to provide an adequate and a defined land allocation to the RAC Facility and ILU as a whole. The concept proposal demonstrates through indicative designs that the ILU building satisfies the provisions of SEPP 65 for solar access, privacy, subject to minor modifications to selected balconies to improve aspect in relation to floor arrangement within the ILU building. This can be dealt with as part of the Stage 2 DA

Accordingly, the proposal is considered to be consistent with the intent of this principle.

Principle 5 – Resource, energy and water efficiency.

“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and Built Form, passive solar design principles, efficient appliances and mechanical and mechanical services, soil zones for vegetation and reuse of water”.

Comment: The application has addressed the recycling of demolition and excavation materials and the ongoing waste management for the completed development through a Waste Management Report and BASIX Certificates.

Accordingly, the proposal is considered to be consistent with the intent of this principle.

Principle 6: Landscape

“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by co-ordinating water and soil management, solar access, microclimate, and tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character or Desired Future Character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours’ amenity and provide for practical establishment and long-term management.”

Comment: Generally, there are sufficient landscaping opportunities throughout the site to accommodate suitable landscape planting for the purposes of screening, softening, and generally providing a landscape setting that is commensurate with the size and scale of the buildings. However, there are several areas where insufficient landscaping has been provided to achieve a satisfactory outcome, namely the landscape buffers to Pittwater Road and the northern setbacks to residential properties in Homestead Avenue. The extent of landscaping in these areas will be required to be increased through amendment building setbacks and minor adjustment to the location of service rooms, visitor carparking and minor adjustments to the ILU building as detailed in this report.

Accordingly, the proposal, subject to amendments to address the above areas through conditions of consent, is considered to be consistent with the intent of this principle.

Principle 7: Amenity

“Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility”.

Comment: The indicative design generally maintain adequate separation between the subject building and existing dwellings on adjoining sites, subject to some minor amendments (namely in relation to setbacks to the northern boundary, for properties in Homestead Avenue).

The indicative design generally provides high levels of internal amenity for future residents, with a variety in the size of units and the number of bedrooms. The majority of units benefit from suitable building depths, solar access and outlooks. Private recreation areas are provided in the form of balconies off the living areas of each dwelling and various communal areas are provided within the ILU building. Complying accessibility is provided both within the buildings and throughout the site.

The development is considered to be consistent with this Principle subject to minor changes to be incorporated with the preparation of the Stage 2 DA.

Principle 8: Safety and Security

“Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.”

Comment: The proposal is considered to adequately achieve safety and security for future occupants of the development by providing good levels of casual visual surveillance of internal areas of the site and the small section that fronts Pittwater Road. Conditions are imposed to require security and safety lighting of internal roads and pathways and the development provides internal access for occupants from the car parking areas to the building.

The development is considered to be consistent with this Principle.

Principle 9: Social

“Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provisions of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community”.

Comment: The provision of housing on this site responds to the growing need for aged housing on the Northern Beaches which is well located in terms of its accessibility to public transport, commercial facilities within the Collaroy Commercial Centre, within reasonable walking distance to the beach, Collaroy Cinema and Golf Course and within a landscaped/bushland setting. It is expected that apartments within the proposed development will be more affordable than single dwelling houses that are also available within the locality. Similarly, the proposed development provides for greater choice in housing types.

Therefore, the proposal is considered to satisfy the objectives of this principle.

Principle 10: Aesthetics

“Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the Desired Future Character of the area”.

Comment: The indicative design details submitted with DA demonstrate that the proposed development is envisaged to be a modern and contemporary building in its architectural expression and will exhibit a character design and external appearance which reflects the aged care uses. The indicative external appearance is satisfactory for the urban coastal setting. The building fenestration, articulation and modulation are considered to be satisfactory in terms of creating built forms which have a satisfactory aesthetic in the context of the setting. A condition is recommended to ensure the design quality is maintained through to the submission of the Stage 2 DA.

Overall, the proposal will contribute positively to the locality and the streetscape.

Residential Flat Design Code

The following table addresses the relevant criteria contained in the ‘Residential Flat Design Code’ as required by SEPP 65 with respect to the Independent Living Units Building.

While the ILU building will be subject to a separate DA and the RFDC will be assessed in more detail with the Stage 2 DA, at this point in time “in principle” approval is being sought for the ILU building with the current proposal. Therefore, information provided by the applicant, in the form of elevations, floor plans and sections have been assessed to ensure the Stage 2 DA is capable of complying with the RFDC. In this regard, the floor plans for the ILU are not being approved for construction.

PART 01 LOCAL CONTEXT		
	buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.	Locality is contained under the heading "Desired Future Character" and built form controls in this report. In summary, it is recommended that the front setback to Pittwater Road should be maintained at 8.5m – 9.0+ to alleviate the impact of the height and scale of the building fronting Pittwater Road. It is noted that the existing dwelling fronting Pittwater Road on the subject site is setback between 10 and 11 metres. It is considered that the "Stage 2" concept plans suitably demonstrate that the underlying objectives can be met and on balance are acceptable subject to minor changes to improve building articulation and visual relief facing Pittwater Road.
	Test street setbacks with building envelopes and street sections.	The development, as amended by the applicant, generally complies with the front setback control for the D5 Locality, however the transition between adjacent development should be refined with the Stage 2 DA. There is no front building envelope control applying to the front boundary under WLEP 2000.
<i>Side + rear setbacks</i>	Relate side setbacks to existing streetscape patterns.	Adjoining development to the site comprises 2 storey detached dwellings on the southern side of Homestead Avenue. The setbacks of the buildings are generally adequate to maintain the character and amenity. However, the provision of landscaped setbacks between the internal access road/driveway and the rear boundaries of those residential properties should be increased to afford a greater visual buffer. Encroachments include; waste bin store, car space (V12), a substation and entry foyer. It is considered that the "Stage 2" concept plans may be suitably adjusted to better achieve underlying objectives of rear/side setback considerations.
<i>Floor space ratio</i>	Test the desired Built Form outcome against proposed floor space ratio to ensure consistency with building height-building footprint the three dimensional building envelope open space requirements.	Clause 29 of WLEP 2000 applies but is not complied with due to the arbitrarily chosen "site area" provided by the applicant. A merit assessment against the D5 Locality statement has been carried out and the net floor area proposed is considered to be satisfactory considering the physical characteristics of the site and the Salvation Army Centre (Collaroy) as a whole.

PART 03 BUILDING DESIGN		
Building Configuration		
<i>Apartment layout</i>	Single-aspect apartments should be limited in depth to 8 metres from a window.	Complies. Details to be shown with the DA for Stage 2
	The back of a kitchen should be no more than 8 metres from a window.	Complies Details to be shown with the DA for Stage 2
	Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).	Not applicable

PART 03 BUILDING DESIGN		
	<p>If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> - 1 bedroom apartment 50sqm - 2 bedroom apartment 70sqm - 3 bedroom apartment 95sqm 	Not applicable.
<i>Apartment Mix</i>		
<i>Balconies</i>	<p>Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.</p>	<p>Dimensions are not shown, however dwelling balconies are capable of complying with the minimum 2 metre depth requirement.</p> <p>Details to be shown with the DA for Stage 2</p>
<i>Ceiling Heights</i> <ul style="list-style-type: none"> • minimum wall height at edge 	<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired.</p> <ul style="list-style-type: none"> • 2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. • attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum - ceiling slope. 	<p>The proposed floor to ceiling heights are capable of compliance with these standards.</p> <p>Details to be shown with the DA for Stage 2</p>
<i>Ground Floor Apartments</i>	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p>	<p>The indicative plans show that the proposed submitted plans indicate that the ground floor units are provided with a multiple access points to the ILU however, on the south elevation some units may be slightly elevated for flood protection.</p> <p>Details to be shown with the DA for Stage 2</p>
	<p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	<p>All ground floor units are provided with access to a terrace/POS area.</p> <p>Dimensions and details to be shown with the DA for Stage 2</p>
<i>Internal Circulation</i>	<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed:</p> <ul style="list-style-type: none"> • for adaptive reuse buildings • where developments can demonstrate the achievement of the desired streetscape character and entry response 	<p>Complies</p> <p>Details to be shown with the DA for Stage 2</p>

PART 03 BUILDING DESIGN		
	where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).	
<i>Storage</i>	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • studio apartments 6m3 • one-bedroom apartments 6m3 • two-bedroom apartments 8m3 • three plus bedroom apartments 10m3 	<p>The indicative ILU plans show the development is capable of compliance with this requirement; storage for individual dwellings is provided internally and at basement level.</p> <p>Details to be shown with the DA for Stage 2</p>
Building Amenity		
<i>Daylight Access</i>	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.	The indicative plans demonstrate that the ILU will be capable of satisfying daylight access requirements. Full details will be submitted with the DA for Stage 2
	Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	<p>The development is capable of compliance with this requirement. (Some minor changes required for south aspect units (e.g unit 10, 8 and above)</p> <p>Details to be shown with the DA for Stage 2</p>
<i>Natural Ventilation</i>	Building depths, which support natural ventilation typically range from 10 to 18 metres.	<p>ILU building depth is approximately 20 metres. Factoring in the central hall, multiple foyer areas and the additional extent of window areas available for light and ventilation compensate for the extra depth.</p> <p>Details to be shown with the DA for Stage 2</p>
	Sixty percent (60%) of residential units should be naturally cross ventilated.	<p>Complies.</p> <p>Details to be shown with the DA for Stage 2</p>
Building Form	<i>No rules of thumb</i>	Not applicable
Building Performance		
<i>Waste Management</i>	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	<p>Satisfactory</p> <p>Details to be included with the DA for Stage 2</p>
<i>Water Conservation</i>	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos- cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	<p>Not applicable.</p> <p>Details to be shown with the DA for Stage 2 if rainwater to be re-utilized.</p>

8.4. SEPP BASIX

SEPP BASIX applies to the proposed development. In this regard, the applicant has provided BASIX certificates for the residential components (ILU's) of the development which satisfies the requirements of the SEPP.

8.5. SEPP Housing for Senior's or People with a Disability 2004

The subject application has been lodged under the provisions of WLEP 2000 and not SEPP (Housing for Senior's or People with a Disability) 2004 (SEPP HSPD).

