

JOINT REGIONAL PLANNING PANEL

Sydney East Region

JRPP No	2013SYE008
DA Number	DA2012/1509
Local Government Area	Sydney East regional
Proposed Development	Demolition works, alterations and additions to the existing hospital, use of premises as a hospital and supported living facility and consolidation of lots
Street Address	Lot 81 DP 583700, 24 Beach Street CURL CURL Lot 1 DP 937236, 26 Beach Street CURL CURL Lot 1 DP 947329, 28 Beach Street CURL CURL
Applicant/Owner	Woodose Holdings Pty Ltd
Number of Submissions	13
Recommendation	Approval with Conditions/Refusal/Deferred
Report by	Malcolm Ryan, Deputy General Manager, Environment

DEVELOPMENT ASSESSMENT REPORT

Responsible Officer	Teresa Gizzi
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Joint Regional Planning Panel (JRPP)
Land and Environment Court Action:	No

Application lodged:	14/12/2012
Application Type	Local
State Reporting Category	Community facility
Notified:	01/02/2013 to 18/02/2013
Advertised	Not Advertised in accordance with A.7 of WDCP
Estimated Cost of Works:	\$ 5,600,000

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - D9 Building Bulk

Warringah Development Control Plan - D12 Glare and Reflection

RECOMMENDATION

Approval subject to conditions

SITE DESCRIPTION

The subject site is located on the southern side of Beach Street and comprises the following three adjoining allotments.

24 Beach Street, Curl Curl

The primary site is legally described as Lot 81, DP583700 and is commonly known as No.24 Beach Street, Curl Curl. The lot has an area of 1716.2sqm and is located approximately 120m from the intersection with Carrington Road. The site is currently occupied by the South Pacific Private hospital, which specialises in psychiatric treatment and addiction rehabilitation. The existing building on site has a maximum height of three storeys and is essentially comprised of additions made to a residential dwelling originally known as "Green Gables".

26 Beach Street, Curl Curl

The second site subject of this application is legally described as Lot 1, DP 937236 and commonly described as No.26 Beach Street, Curl Curl. The lot has an area of 401.6sqm. The site currently comprises a single storey building which is occupied by the administration staff associated with the neighbouring South Pacific Private Hospital. The building was converted from a residential dwelling in 2012.

28 Beach Street, Curl Curl

The third site subject of this application is legally described as Lot 1, DP 947329 and commonly known as No. 28 Beach Street, Curl Curl. The lot has an area of 401.6sqm and is currently occupied by a part two, part three storey residential dwelling.

Surrounding development consists of a five storey residential flat building to the east of the site (No.16-22) and a part two, part three storeys dwelling to the west (No.30). Adjacent the southern boundary of the site is a large multi-unit housing development ("Coastwatchers") at No.2-4 Beach Street, which also has frontage with Carrington Drive and a number of single dwelling houses with frontages to Wyndora Avenue.

The predominant land uses in Beach Street are residential, with the subject site comprising the only non-residential land use.

Map:



SITE HISTORY

The site has been in operation as a private hospital since 1965, when the existing residence on the allotment was converted for use as a private hospital, initially providing regular medical services incorporating surgical theatres, and known as the "Rock Castle Hospital".

The subject site is now known as the South Pacific Private Hospital which is occupied as a rehabilitation hospital.

Development history is listed as follows:

DA2006/1165 (approved 4 May 2007) for "Alterations and additions to the private hospital" as modified by MOD2006/1165/01 (approved 11 December 2007).

DA2009/1277 (approved 15 December 2009) for "Construction of a shade structure over an existing paved courtyard at South Pacific Private Hospital".

DA2012/0658 (approved 6 September 2012) for "Demolition works, alterations and additions to an existing hospital, and use of premises (at No.26 Beach Street) as an administrative building to the existing hospital". This consent was modified by MOD2012/0228 (approved 18 December 2012) to remove a condition requiring site consolidation to be replaced by a requirement for a restrictive covenant over both properties.