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

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

Chapter 3 – Development for Senior's housing

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

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

9.0 STATUTORY CONTROLS

9.1 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2000

9.1.1 D5 – LONG REEF LOCALITY

(a) Desired Future Character

The subject site is located in the D5 Long Reef Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

LOCALITY D5 LONG REEF

The Long Reef locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Future development will maintain the visual pattern and predominant scale of existing detached housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless

exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

Development on the site of the "Old Collaroy Hospital" located on land known as Lots 1, 2, 3, 8 and 9 on DP 6777, Lot 1 DP 954105, Lot 1 DP 953769 and Lot B DP 398645 will continue to be used only for health related uses. The northern portion of this site, adjacent to Birdwood Avenue, will be dedicated for the purposes of public open space. Any future development of the old Collaroy Hospital Site will be sympathetic to the pattern, scale and landscape character of the street and surrounding development. In addition any development of the site will address the heritage significance of the existing building known as the "Beach House" located at the corner of Beach Road and Brissenden Avenue.

The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved. Buildings on prominent hillsides or hill tops must be designed to integrate with the natural landscape and topography and minimise their visual impact when viewed from afar.

The existing bushland on the Salvation Army site will be preserved.

Building and development along the beachfront will address the current and future hazards of wave impact and coastal erosion.

The locality will continue to be served by a local retail centre in the area shown on the map. Buildings greater than 2 storeys in height within this centre are to be designed so that the massing is substantially reduced on the top floors thereby reducing the visual bulk of the development and enabling views between buildings. Future development in the local retail centre will also be in accordance with the general principles of development control provided in clause 39.

The proposed development is identified as Category 2 development in this locality, being "Housing for Older People or People with Disabilities" as defined in WLEP 2000 as follows:

Housing for Older People or People with Disabilities means:

Residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with disabilities, whether or not it is also used to accommodate people who live with older people or people with disabilities, or staff who are employed to assist in the administration of and provision of services to such housing. Housing for older people or people with disabilities may consist of a residential care facility, a hostel or a grouping of 2 or more self-contained dwellings, or a combination of these, but does not include a hospital or a group home.

An assessment of the proposal having regard to the relevant components of the Desired Future Character (DFC) statement is detailed in the following:

The Long Reef locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Comment: The proposal constitutes a *complementary and compatible use* as defined in WLEP 2000 on the basis that it will maintain the amenity of the locality, will not compromise the role of any nearby local retail centre and the purpose is for housing for older people or people with disabilities. Therefore, the proposal is consistent with this component of the DFC.

Future development will maintain the visual pattern and predominant scale of existing detached housing in the locality.

Residential Aged Care Facility – The built form of the RAC Facility has been designed in a detached style as a collection of “townhouse” or clustered “villa” style of development. The overall building form is substantially articulated and broken up into sub-modules with landscaping and pathways connecting each of the components of the RAC Facility. The overall characterisation is one that resembles ‘detached style’ within a concentrated village format or layout. Generally, the RAC Facility is not readily visible from surrounding streets but the proposal fits comfortably with the pattern of development in the immediate urban vicinity. Based on the degree of articulation and break-down in wall lengths, the overall townhouse style characterisation is considered to satisfy the requirement of the DFC and will not significantly detract from the character of the area.

Independent Living Units Building – The building envelope plans and indicative detailed plans show that the built form of the self care units (ILU's) is based on a residential flat building format whereby the dwellings are interconnected for reasons of accessibility and servicing practicalities. It is noted that the design uses variable wall lengths of 25-35m x 20m to ensure the mass and scale is sufficiently broken up. These built forms will be viewable in the short 30 metre frontage to Pittwater Road, the rear of adjoining dwellings in Homestead Avenue and when looked down upon from the elevated areas to the west of the site. The success of such a built form is dependent on the levels of wall line articulation and variation, balcony areas, and roof forms being broken and individualised. The use of landscaping to screen sections of buildings also assists to define discreet components. In this regard, the proposal is considered to be adequately articulated using a mix of techniques to give some resemblance of detached style housing, subject to further refinement with further detailed design work in the preparation of the Stage 2 DA.

The streets will be characterised by landscaped front gardens and consistent front building setbacks.

Comment: The only component of the proposal that readily presents to a public street is the eastern frontage of the site to Pittwater Road. The portion of the development in direct public view is the easternmost wing of the ILU's. The proposed building is situated on a variable front setback to Pittwater Road ranging from 8.5m to the closest primary wall to 8.9 to the furthest primary wall. The adjoining dwelling house to the north (1059 Pittwater Road) is situated on a 6.5m setback and the buildings comprising ‘Warringah Place’ are situated on a setback ranging from 10m to 15m. In order to ensure an appropriate transition is provided to adjoining development and maintain consistency with the DFC and to achieve good streetscape outcomes, the front setback to the ILU's building fronting Pittwater Road is to be maintained to a distance of 8.5 to 9.0+ metres from the front boundary.

Therefore, subject to the amendments described above, the proposal is considered to be consistent with this component of the DFC.

The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved. Buildings on prominent hillsides or hill tops must be designed to integrate with the natural landscape and topography and minimise their visual impact when viewed from afar.

Comment: The proposal involves some selected tree clearing, however in the long term the preservation and enhancement of the remnant bushland on the site will be achieved as evidenced in the reports and plans submitted with the DA. There are no significant rock outcrops within the areas subject to the proposed development. Further, Council's Natural

Environment Unit (NEU) has assessed the proposal and raises no concerns in relation to impacts on natural features. The issues regarding the required APZ's and the Riparian Zone works to the adjacent natural watercourse have been addressed and NEU do not require a Biodiversity Management Plan for the proposal. Additionally, the proposed buildings are not located on prominent hillsides or hilltops. Therefore, the proposal is consistent with this component of the DFC.

The existing bushland on the Salvation Army site will be preserved.

Comment: The existing bushland on the Salvation Army Site will remain intact under this proposal. Further, the development will not require the implementation of a biodiversity management plan due to the limited clearing proposed within the development area. Therefore, the proposal is consistent with this component of the DFC.

Conclusions on Consistency with the DFC

Based on the above assessment and subject to the above comments, the proposal is considered to be consistent with the DFC.

(b) Built Form Controls

The following table outlines compliance with the relevant Built Form Controls of the above locality statement:

RAC Facility and ILU's Building			
Built Form Standard	Required	Proposed	Compliance
Housing Density:	Not applicable as Clause 29 applies	N/A	N/A
Building Height	<u>RAC Facility</u> 8.5m ground – roof 7.2m ground – ceiling	<u>RAC Facility</u> Max 11.9m Max 8.8m	NO NO
	<u>IL Units</u> 8.5m ground – roof 7.2m ground – ceiling	<u>IL Units</u> Max 13m Max 8.3m	NO NO
	<u>RAC Facility</u> 6.5m to Homestead Ave	<u>RAC Facility</u> No immediate frontage	YES
	<u>IL Units</u> 6.5m to Pittwater Road	<u>IL Units</u> Primary dwelling wall – 8.5 to 8.9m Balconies – 8.8 to 8.9m Minor structures – 8.0m	YES YES YES
Rear Setback	N/A as this component of the development has an "internal site boundary"	N/A	N/A
Side Setback	900mm	<u>RAC Facility</u> <u>North</u> 12.18 m (building)	YES
		3.1 m (driveway embankment)	YES
		<u>South</u> (Southern boundaries are internal setbacks)	YES

9.1.1.0 Building Height (RAC Facility) - 7.2 m Ceiling Height & 8.5m Building Height

The proposal is considered against the following merit considerations of Building Height:

- *To ensure that development does not become visually dominant by virtue of its height and bulk;*
- *Preserve the amenity of surrounding land;*
- *Ensure that development responds to site topography and minimises excavation of the natural landform;*
- *Provide sufficient area for roof pitches and variation in roof design rather than a flat roof.*

Having regard to the above merit considerations and a review of the proposal, the RAC Facility exhibits the following satisfactory characteristics in relation to the building and ceiling height:

- There are substantial setbacks of buildings to residential boundaries for separation of bulk and minimise related impacts of height such as overshadowing,
- The non compliances in relation to the buildings in RAC Facility are as a result of the raising of floor levels above the flood level for the southern watercourse and some wide roof spans required to achieve the grouping of care units into “townhouses”,
- The proposed development is visually contained behind established residential streetscapes,
- The proposed built form on the site has a generally low visual prominence in the locality,
- The non-compliance does not translate into significant external impacts (overshadowing and excessive visual bulk) on adjoining residential properties, and
- Generally, the built form is not considered to be visually dominating or overbearing and has been designed with pitched roof forms and a high degree of variation when viewed from surrounding vantage points overlooking the site.

On the basis of the above, the proposed height is considered satisfactory and the proposed variation to the building height and ceiling height control is supported under Clause 20 of WLEP 2000.

9.1.1.1 Clause 20 Variation - Desired Future Character (RAC Facility)

Notwithstanding the above, Clause 20 permit variation to the locality statement with one or more development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State Environmental Planning Policy and therefore a merit assessment is provided hereunder:

- The size, extent and location of the building bulk are considered not to adversely affect the surrounding spaces.
- The buildings are located on a very large site while screened from adjoining properties by way of vegetation and adequate separation.
- The breach of the building height is not visible from the public domain and therefore not a contributory factor to any exacerbated bulk and scale.

- When viewed from long distances, the non-complying elements will not be apparent or distinguishable.
- The areas of non-compliance are generally contained within the minor sections of the apex of the roof but is mitigated by the visual aesthetics.
- Notwithstanding the visual consideration, the impact on amenity to adjoining existing developments as a result of potential overshadowing is also to be considered. In this regard, overshadowing to Warringah Place only occurs during the 3pm mid-winter period ensuring adequate access to sunlight.
- The proposal is consistent with the DFC, the general principles of development control and relevant state policies, therefore, the proposal qualifies for the consideration of a variation to the development standard in accordance with Clause 20 of WLEP 2000.

9.1.1.2 Clause 20 Variation – SEPP’s (RAC Facility)

The RAC Facility is assessed as being consistent with SEPP 55, SEPP (Housing for Senior’s or People with a Disability) 2004 and SEPP BASIX.

9.1.1.3 Ceiling Height & Building Height (ILU Building)

The ILU is subject to a future Stage 2 DA to grant final approval for the details design. At this stage however consent is sought for the building envelope including proposed height. The ILU is proposed to be a maximum of 13 metres in height overall with a ceiling height of 8.3 metres. This equates to a 40% variation to the maximum height limit and a 15% variation to the ceiling height limit. The increased height is partially due to the need for raised floor levels for flood protection combined with the need for level access throughout each floor. In addition to this, the building has some elements that protrude above the roof line in the form of the lift overruns. These high points are substantial elements of the building and add significant bulk above the maximum height limit and will be visually obvious from short to medium viewing distances for the building. In addition to this, the skillion roof form is pitched with the high point toward Pittwater Road thereby maximising forward bulk (above the height limit) toward the streetscape. A reconfiguration of the roof form to reduce the upper forward bulk and reduce the lift overruns is recommended to be addressed with the Stage 2 DA. This issue is recommended to be addressed by conditions. For the majority of the ILU building’s floorplate the roof form is sufficiently varied and divided into distinct sections and is generally in the range of 8-10m high, over the majority of the building. The general building height therefore as presented for the ILU building is acceptable in terms of satisfying the Desired Future Character and General Principles. In this regard a variation to the ILU Building is supported subject to conditions to reduce the lift overruns and forward roof bulk fronting Pittwater Road.

9.1.1.4 Clause 20 Variation - Desired Future Character (ILU Building)

Notwithstanding the above, Clause 20 permit variation to the locality statement with one or more development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State Environmental Planning Policy and therefore a merit assessment is provided hereunder:

- The size, extent and location of the building bulk are considered not to adversely affect the surrounding spaces subject to conditions to address the lift overrun’s and height fronting Pittwater Road.
- The areas of non-compliance are generally contained within particular sections of the roof but subject to conditions to mitigate the elements with the greatest height impacts the ILU is acceptable with regard to visual impact on the public domain.

- Notwithstanding the visual consideration, and the impact on amenity to adjoining existing developments,
- Landscaping provided for the surrounds of the building is generally wide enough to provide a landscaped setting and allow opportunities for the planting of canopy trees and enhance the natural environment. A detailed landscape plan will be required to provide a full planting scheme with the submission of a Stage 2 DA. Subject to conditions the proposal is satisfactory in this regard.

9.1.1.5 Clause 20 Variation – SEPP’s (ILU Building)

The ILU Building is assessed as being consistent with SEPP 55, SEPP (Housing for Senior’s or People with a Disability) 2004 and SEPP BASIX

9.1.1.6 Conclusion on Clause 20 Variation (RAC & ILU Building)

The proposed variations to building height and ceiling height are considered to be acceptable for the site and design as assessed under the Warringah LEP 2000. Concept approval for the ILU building will require a detailed submission with the Stage 2 DA and conditions are imposed to ensure further design changes to address building height issues. Subject to conditions the

9.1.2 CLAUSE 29 - On what grounds can applications for housing for older people or people with a disability not be refused

The proposed variation to the building height and ceiling height standard applying to the site under the D5 Locality Statement must be addressed concurrently with the DFC and relevant provisions of Clause 29 of WLEP 2000 “*On what grounds can applications for housing for older people or people with disabilities not be refused*”. The proposal does not comply with the building height standard under Clause 29 which is 8 metres or less from the ceiling of the topmost floor of the building, therefore non-compliance with the building height control under Clause 29 and the D5 locality statement may be used as grounds for refusal.

Clause 29 notes that consent for development for the purpose of housing for older people or people with disabilities cannot be refused on the grounds listed in Clause 29 if the development complies with the requirements listed in this Clause.

The proposal has been assessed against the provisions of Clause 29 as follows:

Control	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below.)	Maximum of 8.5m	(8.8 RAC) NO (8.3 ILU) NO
Density and Scale Note the development proposes to different facilities with 2 separate FSR ratios on the one property.	(Total Allocated site area = 18,945) RAC Facility – 0.75:1 (Stage 1 Area) ILU’s care - 0.5:1 (Stage 2 Area)	<u>RAC Facility</u> GFA 8,429m ² FSR = 0.81:1 <u>ILU’s Building</u> GFA 3,732 m ² FSR = 0.59:1	NO (11,150 m ² as single site) NO (7,500m ² as single site) YES (Total 18,650 m ² the allocated site area is 18,945 m ²) FSR is not determinative due the actual site being some 15.74 hectares as discussed below.

Control	Required	Proposed	Compliance
Landscaped Area	35m ² per dwelling for Self Care Units <u>RAC Facility</u> (126 beds x 25m ²) + <u>IL Units</u> (25 units x 35m ²) = 3425m ²	7,594 sqm	YES YES
Parking	RAC Facility - 26.1 spaces required plus ambulance space. <u>ILU's</u> 0.5 per bedroom for community housing provider. 5 spaces required	RAC Facility – 37 spaces ILU's – 37 spaces	YES YES
Visitor Parking	Only for more than 8 dwellings	12 spaces + RAC Facility pick up drop off and parking area.	YES
Landscaped Area	Width x 15% of length Avg Site Width = 90m Avg Site Length = 200m 90 x 15%(200) = 2700 sqm	 7,594m ²	 YES
Private Open Space	Ground Floor (15m ²) First Floor (6m ²)	RAC Facility – not separate dwelling (shared facilities) ILU's – GF 8.9 to 20.3 sqm ILU's – FF 8.9-20.3 sqm	NO YES

Note: With regard to landscaping and FSR the nominated site area for the RAC Facility and ILU Building is a “provisional area” overlapping the 3 affected lot titles totalling 15.75 hectares this in itself is part of the overall Salvation Army Site Collaroy comprising 17.25 hectares. Overall the balance of landscaped open space is satisfactory to provide sufficient deep soil landscaping and adequate setbacks to achieve a landscape setting for both the RAC and ILU and retain the amenity to surrounding land.

As can be seen from the above table, the proposal generally complies with the development standards under Clause 29. The proposal cannot be refused on grounds relating to these standards with the exception of height, FSR and selected balcony space for the ILU's. These issues have been addressed by conditions for the ILU under Stage 2. Issue affecting the RAC relating to height have been previously discussed under the heading 'Clause 20 Variation'.

9.1.3 GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development. The relevant general principles are addressed below.

General Principle	Applies	Comments	Compliance
CL38 Glare & reflection	YES	<p>Issues of glare and reflection, including building colours and materials, internal and external lighting of the buildings and flood lighting of the site will be the subject of conditions requiring:</p> <ul style="list-style-type: none"> • Compliance with the approved colours and materials as shown on the submitted sample board which is considered satisfactory, • Full details of lighting in the form of a 'Lighting plan' which is to minimise impacts on the night time amenity adjoining residential properties. 	<p>YES</p> <p>(Conditions Required)</p>
CL 40 Housing for older people or people with disabilities	YES	<p>The provisions of Clause 40 are addressed as follows:</p> <p>(i) Adequate access to facilities (shops, bus stops, banks etc) <u>Comment:</u> site is within 400m of bus stops in Pittwater Road</p> <p>(ii) Adequate access to services <u>Comment:</u> Adequate services are located within the development, commercial centres and through Council's community services directory</p> <p>(iii) Wheelchair access <u>Comment:</u> All dwellings have continuous path of travel to public transport, common areas and essential services within self-care dwellings.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
CL42 Construction Sites	YES	<p>The potential exists for the future demolition and construction to have an adverse impact upon the amenity of nearby residential properties in terms of traffic, noise, dust, parking, accessibility, sediment and the safety of pedestrians given the nature of the works and length of time for construction. These matters are generally covered in the Construction Management Plan submitted with the DA (Appendix K of the SEE) This is to be included as documentation prior to release of the Construction Certificate. Issues to be addressed include pedestrian movements and safety, stormwater and wastewater disposal, waste management, tree protection, hours of demolition and excavation, air quality, noise management and truck parking.</p>	<p>YES</p> <p>(Conditions required)</p>
CL43 Noise	YES	<p>The nature of the proposed use is unlikely to generate significant noise emissions associated with the occupation of the development, with the exception of air conditioning systems. A suitable condition has been imposed on the consent in relation to A/C systems.</p>	<p>YES</p> <p>(Condition required)</p>
CL44 Pollutants	YES	<p>Standard conditions are recommended to ensure dust minimisation on the adjoining and nearby residential properties during the site excavation works and construction phases.</p> <p>Also, a Waste Management Plan (Appendix J of the SEE) had been prepared to address excavation waste. The management of domestic waste including the storage, collection and maintenance of the garbage/recycling storage areas is addressed by standard conditions and legal agreement required for Council Waste Services contract.</p>	<p>YES</p> <p>(Conditions required)</p>
CL 47 Flood Affected Land	YES	<p>The site is flood prone and the issues of flooding and the impact of the development on the flooding regime for the catchment and natural watercourse affecting</p>	<p>YES</p> <p>(Conditions required)</p>