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for the following works:

- Consolidation of lots.
- Demolition of the existing dwelling house No.26 Beach Street.
- Refurbishment and alterations and additions to the existing hospital at (No.24 Beach Street) including a three storey extension over a portion of the site (No.26 Beach Street) to provide the following:
 - Refurbishment and expansion of existing rooms
 - Provision of additional bedrooms, extended dining room and additional office and meeting spaces
 - Provision of a new car park to accommodate 23 car parking spaces, which increases parking from 10 spaces (increase of 13 spaces)
 - Provision of additional outdoor terrace areas including a serenity garden and upgrade of existing terrace areas.
 - Construction of a 1.8m high acoustic wall along the eastern section of the southern boundary.
- Partial demolition of existing dual occupancy building at No.28 Beach Street.
- Change of use of the dual occupancy building at No.28 Beach Street to a supported living facility to operate in conjunction with the hospital.
- Alterations and additions to the dual occupancy building at No.28 Beach Street to provide a supported living facility comprising:
 - 10 bedrooms
 - Lift
 - Recreation/living spaces including outdoor terrace
 - Manager's flatette
- Increase in the number of patients from 40 to a total of 63 comprising:
 - 53 hospital patients (previously 40)
 - 10 supported living residents
- Increase in the number of staff from 30 to 34.
- Landscaping and ancillary works.
- Signage to the primary hospital building comprising a top hamper business identification sign at ground floor level measuring 5.5m wide x 0.4m high. No illumination is proposed.

For the purposes of this assessment, the primary hospital building will be referred to as Building A and the supported living facility as Building B.

In consideration of the application a review of (but not limited to) documents as provided by the applicant in support of the application was taken into account.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	<p>The various controls contained within WLEP 2011 and the WDCP provide the community with a level of certainty as to the scale and intensity of future development and the form and character of development that is in keeping with the future character envisaged for the zone.</p> <p>While the development does not achieve compliance with a number of development controls, the variations were assessed on their merits and found to be consistent with the overarching objectives.</p> <p>The assessment has found that the development will improve the overall appearance and functionality of the development without detrimental impacts on the amenity of adjoining properties. The application will result in an improved rehabilitation facility that provides an important service to the community. Therefore, on balance, the proposal is considered to be in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 15 submissions from:

Name:	Address:
Mr Luis Soares	30 Beach Street, Curl Curl NSW 2096
Dr Lily Richards	4 Ellen St, Curl Curl NSW 2096
David and Catherine Jones	38 Carrington Pde, Curl Curl NSW 2096
Jason Grech	38 Beach Street, Curl Curl NSW 2096
Eamon and Lesa O'Neill	17 Beach Street, Curl Curl NSW 2096
Mr and Mrs Campanella	9 Wyndora Avenue, Freshwater NSW 2096
Jean Beljon	11 Wydnora Avenue, Freshwater NSW 2096
Executive Committee c/ David Martyn	31/2 Beach Street, Curl Curl NSW 2096
Carolyn and Ronald McKenzie	48 Thomas Rd, Freemans Reach NSW 2756
John Watkins	21 Wyndora Avenue, Freshwater NSW 2096
Anthony Richards	4 Ellen Street Curl Curl NSW 2096
Roger Enright	6 Ellen Street, Curl Curl NSW 2096
Jasper and Imogen Richards	2 Ellent Street, Curl Curl NSW 2096
Dr Warren McKenzie and Ruth Kealy	11 Wyndora Avenue, Freshwater NSW 2096
Betty Doughton	11 Beach Street, Curl Curl NSW 2096

The issues raised in the submissions are discussed below.

- **View Loss**

Concerns were raised that the view analysis provided is incorrect.

Concerns were raised by neighbours from 30 Beach Street and 9 and 11 Wyndora Avenue that the property will result in significant view loss.

Comment: In regards to the view analysis plans provided, it is agreed that there are some discrepancies in the images provided by the applicant. However, the plans are not misleading in terms of the level of view loss that will result from the development. Further, an independent view loss assessment has been undertaken by Council's Development Assessment Officer which is detailed under Clause D7 of WDCP 2011. The assessment found that no unreasonable view impacts would result from the proposed development.

- **Loss of Property Value**

Concerns have been raised that the expansion of the hospital will result in decreased property values in the area.

Comment: Impacts on property value are not a material planning consideration in the determination of a development application.