General Principle	Applies	Comments	Compliance
		Area 2 and overland flow path affecting Area 3 have been thoroughly assessed by Council's Catchment Management Section and Development Engineering Section. A Flood Study prepared by <i>Bewsher Consulting Pty Ltd</i> in association with <i>TLB Engineers</i> was submitted in response to a request for additional information by Council's experts as there was insufficient information concerning flooding lodged with the DA. The final flooding analysis and flood protection scheme has been reviewed and is considered satisfactory, subject to special conditions.	
CL48 Potentially Contaminated Land and CL 49 Remediation of Contaminated Land	YES	Council's records indicate that the subject site has been used for residential purposes for a lengthy period of time with no prior land uses that would have resulted in contamination. In this regard, it is considered that the site poses no risk of contamination. Therefore, it is considered to be suitable for the proposed land use.	YES
CL49a Acid Sulphate Soils	NO	The site is not within an acid sulphate soils area on Council's Acid Sulphate Soils Hazard Map accompanying WLEP 2000.	YES
CL50 Safety & Security	YES	The proposal incorporates adequate casual surveillance from balconies and windows throughout the development. Security lighting will be required to be installed along internal roads, pathways and at building entries. As stated under Clause 38, details of such lighting is required to be provided in the form of a lighting strategy to ensure minimal impact on adjoining residential properties. The proposal is satisfactory in relation to this General Principle.	YES
CL 51 Front fences and walls	YES	Front fences are proposed along the boundary with Pittwater Road only. The design, location and external finishes of the fencing is required to be 1.2 to 1.5 metres high and of open style with landscaping integrated into the fencing in accordance with the objectives of the WLEP 2000 to reduce the impact on the streetscape.	YES (Condition required)
CL 52 Development adjacent to parks, bushland reserves and other public open spaces	YES	The Salvation Army Site physically adjoins the public open space of "Anzac Avenue Reserve" which is located to the south and west of Collaroy Convention Centre and generally west of the proposed RAC Facility. The proposed development will not impact upon the public reserve.	YES
CL 53 Signs	NO	No signs are proposed as part of this application.	N/A
CL 54 Provision and Location of Utility Services	YES	The SEE states that the new development will utilise existing services such as sewerage, water, electricity and gas, as well as requiring an upgrade of some services such as substations.	YES
CL 56 Retaining Unique Environmental Features on Sites	YES	The proposal involves the removal of some trees to accommodate the new works, however, there are no "unique" natural features to be removed.	YES
CL 57 Development on Sloping land	YES	The development is situated on gently sloping land that	YES

General Principle	Applies	Comments	Compliance
		falls toward the southern boundary and the proposal uses minor level changes set the building into the site and maintain accessible access between the ground level buildings.	
CL 58 Protection of existing flora	YES	<p>The proposal involves the removal of trees within the RAC Facility area for new buildings and to provide for the required APZ's stipulated by the NSW RFS 'Planning for Bushfire Protection'. Stage 2 will also require selected tree removal as part of the site preparations for the ILU's at a later stage.</p> <p>The Flora and Fauna Report prepared by <i>Eco Logical Australia</i> concluded that there were no remnant threatened populations or threatened ecological communities found on the site. One 'Magenta Lilly Pilly' (listed under the <i>TSC Act</i>) was identified and considered to be part of previous horticultural plantings on the site. No Koala habitat trees have been identified within the development zone. Further within the Salvation Army Centre's land there is a vegetation community, the <i>Bangalay Slopes Forest</i>, which is threatened in Warringah. The proposal will not impact this vegetation community.</p> <p>The proposal has been designed to minimise conflict between the buildings, remnant core vegetation and the APZ. The need to restore and rehabilitate the riparian zone is supported by Council which will ensure the overall enhancement and management of the riparian corridor to levels which are sustainable and not detrimental to the creek.</p>	YES (Condition Required)
CL 60 Watercourses and aquatic habitat	YES	<p>A drainage line passes along southern side of the RAC and ILU. This water channel is partly piped and also takes the form of a ground level overland flow path (grassed depression with a pipe underneath) which runs in between the existing developments comprising 'Warringah Place' and 'Trigg Village'. This drain is shown as a natural watercourse in the Warringah Creek Study and was originally mapped by Council as a "natural watercourse" and requiring a Controlled Activity Approval (CAA) from the DECCW on the basis that works are proposed within 40 metres of the "top of bank" on the northern side of the watercourse. Following a review and analysis of this watercourse undertaken by the DECCW and Council it has been concluded that in fact the drain was not a "natural watercourse" for the purposes of requiring a CAA from the DECCW.</p> <p>Therefore the DECCW is not required to provide General Terms of Approval for the development and Council's Natural Environment Unit have provided suitable conditions in relation to the management of the riparian zone along the drain and adjacent vegetation.</p>	YES (Conditions Required)
CL61 Views	YES	Owing to the escarpment which rises steeply to the far west of the site and the elevation of residential properties adjoining the site to the west and intervening bushland between the proposed buildings and residential properties to the west, there are no significant view loss issues associated with this application.	YES

General Principle	Applies	Comments	Compliance
CL62 Access to sunlight	YES	The proposed buildings in the RAC Facility and ILU's will largely overshadow the open space comprising the overland flow path which currently separates Warringah Place from Trigg Village in mid winter (21 June). There will be some shadow cast over the lower levels of the residences in Warringah Place at 3pm in mid winter, however, the extent of impact is considered satisfactory.	YES
CL 63 Landscaped Open Space	YES	<p>The proposal will generally provide for landscaped areas surrounding buildings which accord with the principles for landscaped open space under Clause 63 as evidenced in the landscape plans.</p> <p>One area of concern is the depth of landscape buffers on the northern side of the proposed development as it relates to the adjoining residential properties generally between No's 2 and No.20 Homestead Avenue. Conditions are recommended to provide additional landscape setback to this interface and facilitate the establishment of screen planting that would assist in the maintenance of privacy for the affected residents and has managed to provide variable landscaped areas ranging from 0.3m to 3.9m wide. This is achieved by deleting 3 selected car spaces that are closest to the boundary fence. Generally the landscaped setback along the boundary is 2.5m or greater, and landscaping is also provided along the northern wall of the buildings to produce the effect of a dual layer of landscaping with the capability of supporting some larger canopy trees commensurate with the height of the building. In summary,</p> <p>In summary, It is recommended that the 3 single car spaces closest to the rear boundary of No.20 and No.6 Homestead Ave be deleted and replaced with landscaping. Subject to the landscape buffer being amended by conditions, it is considered that the outcome is satisfactory.</p>	YES (Conditions Required)
CL 65 Privacy	YES	The first floor level balconies of ILU's facing north toward the rear yards and private open spaces of adjoining dwellings in Homestead Avenue have the potential to result in loss of privacy for those adjoining dwellings. It is noted that the viewing distances range from 5m to 18m to the common boundary. Those first floor units which are within 10 metres of the boundary may be fitted with privacy screens on the northern elevation of the balconies to assist in mitigating actual or perceived privacy loss. Further details will be required to be provided with the Stage 2 DA.	YES (Condition Required)
CL66 Building bulk	YES	<p>RAC Facility – The form and configuration this component of the development is a clustered townhouse style. It is noted that this design uses pathways and central landscaped gardens to separate building components. The break-up of the built form for this component of the development achieves a high standard of 'detached style' character. In addition, the use of variation in external finishes, colours and textures and a varied roof design serves to break up the bulk scale & mass of the building.</p> <p>The ILU's complex extends from the Pittwater Road frontage in the east to near the centre of the defined "site" under this application. The built form is such that</p>	YES (Conditions Required)

General Principle	Applies	Comments	Compliance
		<p>it is a series of interconnected built forms, each element having a floorplate of approximately 35m x 20m or 700m². This pattern and configuration of built forms serves to break down the bulk and mass of the overall building and responds positively to the requirement that built form maintains the pattern and scale of surrounding detached style housing in the D5 Locality statement. The palate of external finishes, irregular orientation of the buildings to the boundaries and the provision of landscape planting will assist in the alleviation and softening of building bulk when viewed from dwelling houses in Homestead Avenue and other surrounding spaces.</p> <p>Stage 2 detailed design plans for the Ilu Building will provide more comprehensive information on materials, landscaping and detailed façade treatments to create a sympathetic streetscape appearance and to ensure the building is suitable in its setting through design and landscaping.</p>	
CL67 Roofs	YES	The collection of roof forms used in the various buildings (hipped, flat and skillion) are considered suitable and appropriate in the roofscape of the locality. However the lift overrun structures incorporated into the ILU building adds significant visual impact and is not acceptable in the context and setting. The Stage 2 DA will require a reduction in height and a more integrated design. Overall, the roof forms across the expanse of the RAC Facility and ILU building is generally acceptable.	YES (Conditions Required)
CL68 Conservation of Energy and Water	YES	BASIX applies to the ILU's building Details are to be provided with the Stage 2 DA.	YES
CL69 Accessibility – Public and Semi-Public Buildings	YES	The proposal incorporates disabled carparking spaces, external ramps and lifts within all building which satisfies the requirements of AS 1428 and is consistent with the <i>Disability Discrimination Act</i> . Details of access compliance are shown on the architectural plans and are satisfactory for the RAC Facility. An access report will be required to be submitted for the Stage 2 DA for the ILU building.	YES
CL70 Site facilities	YES	<p>Garbage and Recycling bin storage areas are provided as follows:</p> <p>RAC Facility - Waste facilities located adjacent the loading dock area of the development and is accessed from the internal road. The applicant proposes that waste collection will be managed by a private contractor for this facility.</p> <p>ILU's - Waste facilities are located within the building near the central foyer. The location of this service facility must comply with Councils Code for Residential Waste Handling and some adjustment to the location and design of the bin room is required and conditions are recommended to achieve this. This issue will be addressed in more detail with the Stage 2 DA.</p> <p>Adequate storage spaces have been nominated for the ILU building and are proposed to be within the basement area. Full details will be provided with the Stage 2 DA.</p>	YES (Conditions Required)

General Principle	Applies	Comments	Compliance
CL71 Parking facilities (visual impact)	YES	Most carparking is provided in the form of basement carparking levels for residents. Visitor, and ambulance parking spaces which are located at grade, with some capacity also for staff parking at grade. The design and location of parking areas satisfies the requirements of this general principle subject to conditions to address the landscaped setback along the northern boundary as discussed previously in this report.	YES (Conditions Required)
CL72 Traffic access & safety	YES	<p>Traffic access and safety is addressed in the Traffic Impact Assessment prepared by "TRAFFIX" Traffic and Transport Planners and submitted with the DA. The assessment examines the existing traffic conditions, the traffic generation of the proposed development, parking requirements and makes the following conclusions on the impact of the development on the local road network.</p> <ul style="list-style-type: none"> • The proposed use is a <i>low traffic generating use</i> that generates relatively low traffic activity, • Flows outside of peak periods will be minimal and will be accommodated, and • Parking provision achieves the relevant standards. <p>Council's Traffic Engineer has reviewed the proposal and is satisfied that Homestead Avenue is capable of handling the relatively low increase in levels of traffic activity.</p> <p>The Traffic Report was reviewed by Council's Traffic Engineer and the proposal is considered to adequately assess the implications of the proposal and the proposed development is satisfactory subject to standard conditions. In summary, the proposal will not result in significant change in local traffic conditions and the traffic generation is consistent with the previous development approval granted for the site under DA2007/0433.</p>	YES (Conditions Required)
CL73 On-site Loading and Unloading	YES	Adequate areas are available for loading and unloading operations for the nature of the use and the manoeuvring of service vehicles.	YES
CL74 Provision of Carparking	YES	<p>The Traffic Report addresses the parking provisions for the development. Clause 29 and Schedule 17 of WLEP 2000 require parking at the nominated rates as outlined in detail under the discussion under 'Clause 29' and 'Schedule 17' in this report. The development parking is summarised as follows:</p> <p>RAC Facility Required = 26.1 spaces + ambulance. Proposal provides 37 spaces.</p> <p>ILU's Required = 5 spaces (+visitors) proposal provides 37 spaces. (Salvation Army is a 'Community housing' provider therefore parking is provided at this lower rate and not on 'per bedroom' basis as with normal residential flat buildings).</p> <p>Council's Traffic Engineer has reviewed the provision of carparking and has not raised concerns or additional requirements.</p> <p>Note: 3 spaces at grade spaces are recommended to be deleted to increase the landscaped setback along the northern boundary.</p>	YES (Conditions required)

General Principle	Applies	Comments	Compliance
CL75 Design of Carparking Areas	YES	The design of the carparking areas have been reviewed by Council's Traffic Engineer and no concerns were raised or additional requirements requested, subject to conditions.	YES (conditions required)
CL76 Management of Stormwater	YES	The application has been assessed by Council's Development Engineers in relation to the provision of onsite detention of stormwater (OSD) and connections to Council's stormwater system. Suitable conditions of consent have been provided and are included in the recommendation.	YES Conditions Required)
CL78 Erosion & Sedimentation	YES	Suitable conditions of consent are recommended requiring the Erosion and Sediment Control Measures to be implemented to ensure that there is no transmission of sediment and debris onto the roadways, the street gutter system and the riparian zone to the watercourses during the demolition, excavation and construction periods.	YES (Condition Required)
CL79-83 Heritage	YES	Refer to previous comments under the heading "Heritage Referral" within this report. In summary the proposal is satisfactory having regard to Heritage issues.	YES

9.1.4 SCHEDULES

(a) Schedule 8 - Site Analysis

The application was accompanied by a detailed site analysis that satisfies the requirements of Schedule 8 of WLEP 2000.

(b) Schedule 16 - Principles and Standards for Housing for Older People or People with Disabilities

The following is an assessment of the proposal against the provisions of Schedule 16 of WLEP 2000:

Standard	Required	Proposed	Complies
1. Identification	If more than one (1) street, street signage incorporating house numbers at each intersection	Street numbers to be provided to each street frontage.	YES, subject to condition.
2. Security	Pathway lighting to be positioned at a low height and to be a minimum of 50 lux	To be required as a condition of consent	YES
3. Letterboxes in multi-dwelling developments	Must be lockable, located together in a central location adjacent to the street entry and be situated on a hard standing area with wheelchair access.	Letterboxes will be installed adjacent to the main entrances in Homestead Avenue. The distance from the facilities is not practical or convenient for such a large facility and a mail sorting service should be required to distribute mail internally to the ILU's and RAC Facility at dedicated internal mail locations.	YES subject to condition.

Standard	Required	Proposed	Complies
4. Private car accommodation	Spaces are to be not less than 6m x 3.2m and garages are to have an internal clearance of 2.5m and must have a power operated roller door.	Plans indicate development complies.	YES
5. Accessible entry	All entries must have a slope that does not exceed 1: 40 and must comply with Clauses 4.3.1 and 4.3.2 of AS4299 and must have an entry door handle and other hardware that complies with AS 1428	To be required as a condition of consent.	YES, subject, to condition
6. Exterior – general	All external doors to any one (1) dwelling must be keyed alike.	Not applicable	Not applicable
7. Interior general	Internal doors must have a clearance of at least 820mm and internal corridors must have a width of at least 1000mm and the width of internal door approaches must be at least 1200mm.	To be required as a condition of consent.	YES, subject, to condition
8. Living & dining room	A living room must have a circulation space of at least 2250mm in diameter and as set out in Clause 4.7 of AS 4299 and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	The plans indicate a combined living and dining room area which comply with the requirement. Conditions will be imposed with regard to compliance with AS 4299 and illumination level.	YES, subject, to condition
9. Kitchen	A kitchen in a self-contained dwelling must have a width of at least 2.7m and a clear space between benches of at least 1450mm, and additional requirements as specified in the schedule.	The plans indicate kitchen areas which comply with the requirement.	YES
10. Main bedroom	The main bedroom must have an area sufficient to accommodate a wardrobe and a queen size bed and a minimum of 1200mm clear space at the foot of the bed, etc	The units provide sufficient area to accommodate a wardrobe and a queen size bed and a minimum of 1200mm clear space at the foot of the bed	YES
11. Bathroom	A bathroom must have an area in compliance with AS 1428 and a slip resistant floor surface and a shower complying with requirements of schedule 16, etc	To be required as a condition of consent.	YES, subject, to condition

Standard	Required	Proposed	Complies
12. Toilet	A dwelling must have a toilet that is a visitable toilet within the meaning of Clause 1.4.12 of AS 4299, with a slip resistant floor surface, and additional requirements as per the schedule.	To be required as a condition of consent.	YES, subject, to condition
13. Access to kitchen, main bedroom, bathroom & toilet	Kitchen, main bedroom, bathroom and toilet must be located on the ground floor, etc	Not applicable	Not applicable
14. Laundry	A self contained dwelling must have a laundry that has provision for the installation of an automatic washing machine, etc (see schedule 16)	To be required as a condition of consent under Stage 2.	YES, subject, to condition
15. Storage	Dwelling must have a linen cupboard that is at least 600mm wide and has adjustable shelving.	Appears to be consistent with the requirements however will be required as a condition of consent	YES
16. Doors	Door hardware provided as the means for opening doors must be able to be operated with one (1) hand and located between 900mm and 1100mm above floor level.	To be required as a condition of consent	YES, subject, to condition
17. Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	To be required as a condition of consent	YES, subject, to condition
18. Ancillary items	Switches must be located between 900mm and 1100mm above floor level and general purpose outlets must be located at least 600mm above floor level.	To be required as a condition of consent	YES, subject, to condition
19. Garbage	An outside garbage storage area must be provided in an accessible location.	Garbage storage areas are provided in accessible locations but required to meet Councils service policy with Stage 2.	YES, subject, to condition
20. Applications by certain housing providers	Clause 40 of the Warringah Local Environmental Plan 2000 and Clauses 7 – 19 of schedule 16 of Warringah Local Environmental Plan 2000 can be varied if the DA is made by the Department of housing, or a local government or community housing provider.	Refer to previous assessment made within this report.	YES

Standard	Required	Proposed	Complies
21. Neighbourhood amenity and streetscape	a. Contribute to an attractive residential environment with clear character and identity.	The proposed development is considered to satisfactorily complement the residential character of the locality.	YES
	b. Where possible, retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan,	The site contains a heritage item (Elizabeth Jenkins Family Grave) which is not located in close proximity to the proposed works. No other items or conservation areas are potentially affected.	YES
	c. Where possible, maintain reasonable neighbour amenity and appropriate residential character by providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing,	As detailed within this report the proposal is considered to generally provide satisfactory levels of amenity for adjoining residents and appropriate character in response to the surrounding locality. However, conditions will require specific amendments to landscape setbacks to protect neighbour amenity.	YES, subject to conditions.
	d. Where possible, maintain reasonable neighbour amenity and appropriate residential character by using building form and siting that relates to the site's land form,	Neighbour amenity is considered to be maintained through the form of the buildings and the provision of landscaping.	YES, subject to conditions.
	e. Where possible, maintain reasonable neighbour amenity and appropriate residential character by adopting building heights at the street frontage that are compatible in scale with adjacent development,	The building height as it presents to Pittwater Road is at RL 22.6 (eaves), which is generally compatible with that on the southern half of the sites frontage (i.e. Warringah Place) which is at RL 23.0 to 24.00. Similarly, the proposal is compatible with the height of the detached dwelling development to the north (on the corner of Pittwater Road and Homestead Avenue) which is at RL 22.3.	YES
	f. Where possible, maintain reasonable neighbour amenity and appropriate residential character by considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,	The proposal does not involve buildings being constructed on the boundaries of the site.	YES
	g. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,	As noted elsewhere in this report, the building fronting Pittwater Road is considered to be too close to the front boundary to be in sympathy with adjoining development. The existing building on the site is	YES, subject to condition

Standard	Required	Proposed	Complies
		situated on a 10-11 metre front setback and the adjoining development to the north and south is setback 6.5m and 10m respectively. Therefore, a suitable transitional front setback is 8.5m – 9.5m. amendment to the front setback will be required to be incorporated into the Stage 2 DA.	
	h. Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	The landscape plan incorporates screening and softening planting within the front setback to Pittwater Road. However, in order to address concerns regarding compatibility with the streetscape on the southern side of the frontage (i.e. Warringah Place), an additional 2 metres of landscape setback will be required.	YES, subject to condition

(d) Schedule 17 – Car Parking Provision

The development includes basement carparking and some at grade carparking for the RAC Facility and ILU's. Schedule 17 of WLEP 2000 defines the uses of Independent Living Units (ILU's) and Residential Aged Care (RAC) Facility as "*housing for older people or people with a disability*" which requires carparking to be provided as follows:

(RAC Facility)

Parking Rate	Required	Provided
1 space per 10 beds (126 beds)	12.6	21 (YES)
1 space per 2 staff (30 staff at any one time)	15	15 (YES)
1 ambulance space	1	1 (YES)
Total	28.6	37

(ILU's)

Parking Rate	Required	Provided
0.5 spaces per bedroom (25 bedrooms)	5	25 (YES)
Visitor spaces for more than 8 dwellings to be provided.	3	12 (YES)
Total	8	37

As can be seen in the above table, the development complies with Schedule 17 of WLEP 2000.