- **Traffic, Access and Safety**

Concerns have been raised that the proposed development will result in a significant increase in traffic and result in conflict between vehicles, pedestrians and cyclists.

Comment: Council's Traffic Engineer has reviewed the application and raised no objections to the development. The proposal has also been assessed against the provisions of Clause C2, Traffic, Access and Safety of WDCP 2011 and found to be acceptable.

- **Excessive Noise**

A number of concerns have been raised in relation to noise impacts.

Comment: Following a pre-lodgement meeting with Council and the Community Consultation process undertaken by the applicant, the kitchen and dining area were relocated towards the centre and front of the site to reduce noise impacts on the residential properties to the sides and rear.

An acoustic report prepared by Acoustic Logic has been submitted with the proposal which includes a number of requirements to ensure noise impacts are managed appropriately. Detailed discussion on acoustic privacy is provided later in this report under Clause D8 – Privacy of WDCP 2011. It has been found that subject to recommended conditions, there would be no unreasonable acoustic impacts as a result of the proposal.

- **Building bulk and scale**

Concerns have been raised that the bulk and scale of the development is excessive and out of character with the streetscape.

Comment: The proposal has been assessed against the provisions of Clause D9 Building Bulk of WDCP 2011 and found to be acceptable. The proposal has also been assessed against the objectives of the zone and all other relevant provisions of the WDCP 2011 and found to be compatible with the character and appearance of the streetscape.

- **Inappropriate Use**

Concerns have been raised that a rehabilitation facility including a halfway house would be inappropriate in a residential area

Comment: The proposal is for alterations and additions to an existing rehabilitation hospital and a supported living facility that will operate in conjunction with the hospital. In the R2 Low Density Residential zone, hospitals are a permissible use with Development Consent. As such, the hospital use, including the supported living facility is considered an appropriate use in the residential area.

- **Parking**

A number of specific concerns have been raised in relation to the adequate provision of parking.

Comment: Council's Traffic Engineer has reviewed the application and raised no objections to the development. Council's Traffic Engineer has specifically identified that the proposed parking will significantly improve the existing situation by minimising the parking deficiency currently associated with the hospital. In addition, the removal of the redundant laybacks in the street will also provide for additional on street parking. It is noted that the on-street loading zone is not supported by Council's Traffic Section and is not proposed as part of this application.

Further discussion in relation to parking is provided under Clause C3 of WDCP 2011 later in this report. In summary, the parking provided is found to be sufficient for the proposed development.

- **Driveway Location**

Impact of driveway/parking directly opposite windows of No.17 Beach Street.

Comment: Specific detail as to why the location of the driveway opposite No.17 Beach Street is problematic has not been provided. However, it is assumed the concerns are in relation to noise and headlight glare of vehicles entering and exiting the property.

A site visit to the property has found the side windows of No.17 Beach Street are located opposite the driveway as No.17 Beach Street is a corner site. The windows are partially obscured by vegetation. As the busiest period for vehicles entering and exiting the property are most likely to occur during the daytime hours, it is not considered the proposal would have a significant impact on the amenity of the residential property at No.17 Beach Street.

- **Deliveries**

It has been requested that deliveries should be limited to business hours Monday to Friday only to minimise noise.

Comment: For operational reasons, the limitation of deliveries to business hours Monday to Friday is unreasonable, especially as a number of deliveries are now able to be undertaken within the semi-basement car park. However, a condition will be imposed limiting deliveries to between 7am and 6pm, seven days a week to minimise noise and disturbance to adjoining residential occupiers.

- **Visiting Hours**

A question has been asked as to whether the staggering of visiting hours is to be imposed or implemented as the documentation is unclear.

Comment: Visiting hours are to be staggered as discussed in the Operational Plan of Management and Traffic Report and this will be reinforced by a recommended condition of consent.

- **Consultation**

Ongoing consultation with residents should be maintained if consent is given so that traffic issues can be raised once development is complete.

Comment: A requirement for ongoing consultation is outside the scope of this application. However, a condition will be imposed that the Operational Plan of Management be amended to require a complaints log to be kept on site to allow for neighbours concerns to be registered and which includes identified actions undertaken to address the concerns raised.