10.0 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Definition: “Seniors Housing”

Land Use Zone: “SP1 Special Activities”

Permissible or Prohibited:

Permissible – “The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.” – *“Seniors Housing and Function Centre”*

Additional Permitted uses for particular land (Refer to Schedule 1)

Additional permitted uses under Schedule 1 do not apply to the nominated site.

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Height of Buildings (measured from existing ground level to highest point on the building)	8.5m	11.9 m – RAC Facility 13.8 m - ILU's	NO NO	Yes subject to conditions (see merit assessment)
Landslip Area A	Slopes Less than 5	Minimal risk	YES	N/A
Landslip Area D	Flanking slopes 5-15	Minimal risk from slope and surface water.	YES	N/A

The proposal must satisfy the objectives of *Clause 4.3 – Height of Buildings*, the underlying objectives of the particular zone, and the objectives of *Clause 4.6 - Exceptions to Development Standards* under the Draft WLEP. The following provides an assessment of the variation against relevant objectives.

1. Is the planning control in question a development standard?

The prescribed height limitation pursuant to Clause 4.3 of Draft WLEP 2009 is a development standard.

2. What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3(1) – ‘Height of Buildings’ of the draft WLEP are as follows:

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality that may be identified in any development control plan made by the Council.*

Comment:

The development has been found to be consistent with the Desired Future Character statement of the locality as identified under the *Warringah Local Environmental Plan 2000*.

The proposed building heights and scale for the RAC Facility and ILU Building have been found to be compatible with the building heights of surrounding development subject to conditions and will generally be in accordance with the provisions of the Building Height Built Form Control.

- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access;*

Comment:

The RAC Facility and ILU building are 'in-fill' developments situated within a landscaped setting. The RAC Facility is constructed in clustered townhouse style and fits appropriately into the surrounding urban landscape. The ILU is considered to be satisfactory subject to condition to amend specific element of the building relating to the lift overruns and height as viewable from Pittwater Road and surrounding land. Subject to conditions the proposal satisfies this objective.

- (c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments.*

Comment:

The Collaroy Salvation Army site is visible from Long Reef Headland and contains a bushland backdrop. The detached style, use of natural colours and landscaped setting of the RAC facility assist to minimise scenic impact of this development. With respect to the Subject to conditions to address selected element of the ILU it is considered that both the ILU building and RAC Facility will have a minimal impact on the scenic quality of Warringah coastal and bush environments.

3. What are the underlying objectives of the zone?

In assessing the developments non-compliance with the building height, consideration must be given to its consistency with the objectives within the zone.

Objectives of zone are:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

It is considered that the proposal adequately meets the objectives of the Draft LEP and the SP1 Special Activities Zone in that:

- The RAC Facility and ILU Building is for Senior's housing as identified under the draft LEP;
- The proposal will maintain the special characteristics of the site as part of its ongoing ownership by the Salvation Army to provide services and facilities for community housing, including the retention of the existing Conference Centre.
- The proposal has been suitably designed and located within the subject land to respond to existing site constraints and minimise impacts on surrounding land.

4. Is the variation to the development standard consistent with the objectives of Clause 4.6 of the Draft WLEP 2009?

The objectives of Clause 4.6 – ‘Development Standards’ of the Draft WLEP seek:

to provide an appropriate degree of flexibility in applying certain development standards to particular development; and

to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In this regard, sub-clause 4.6(4) requires that:

(4) *Consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

(i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment:

The applicant has provided commentary within the Statement of Environmental Effects which addresses the proposed variation to the Building Height Built Form Control under Clause 20 under WLEP 2000 and the Building Height Development Standard under the draft WLEP.

(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment:

It is concluded that the development of the RAC Facility is in the public interest, and subject to conditions to address specific elements of the ILU Building (lift overrun & roof form fronting Pittwater Road), the ILU building is also in the public interest.

(b) *the concurrence of the Director-General has been obtained.*

Comment:

Concurrence is not required from the Director-General due to the Draft Warringah Local Environmental Plan awaiting gazettal.

5. Is the variation well founded?

The variation to the building height development standard is considered to be well founded given that the buildings ground floor level for the RAC and ILU building is partly constrained by the need to be above the adjacent flood level and in the need to maintain continuous level access throughout the building.

11.0 POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2008

The proposal is subject to the application of Council's Section 94 Contribution Plan 2008. The following monetary contributions are required to provide for additional infrastructure generated from this development. The RAC Facility has a cost of \$28,950,000 and the ILU's has a estimated cost of \$11,200,000. (Total cost \$40,150,000). The proposal is not exempt from S94 contributions under Councils Section 94A Development Contribution Plan 2008. Payment for each stage should be applied at that stage of the development proceeding. Noting that Stage 2 cannot proceed until a detailed Stage 2 DA is approved, and then it is appropriate to levy that component of the S94A at that time. Hence, the only Stage 1 S94A is is applied at this time for the RAC Facility.

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of \$ 28,950,000.00		
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	275,025.00
S94A Planning and Administration	0.05%	14,475.00
Total	1.0%	\$289,500

(Note: a Section 96 modification will be required to adjust the remaining components of DA2007/0433 if this DA is not surrendered by the applicant.)

A S94A condition has been included with the recommended conditions.

12.0 MEDIATION

Has mediation been requested by the objectors?

NO

13.0 CONCLUSION

The site has been inspected and the application publicly notified, referred to relevant state government bodies and assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the EPA Regulation 2000, SEPP's 55, 65, Housing for Seniors or People with a Disability and BASIX, Warringah Local Environmental Plan 2000, Draft WLEP 2000 Warringah Development Control Plan and the relevant codes and policies of Council.

The proposed development is "*integrated development*" under the EPA Act as it requires approval from the RFS and approval have been provided and the requisite permits/authorities must be obtained post the grant of development consent.

The existing approvals issued to demolish the existing Trigg Village and Elizabeth Jenkins Place and replace these facilities new aged housing and aged care facilities has been commenced however this proposal seeks to replace Stages 1 and 2 of DA2007/0433. This DA will remain active unless otherwise surrendered or eventually superseded in whole by the

applicant. The intention of the present revised DA is to provide a better lifestyle quality of facility with a 'town house' layout for the RAC Facility and retain the ILU's; albeit as a smaller building footprint. The proposal seeks to provide a high level of modern care for ageing or disabled persons within a coastal bushland setting which affords quality lifestyle and meets the Federal Governments safety and fire standards for aged housing and care establishments. Staged approval is required to enable immediate commencement (following the issue of a Construction Certificate) for the RAC Facility, and provide a level of assurance for the density, footprint, size and envelope for the ILU building within Stage 2. Stage 2 will then be subject to a future detailed DA to gain full approval at a future date for the final and detailed design of the ILU building.

The site is physically constrained in terms of its flood prone affectation, bushfire hazard, remnant bushland cover, presence of natural watercourses and topography. The applicant engaged with Council through the pre-lodgement process and lodged a DA that generally satisfied the critical matters relating to this form of development. The following issues have been addressed in the assessment and the outcome:

- Conflict between the required APZ's for the RAC Facility and riparian zone restoration of the southern drainage line,
- Flood impacts for the ILU's and RAC Facility buildings associated with the flood flow path in the south of the site,
- Consistency with the "detached style housing" character required by the DFC,
- Streetscape impact (articulation, height and setback) of the ILU's building on Pittwater Road,
- Landscape buffers to the residential properties in Homestead Avenue adjoining the northern boundary of the site, and
- Privacy protection for residential properties in Homestead Avenue adjoining the northern boundary of the site.

The urban design issues relating to landscape buffers, streetscape presentation and privacy protection were addressed by the applicant through the assessment process. Some minor outstanding matters can be dealt with through appropriate conditions of consent, to be incorporated in the Stage 2 DA including:

- Increased building setback to Pittwater Road (to 8.5-9.5m),
- Landscape buffers to the northern boundary with adjacent properties along Homestead Ave,
- Reconfiguration of selected elements of the ILU's to reduce building height and improve (RFDC considerations), and

The proposed development is assessed as being consistent with the DFC for the D5 Locality and is consistent with the general principles of development control for the reasons discussed in detail in this report. The Clause 20 variation in relation to the non-compliance with the building height control for the aged care facility and the self care buildings is supported for the detailed reasons given in this report, which in summary relate to the topography of the site, the flood levels and the fact that the non-compliances do not translate into significant adverse impacts on the amenity of surrounding residential properties or on the visual and scenic quality of the locality. The impacts on the Pittwater Road streetscape are dealt with as discussed above.

In terms of the public interest, the notification of the development identified numerous issues, however, the primarily issues related to traffic matters, and the safety and amenity issues associated with the access road from Homestead Avenue. The assessment of the traffic implications of the development determined that the proposal can be accommodated without significant impacts on the road network. The other resident issues have been addressed in this report and where relevant have been addressed through conditions or do not warrant the refusal of the application.

Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION (APPROVAL)

THAT the Joint Regional Planning Panel (JRPP) for the Sydney East Region, as the consent authority, grant consent for Development Application No. DA2010/2047 for Housing Older People or People with Disabilities for a staged development for a Residential Aged Care Facility and Independent Living Unit's including a boundary adjustment and ancillary site works at No. 8 Homestead Avenue, Collaroy (also known as 1039 – 1041 Pittwater Road), Lot 100 DP 806942 & Lot 2, DP 787711, No. 22 Homestead Avenue, Collaroy, Lot 2, DP 604580, Collaroy, subject to the following conditions:

STAGED DEVELOPMENT

Approval is granted for the Independent Living Units development as a Staged Development Application in accordance with Section 83B (3) (b) of the *Environmental Planning and Assessment Act 1979* and the construction of the Residential Aged Care Facility. The construction of the Independent Living Units will be Stage 2 (shown conceptually on plan No. *DA101 A by Thomson Adsett, dated 4/11/2010*) and will require the submission of a further development application from the Consent Authority for final approval prior to obtaining a Construction Certificate.

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

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

Architectural and Site Reference Plans

Drawing No. (Stage 1- Detailed design for the Residential Aged Care Facility)	Dated	Prepared By
DA 100 / A Staging Plan	1/12/2010	Thomson Adsett
DA 101 / A Site Plan	4/11/2010	Thomson Adsett
DA 103 / A Site Plan Detail	1/12/2010	Thomson Adsett
DA 110 / A Sections	1/12/2010	Thomson Adsett
DA 111 / A Site Section	1/12/2010	Thomson Adsett
DA 200 / A Lower Floor Plan	1/12/2010	Thomson Adsett
DA 201 / A Ground Floor Plan	1/12/2010	Thomson Adsett
DA 202 / A Upper Floor Plan	1/12/2010	Thomson Adsett
DA 203 / A Roof Plan	1/12/2010	Thomson Adsett
DA 301 / A Elevations	1/12/2010	Thomson Adsett
DA 014 / A Perspectives	1/12/2010	Thomson Adsett
DA 401 / A Sections	1/12/2010	Thomson Adsett
Finishes Board	1/12/2010	Thomson Adsett

Drawing No. (Stage 2 – Building envelope only for the Independent Living Units Building)	Dated	Prepared By
DA 215 / A ILU Basement Plan	1/12/2010	<i>Thomson Adsett</i>
DA 216 / A ILU Ground Floor Plan	1/12/2010	<i>Thomson Adsett</i>
DA 217 / A ILU First Floor Plan	1/12/2010	<i>Thomson Adsett</i>
DA 302 / A ILU Elevations	1/12/2010	<i>Thomson Adsett</i>
DA 402 / A ILU Sections	1/12/2010	<i>Thomson Adsett</i>

Engineering and Sediment Management Plans – Residential Aged Care Facility

Drawing No.	Dated	Prepared By
H 00 / 1 Hydraulic Services	10/11/2010	<i>LHO Group</i>
H 02 / 1 Lower Floor Plan	10/11/2010	<i>LHO Group</i>
H 03 / 1 Stormwater Drainage Ground Floor Plan	10/11/2010	<i>LHO Group</i>
H 04 / 1 Stormwater Drainage Upper Floor Plan	10/11/2010	<i>LHO Group</i>
H 08 / 1 Stormwater Drainage Roof Plan	10/11/2010	<i>LHO Group</i>
C 100 / 03 Title Sheet, Drawing Index, General Notes	29/11/2010	<i>TLB Engineers</i>
C 201 / 03 General Arrangement Plan	29/11/2010	<i>TLB Engineers</i>
C 301 / 03 Road Longitudinal Sections Sheet 1	29/11/2010	<i>TLB Engineers</i>
C 302 / 03 Road Longitudinal Sections Sheet 2	29/11/2010	<i>TLB Engineers</i>
C 351 / 03 Site Sections	29/11/2010	<i>TLB Engineers</i>
C 501 / 03 On Site Stormwater Detention Tank Details	29/11/2010	<i>TLB Engineers</i>
C 801 / 03 Sediment and Erosion Control Plan	29/11/2010	<i>TLB Engineers</i>
C 802 / 03 Sediment and Erosion Control Details	29/11/2010	<i>TLB Engineers</i>
Project No. 10091 Iss. No 1 Management Plan document	29/11/2010	<i>Taylor Lauder Bersten Pty Ltd</i>

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

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

Landscape Plans – Residential Aged Care Facility

Drawing No.	Dated	Prepared By
L-001 / A Landscape Plan	16/11/2010	<i>Hassell</i>

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

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	Reference	Dated
<i>Energy Australia</i>	Response Energy Australia Referral	6 Jan 2011
<i>NSW Rural Fire Service</i>	DA11010475447 BH	22 Mar 2011

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

Reason: Legislative Requirement. (DACPLB09)

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

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

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. New Development Application Required

This consent is for approval of Stage 1 only. A separate development application will be required for approval for the detailed design required for Stage 2

Reason: To ensure a detailed design DA is submitted and approved prior to construction.

6. Assessment and Determination of Future Applications

The assessment and determination of the Stage 2 developmental application must be generally consistent with the approved plans and conditions of approval contained in this development consent.

Reason: To ensure the future Stage 2 DA is consistent with the concept proposal.

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

7. Construction Management Program

A Construction Management Program (CMP) shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken. This shall include:
 - i. Methods to protect water quality and conserve the southern line from unauthorised tree removal and loose material during works;
 - ii. Methods to conserve the native vegetation and ground cover along the riparian zone during works where no civil works are proposed.
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;

- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (i) Proposed protection for Council assets and adjoining properties along Homestead Avenue;
- (j) The location and operation of any on site crane;
- (k) Remediation works on completion of construction and
- (l) A copy of the CMP must be submitted to Warringah Council. Application for a "Work Zone" along Homestead Avenue if required. (Applications must be submitted to the Warringah Traffic Committee at least 4 weeks prior to the planned commencement of works)

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACGCcmp)

8. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issue of the Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: To ensure the protection of existing built public infrastructure. (DACECdpi)

9. Basement Access (RAC Facility)

A turning bay is to be provided at-grade (end of the access along the eastern side of the RAC Facility) and within the Basement Level (Lower Floor Plan) car parking areas to enable a vehicle to exit in a forward direction should all parking spaces be occupied. Additional width of up to 5.5m shall be provided for two-way flow or vehicles to pass along the eastern access to the basement for the RAC Facility.

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

Reason: To ensure safety and compliance with Australian Standards.

10. Detailed Landscape Plan

A fully detailed landscape plan shall be provided for Stage 1 – Residential Aged Care Facility providing planting density and planting layout for the Stage 1 area.

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

Reason: To improve setback amenity to adjacent land

11. Amendment to Landscape Plan

Car spaces marked 'V12' (near the ILU's) and the two spaces (no.1 & 2) closest to the rear boundary of No. 16 Homestead Ave, Collaroy are to be deleted and replaced with landscape screen tree planting.

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

Reason: To improve setback amenity to adjacent land

12. Modification of Landscape Planting Schedule

The Planting Schedule contained with the Landscape Design Report prepared by Hassell Ltd dated November 2010 shall be modified to delete Seaside Daisy (*Erigeron karvinkianus*) as this species is not native and is considered as a potential weed in bushland environments.

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

Reason: To ensure bushland and riparian management

13. Section 94A Contributions

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

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of \$ 28,950,000.00		
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	275,025.00
S94A Planning and Administration	0.05%	14,475.00
Total	1.0%	\$289,500

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

14. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

15. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards unless relevant higher standard is required for the RAC Facility.

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

- (a) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (b) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (c) AS 4970 - 2009 'Protection of trees on development sites'***
- (d) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (e) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (f) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**

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

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

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

16. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$5,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

A Bond of \$10,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

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

A bond of \$20,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

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

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

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

17. On-site Stormwater Detention Compliance Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by TLB Engineers, Drawings No. C201 Rev 03, C100, Rev 03, C501 Rev 03, C04 Rev 1, dated 20/09/10 are to be submitted to the Certifying Authority (Civil Works) for approval prior to the issue of the Construction Certificate.

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

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

18. Vehicle Crossings Application Formwork Inspection

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

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

19. Driveway Provision to Trigg Village - Homestead Avenue Frontage

Architectural, landscaping, civil engineering plans are to be amended to reflect the deletion of the kerb returns and replaced with a standard Council driveway at the vehicular entry point in Homestead Avenue. These plans are to be submitted to Council / Principal Certifying Authority prior to release of the Construction Certificate.

Reason: To ensure compliance with Council's requirements.

20. Flood

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

a) Flood Protection

All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the flood planning level. Buoyancy (particularly in relation to cars), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements including the building, air-conditioning units and waste and recycling bins are to be prepared by a suitably qualified Engineer.

b) Habitable Rooms

No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the flood planning level.

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

21. Stormwater Quality Devices

All stormwater quality devices as proposed in the Stormwater Management Plan prepared by *Taylor Lauder Bersten Pty Ltd* dated 29 November 2010 must be installed in accordance with this plan and maintained at all time.

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

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

22. Design for Access & Mobility

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities. (DACGCdam)

23. Location of Plant

All plant and equipment (including but not limited to air conditioning equipment) is to be located as shown on the approved plans or other areas within the building, and is not to be re-located on the exterior of the roof or street facade. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality. (DACGC1p)

24. Long Service Levy

Payment of the Long Service Levy is required (subject to the “contracting and sub-contracting” regulations of the Long Services Payments Corporation for Public development and charitable organizations) prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

Reason: Prescribed - Statutory. (DACGCIsI)

25. No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure quality built form of the development. (DACGCnesd)

26. Parking for People with Disabilities

All disabled persons car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act 1992 and Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking and the relevant provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. (DACGCppd)

27. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

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

28. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- (b) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (b) Specialised waste handling for medical waste and items not suitable for landfill shall be adequately and separately managed by the occupant;

Details of the storage area are to be provided to, and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Note: The applicant may wish to discuss bin storage requirements and location with Council prior to finalisation of the required detail.

Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors. [C45]

29. Sydney Water Quick Check

The approved consent plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building/over Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating

Or telephone 13 20 92.

The Certifying Authority must ensure that a Quick Check agent/ Sydney Water has appropriately stamped the plans prior to the issue of any Construction Certificate.

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

30. High Quality Lighting Plan

External lighting is to be provided for security that complies with the relevant Australian Standard. Details are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The following Australian Standard at the time of determination:

- Australian Standard AS4282 - 1997 Control of the obtrusive effects of outdoor lighting.

Reason: To ensure lighting provides security and amenity. (DACHChql)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

31. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: Legislative requirement for the naming of the PCA. (DACGDnc)

32. Public Liability Insurance - Works on Public Land

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

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

33. Plans on Site

A copy of all stamped approved plans, development consent, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.

34. Vehicle Crossings

The provision of 1 vehicle crossing 9 metres wide in accordance with Warringah Council Drawing No A4-3330/ N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

35. Layback Construction

A layback 9 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

36. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

37. Traffic Control During Road Works

Where required, lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

38. Civil Works Supervision

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

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

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

39. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change & Water (DECCW).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the *National Parks and Wildlife Act 1974*, requires a permit from the Director of the DECCW.