- **Safety and Security**

Concerns have been raised that the patients of the hospital and supported living facility will compromise the safety and security of the area. Neighbours are also unsatisfied with the level of information provided about the patients and believe it should be disclosed if patients will have criminal records or be court appointed patients.

Comment: The proposal has been assessed against the principles of Crime Prevention through Environmental Design and found to be acceptable.

The details of the patient's backgrounds, illnesses and how they become a patient is not considered relevant to the proposal. Both the hospital and the supported living facility are manned by staff 24 hours a day which is considered sufficient to ensure the safety and security of residents are maintained. As a health facility, there is separate legislation that must be followed in the treatment of the patients which will address risk management and provide pathways to ensure the safety and security of the patients and others is maintained.

- **Landslip risk**

Concerns have been raised that the geotechnical report provided identifies risks to property and life and requires further information.

Comment: The Geotechnical Report is sufficient to demonstrate that subject to the implementation of the recommendations in the report including the engagement of a qualified geotechnical engineer throughout the construction phase of the development, the proposal would not result in significant risk to property or life. Even so, a condition is recommended requiring a dilapidation report to be undertaken of the adjoining properties to south, being no's 7 – 13 Wyndora Avenue prior to the issue of a Construction Certificate. In this regard, the information provided is considered to satisfy the requirements of Clause E10 of WDCP 2011.

- **Excessive Height**

Comment: Building height is discussed in detail under Clause 4.3 and 4.6 of WLEP 2011 later in this report. In this regard, the application is considered to sufficiently demonstrate that the breach of the height limit is justified in this instance and no significant impacts will arise from the non-compliance.

- **Drainage**

Concerns have been raised that the drainage from the rear properties through the site will increase risk to the stability of wall at rear of site.

Comment: Council's Development Engineer has assessed the application and raised no objections to the proposal subject to conditions. A Geotechnical report has also been provided which includes a recommendation for Geotechnical Engineer to be engaged for the construction works. In this regard, it is not considered this issue would warrant refusal of the application.

- **Landscaping Non-Compliance**

Concerns have been raised in relation to the non-compliance with the landscaped open space control.

Comment: Discussion in relation to the non-compliance with the Landscaped Open Space control is contained under Clause D1 of the WDCP 2011 later in this report. In summary, the overall landscaped character of the site will be improved by the development and the non-compliance is found to be acceptable.

- **Asbestos**

Concerns have been raised the application fails to address asbestos removal in the submitted documentation.

Comment: The removal of asbestos is to be undertaken in accordance with the relevant Australian Standards and will be dealt with at construction stage.

- **Excavation**

Concerns have been raised that the excavation associated with the development is contrary to the provisions of WDCP 2011.

Comment: The proposed excavation is not considered excessive as it allows for the provision of a semi basement car park which will significantly improve the existing car parking situation. Significant excavation has already been undertaken across the site and consequently, there are no natural features of specific environmental importance. Even with the proposed excavation, the development would not result in excessive building bulk that is out of character with the surrounding streetscape.

To manage risk associated with the proposed excavation works, a condition is recommended requiring a dilapidation report to be undertaken of the adjoining properties to south, being no's 7 – 13 Wyndora Avenue prior to the issue of a Construction Certificate.

- **Rear Setback**

Concerns have been raised in relation the non-compliant rear setback and the impacts of the non-compliance on the properties to the rear of the site.

Comment: Following discussions with the applicant, and increased rear setback of 3m has been provided at second floor level to increase separation between Building A and the dwelling houses to the rear of the site. The non-compliance has been assessed against the objectives of the Clause B9 of WDCP 2011 and found to be acceptable. The impacts of the development on the amenity of adjoining properties have also been considered throughout this report and it has been found that no unreasonable impacts will result as a consequence of this development.

- **Wall Height**

Concerns have been raised in relation to the non-compliance with the Wall Height Development Control and is associated impacts on the dwellings to the rear.

Comment: The development has been assessed against the objectives of Clause B1 of WDCP 2011 and has been found to be acceptable. The proposed wall height is not considered to give rise to any unreasonable amenity impacts on the adjoining residential properties.

- **Stormwater**

Concerns have been raised in relation to the management of stormwater.