Reason: Aboriginal Heritage Protection

40. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: To ensure residential amenity is maintained in the immediate vicinity.

41. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: To ensure residential amenity is maintained in the immediate vicinity.

42. Trees

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

- Trees approved for removal. This consent includes approval to remove trees within the development footprint as indicated on the approved plan.

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

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

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

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

Reason: Protection of Trees. (DACLA03)

43. Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.)

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E27]

44. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this consent, shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets.

45. Building Code of Australia

All building works must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Legislative Requirement (DACPLB09)

46. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

47. Installation of Telecommunications Services

The applicant shall be required to comply with all arrangements made for the provision of telecommunications for the proposed development.

Reason: Provision of telecommunication facilities in a manner that facilitates the future provision of cable services. (DACECiuts)

48. Provision of Electricity

The applicant shall be required to comply with all requirements from the service provider of *Energy Australia* (or its service representative) for electricity supply requirements for the development.

Reason: To ensure that services have been provided as required by this Consent. (DACECpe)

49. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: To ensure the health and safety of the community and workers on the site. (DACGEhs)

50. Plant & Equipment Kept Within Site

Unless otherwise permitted, all plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: To ensure public safety and amenity on public land. (DACGEpekws)

51. Disposal of Polluted Water

Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with the relevant Department of Environment and Climate Change (formerly EPA) and ANZECC standards for water quality.

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

Reason: To prevent pollution of waterways.

52. Waste Management Plan

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Reason: To maximise reuse and recycling of material and protect the environment from illegal dumping.

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

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

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

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

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

54. Registration of Encumbrances for On-site Stormwater Detention

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

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

Reason: To identify encumbrances on land. (DACENF02)

55. On-Site Stormwater Detention Compliance Certification

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

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

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

56. Positive Covenant for On-site Stormwater Detention

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

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

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

57. Creation of Positive Covenant and Restriction as a User

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

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

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

Reason: To identify encumbrances on land. (DACENF14)

58. Fire Safety Matters

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

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

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

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

59. Ambulance Bay RAC Facility

Ambulance Parking space within the pick/set down area adjacent to the porte-cochere is to be clearly marked to ensure the space is readily available for any emergency situation.

Reason: Access for emergency vehicles

60. Evacuation and Emergency Management

An emergency evacuation plan is to be prepared for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation.”

Reason: The intent of measures is to provide suitable emergency and evacuation and relocation) arrangement for occupants for special purpose developments.

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

61. Noise Impact of Plant

All sound producing plant, air conditioner motors, machinery or fittings shall not emit noise exceeding 5 dB(A) above the background level (LA90) when measured at the property boundary.

Reason: To ensure that noise generated from the development does not result in offensive noise to any other party.

62. Parking Enclosure

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

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

63. Subdivision Certificate

With the application for the Subdivision Certificate stage the applicant is required to submit a completed Subdivision Certificate form, a final plan of subdivision and nine (9) copies, prepared in accordance with the requirements of the Conveyancing Act. All plans of survey are to show connections to at least two Survey Co-Ordination Permanent Marks. The combined lot area for the RAC Facility and ILU's shall not be less than 18,945 sqm and should follow logical lines to prevent new boundaries creating anomalies with setbacks and structures.

Reason: Statutory requirement of the Conveyancing Act 1919.

**CONDITIONS WHICH MUST BE COMPLIED WITH AS PART OF THE FUTURE
SUBMISSION OF A DEVELOPMENT APPLICATION FOR "STAGE 2"**
In accordance with Section 83B (3) (a) of the *Environmental Planning and Assessment Act 1979*

64. Issues to be addressed with Stage 2 DA

Submission to Warringah Council of a detailed Development Application for the new Independent Living Units building, generally in accordance with the ILU's building plans referenced in condition 1. Details shall include revised built form to address the following issues of:

- (a) Increased setback to Pittwater Road for the eastern elevation of the Independent Living Units to achieve a staged setback of 8.5 to 9.5 metres in line with adjacent development on northern and southern setbacks for the ILU building.
- (b) Deletion of visitor space V12 to provide additional landscaping planting in this location.
- (c) Waste bin facilities in order to satisfy the requirements of the Warringah Local Environmental Plan 2000 and Policy PL 850 - Waste.

Reason: Required to enable a comprehensive assessment of all development works within Stage 2.

65. Building Envelopes

The above and below ground building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings and structures and the public domain. Details must include compliance with building envelopes in the vicinity of the side boundary setback with No.2 Homestead Avenue.

Reason: To ensure compliance with the approved concept plans and satisfactory amenity.

66. Design of Roof Top Plant

All roof top plant/lift overruns and associated equipment incorporated within the Stage 2 DA must be located within the approved building envelopes. The design and external finishes of rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk and impact.

Reason: To ensure satisfactory visual amenity.

67. Architectural and Urban Design Report

The Stage 2 DA is to be accompanied by a detailed **Architectural and Urban Design Report** addressing State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the provisions of the Residential Flat Design Code, where applicable. The Stage 2 design is to demonstrate compliance or fully justify any non-compliance with SEPP 65 and the RFDC. The detailed design of the buildings is to be consistent with the Stage 1 concept design parameters to ensure that the intended development outcome is achieved.

Reason: To ensure the architectural and urban design outcomes are consistent with the concept approval, SEPP 65 and the RFDC.

68. Design Excellence Measures

The applicant is to provide detailed architectural plans and visual aids in the form of an architectural scale model, photomontages, or 3D modelling and a sample board of external finishes to demonstrate the design excellence of the development.

Reason: To ensure design excellence is achieved at Stage 2.

69. Residential Unit Mix

The proportions of studio, 1, 2 and 3 bedroom units is to have regard to housing affordability principles and the requirements of SEPP 65.

Reason: To ensure adequate provisions are made for affordable housing.

70. Shadow and Sunlight Access Report

The Stage 2 DA is to be accompanied by a detailed **Shadow and Sunlight Access Report** addressing the requirements of General Principle “CL62 Access to sunlight of Warringah Local Environmental Plan 2000 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Reason: To ensure satisfactory levels of compliance with relevant standards.

71. Traffic and Parking Report

A **Traffic and Parking Report** is to be submitted with the Stage 2 DA addressing the design of carparking areas, vehicle ramps, provisions for garbage trucks and any disabled parking. The number of carparking spaces is to comply with Schedule 17 of Warringah Local Environmental Plan 2000, the design of the carpark layout and vehicular access is to demonstrate compliance with the relevant Australian Standards.

The following matters must be addressed in the report:

- a. Provision is to be made for removalist's trucks servicing the ILU building.
- b. The design of proposed access arrangements is to take into consideration the impact on pedestrian paths and safety along the frontage and access roads.
- c. A *Traffic and Parking Operational Management Plan* is to be provided with the traffic report which specifically addresses the following:
 - The impact of construction related activities on the number and location of carparking spaces including any which will be rendered temporarily unavailable, and a construction phase directional signage strategy for the site.

Reason: To ensure traffic and parking issues satisfy relevant standards, that construction phase impacts are dealt with in an orderly manner.

72. Environmental Noise Impact Assessment

The Stage 2 DA is to be accompanied by an Environmental Noise Impact Assessment addressing the requirements of General Principle 43 – Noise of Warringah Local Environmental Plan 2000, and including noise sources (mechanical plant, A/C motors, lift motors, loading and garbage removal operations and other activities associated with the ILU building within the residential area) and noise control measures in relation to glazing, mechanical equipment, sound transmission between premises, construction noise and compliance with the BCA.

This is to be co-ordinated with a Management Plan for the Village Green.

Reason: To ensure a satisfactory acoustic environment.

73. Security Review/Crime Prevention Report

The Stage 2 DA is to be accompanied by a detailed Security Review/Crime Prevention Report addressing Crime Prevention Through Environmental Design (CPTED) and is to demonstrate compliance with the four CPTED Principles outlined in 'Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning). The report is to address safety and security issues and make specific recommendations on lighting, entrances, entry foyers and the like. The assessment is to address the requirements of the NSW Police.

Reason: To ensure a satisfactory level of security for future residents and visitors.

74. Construction Management Plan

The Stage 2 DA is to be accompanied by a **Construction Management Plan**. The plan is to address issues including pedestrian movements and safety, traffic management, stormwater, waste management, air quality, noise management, truck parking, construction staging, noise and vibration control plan, soil and water sediment control management plan (including a **Dust Management Strategy**).

Specifically, the CMP is to address the following in terms of traffic and parking related matters:

- a. Car parking arrangements whilst the development is under construction.
- b. Construction staff parking.
- c. Construction vehicle access to and from the site during demolition, excavation and building works.
- d. Construction related impacts of the excavation, the management of access and safety to ensure site visitors, staff and employees for the adjacent RAC Facility during construction of the ILU Building.

Council is to be given an observational role to assist with the implementation of the CMP.

Reason: To ensure all construction related impacts and methods are appropriately managed and to ensure ongoing access to the Clubs parking facility.

75. Lighting Design Statement

The Stage 2 DA is to be accompanied by a **Lighting Design Statement** which addresses issues of the location and intensity of major lighting fixtures, the issue of glare and reflection, including building colours and materials, internal and external lighting of Independent Living Unit's building and its surrounds including adjacent residential land.

Reason: To minimise the impacts of lighting.

76. Waste Management Plan

The Stage 2 DA is to be accompanied by a **Waste Management Plan**, which addresses the generation of waste from the development, the location of garbage storage areas and the recycling and re-use of demolition and excavation materials.

Reason: To ensure the efficient and sustainable treatment of waste.

77. Section 94A contributions

A quantity surveyors report must be submitted for the development application for Stage 2 to enable Section 94A contributions to be assessed for all components of the development.

Reason: To enable accurate calculation of Section 94A contributions

NOTE: Building Code of Australia

The Stage 2 DA is to be accompanied by a detailed assessment to ensure the development is capable of meeting the performance requirements of the Building Code of Australia.