Comment: Following an initial assessment amended drainage plans were submitted to Council. Council's Development Engineer has reviewed the documentation and is satisfied that the proposed drainage system is appropriate for the management of stormwater on site subject to conditions.

- **Overshadowing**

Concerns have been raised that the development will result in unreasonable overshadowing of the properties to the rear and that the shadow diagrams are inaccurate.

Comment: The application has been assessed against the requirements of Clause D6 – Access to Sunlight of WDCP 2011 and is found to be satisfactory. The submitted shadow diagrams were found to be sufficient for the assessment of overshadowing impacts and given that the properties to the rear are significantly elevated above the proposed site, it was found that overshadowing of these properties would be minimal.

- **Precedent**

Concerns have been raised that application will set a precedent.

Comment: Each application is assessed on its individual merits. In this specific instance, the proposed variations to the relevant controls are found to be acceptable when considered in the context of the site.

- **Condition Requests**

A neighbour has requested additions conditions to require increased acoustic screening around the serenity garden, use of awnings against the fence line to reduce noise, noise absorbing landscape materials be used such as grass or bark chips, and the plan of management be amended to ensure the serenity garden is used only for personal reflection and limited conversations and have a curfew of 9pm.

Comment: The submitted acoustic report submitted indicates that acoustic screens proposed will be sufficient to ensure noise does not exceed the relevant standards at the boundary. As such, conditions requiring further screening, the construction of awnings and use of different materials are not considered necessary. However, a condition is recommended requiring that the outdoor

areas including the serenity garden have a curfew of 9pm instead of 10pm as proposed.

- **Odours**

Concerns have been raised that the kitchen and garbage exhausts will release odours.

Comment: To meet the relevant Australian Standards, the proposed development will be required to fit appropriate exhaust systems to these areas in accordance with food premises legislation. If, once operational, neighbours are experiencing unreasonable odours from the facility, it is recommended that they contact Council's Environment and Health team for investigation under the provisions of the Protection of the Environment Operations Act 1997.

- **Overdevelopment**

Concerns have been raised that the proposal is an overdevelopment of the site.

Comment: The development has been assessed in detail against the relevant legislation throughout this report. A number of variations to the planning controls are proposed, however when assessed on their merits are found to be acceptable. The development would not result in unreasonable amenity impacts and will improve the overall appearance and functionality of the development. On balance, the application is considered appropriate in its context and does not represent an overdevelopment of the site.

- **Future Change of Use**

Concerns have been raised that 28 Beach St will eventually become a multi occupancy dwelling which is not permitted.

Comment: Building B at 28 Beach Street is proposed to be used as a supported living facility in conjunction with the hospital use. In addition, the three allotments are proposed to be consolidated reducing the ability to change the use of Building B in the future. Even so, any change of use would be subject of a separate Development Application which would be considered on its merits.

- **Outpatient Services**

Concerns have been raised that outpatient day and night meeting attendees have not been included in the numbers.

Comment: Although outpatients have not been included in the overall patient numbers, outpatients using the facility have been considered in the traffic report provided. The outpatient services are not proposed to increase as a result of this proposal.

- **Construction Vibration**

Concerns have been raised in relation to construction vibration.

Comment: The submitted acoustic report provides a number of recommendations to manage construction vibration that will be required as a condition of consent.

- **Privacy**

Concerns have been raised that the proposed development will result in unreasonable privacy impacts on the adjoining residential properties.

Comment: The proposal has been assessed against the provisions of Clause D8 – Privacy of WDCP 2011 and found to be acceptable. The development would not result in any unreasonable privacy impacts on adjoining residential occupiers.

- **Waste Management Plan**

Concerns have been raised that the Waste management plan does not consider the disposal of excavated material.

Comment: A condition is recommended requiring a Construction Management Plan to be prepared which includes details for disposal of excavated material. A further requirement to provide evidence to the certified demonstrating appropriate disposal of waste is also recommended.

- **Survey**

Concerns have been raised that the survey plan is incorrect in its depiction of the levels at the rear of Wyndora Avenue, and therefore all other plans and documentation are inaccurate.

Comment: The documentation has been reviewed and found to be adequate for the purposes of assessing the Development Application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Development Engineers	<p>The submitted drainage plans by Whipps-Wood Consulting drawing numbers 2012-0349 HDA01 - HDA07 dated 31.01.13 have been assessed and are satisfactory.</p> <p>Development Engineers raise no objections to the release of the DA subject to the following conditions of consent.</p>
Environmental Health and Protection (Food Premises)	This proposal has been reviewed by Environmental Health and Protection. No objections have been raised subject to conditions.
Environmental Health and Protection (Contaminated Lands)	This proposal has been reviewed by Environmental Health and Protection. No objections have been raised subject to conditions.
Landscape Officer	<p>A visit to the site indicated no significant vegetation on site will be affected by the proposed works.</p> <p>Excavation of rock is required, however a site assessment indicated the area to be highly disturbed and no outcrops of significance were noted.</p> <p>No objections subject to conditions.</p>
Traffic Engineer	<p>The applicant has provided a traffic report to demonstrate the existing and proposed parking demand generated by this development.</p> <p>The applicant has demonstrated by reasonable analysis that the proposed parking area is sufficient to cater for the expanded use of the site. The parking provided also meets the requirements for a convalescent home as described in the RMS Guide to Traffic Generating Developments. This was the standard that was used to assess previous developments at this site.</p> <p>This demonstrates that under a worst case scenario there will be 25 vehicles generated by this development with 23 parking spaces provided. This is an improvement over current conditions where there is a deficiency of 9 parking spaces, which generally compete for on street spaces with residents and parking generated by the recreational facilities (beach).</p>

Internal Referral Body	Comments
	<p>It should be noted that the removal of redundant vehicular crossings on Beach Street will return kerb side space for the parking of vehicles.</p> <p>There are no traffic objections to this proposal subject to conditions.</p>
Waste Officer	The development is for a hospital. Waste Management is not required to provide a service, similarly the hospital is not required to obtain a Council waste service.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The proposal was referred to the NSW Police Force for comment. No response has been received and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential and hospital purposes for a significant period of time with no prior land uses. In this regard, as the use of the site is to continue as a hospital it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the proposed land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is relatively small in the context of the building, is sufficient to easily identify the business, and is not illuminated. It will not detract from the character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The area is generally residential and there is no readily obvious theme for outdoor advertising in the area.	Yes
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed sign is in keeping with the overall character of the building and area. It is not illuminated or overbearing and will not detract from the residential identity of the area. The site is not within any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways or rural landscapes	Yes
3. Views and vistas Does the proposal obscure or compromise important views?	No views will impact upon by the proposed sign.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The sign is proposed above the entry door and will not impact upon the skyline or reduce the quality of any vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed sign will not obscure any other advertising.	Yes
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The sign is proposed above the entry door and forms a relatively small and unobtrusive part of the overall building. The proposal is appropriate for the residential area and will not detract from the streetscape, setting or landscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign is in keeping with the overall design of the building and in this way will contribute to the visual interest of the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed sign forms a relatively small part of the overall building and is sufficient to identify the business without being intrusive.	Yes
Does the proposal screen unsightliness?	The proposed sign is a top hamper sign above the entry door, and will not screen any unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign is on the wall above the entry door, and will not protrude above the building or tree canopy in the area.	Yes
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign forms a relatively small part of the overall building and is of an appropriate scale and proportion. It spans the width of the entry door and is sufficient to identify the business without being overbearing or detracting from the character of the site or building.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed sign will not detract from any important features of the site or the building.	Yes

Matters for Consideration	Comment	Complies
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed sign is sufficient to identify the business and will add visual interest to the facade of the building.	Yes
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	There are no safety devices, platforms, lighting devices or logos proposed as part of the signage.	Yes
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No illumination is proposed.	Yes
Can the intensity of the illumination be adjusted, if necessary?	N/A	N/A
Is the illumination subject to a curfew?	N/A	N/A
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The sign will have no unreasonable impacts on the safety of the public road, pedestrians or bicyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed sign is on the wall and will not obscure any sightlines from public areas.	Yes

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provision of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The application was referred to Ausgrid for comment. No response was received within the 21 day period and therefore, it is assumed that no objections are raised and no conditions are required.

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	Supported living facility = 11.3m Hospital = 9.3m	32% 9%	No
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.8 Conversion of fire alarms	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Building Height

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard and is assessed taking into consideration the questions established in *Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46*.

Requirement:	8.5m
Proposed:	Building A = 9.3m Building B = 11.3m
Is the planning control in question a development standard?	Yes

Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	Building A = 9% Building B = 32%

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 WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

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

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

Comment:

The non-compliance with the Height of Buildings Development Standard is limited to the front elevation of both buildings and is a result of the topography of the lots which slope steeply towards the street. The overall height of the proposed works are also defined by the existing buildings on the site which already exceed the height limit. The proposed additions will match the height of the existing buildings on the site and will present as lower than a number of other dwellings and residential flat buildings present on the southern side of Beach Street. It is acknowledged that the overall scale of the primary hospital building (Building A) is somewhat larger than other buildings along Beach Street due to its overall width and its purpose. Notwithstanding, the height of the proposed buildings is consistent with surrounding development and the proposal would appear compatible within the streetscape.

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

Comment:

Although the height of the proposed works exceed the development standard, the non-compliance is limited to the front portion of each of the buildings. At the rear of the site, where a development is most likely to result in the most significant impacts, the proposal has a finished roof level that is only 300mm - 700mm higher than the fence lines of the adjoining the properties to the south. The residential flat building to the east of the site remains generally unaffected by the development as the works are primarily internal only adjacent to this boundary. The proposed second floor addition to the front of Building B will affect the adjoining dwelling to the west in terms of visual impact from the side windows of the residence, however the impacts are considered minor. The proposal will not result in unreasonable view loss, loss of privacy or loss of solar access currently enjoyed by adjoining properties as discussed in detail later in this report.

c) to minimise adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,

Comment:

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

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

Comment:

The proposed development will appear compatible in its context and the refurbishment of the existing buildings will improve the appearance of the Beach Street streetscape.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposed development is not a residential use, however it is a permissible use within the R2 Low Density Residential zone.

It is considered that this objective is not applicable to this development.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The proposal will expand the existing rehabilitation hospital which will in turn provide an improved community facility for residents in need of such care.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

Although landscaping of the site is limited due to the existing hard surfaces across the property, the proposed development will improve the overall level of landscaping provided across the site, by incorporating large planter boxes at various levels and increasing streetscape planting. The proposal will therefore improve the overall landscape character of the property and the streetscape.

It is considered that the development satisfies this objective.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

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

Comment:

The variation to the development standard is required to allow for the expansion and improvement of rehabilitation facilities in the community. The footprint of the existing buildings and the topography of the site dictate the overall height of the buildings and therefore a degree of flexibility is required to achieve an appropriate form of development.

Clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

A written request for the variation has been provided by City Plan Services, dated December 2013.

Clause 4.6(4) states that development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

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

Comment:

The written request provided by City Plan Services provides commentary that adequately addresses the proposed variation to the Building Height standard in accordance with the requirements of Clause 4.6(3) above.

(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.

Comment:

It is found that the development is in the public interest as it achieves consistency with the objectives of the R2 Low Density Residential Zone and the objectives of the Height of Buildings Development Standard.

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

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed.

Warringah Development Control Plan 2011

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B1 Wall height	7.2m	<u>Building A</u> North - 9m East - existing West - 5.5m - 6m <u>Building B</u> North - 8.8m East - 8.8m West - 8.4m	Yes N/A Yes No No No
B3 Side Boundary Envelope	4m	Major breaches to western elevation Eastern elevation unchanged	No N/A
B5 Side Boundary Setbacks	0.9m	East - 0m (existing), 4m to new works West - 0.4m to stairs (existing), 1.4m to building (existing), 1.6m to new works	Yes
B7 Front Boundary Setbacks	6.5m	<u>Building A</u> 1.4m (balcony), 3.4m (foyer), 4.5m (additions to hospital) <u>Building B</u> 15.6m to additions 0.6m to substation kiosk	No Yes No
B9 Rear Boundary Setbacks	6m	1m to new works	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	4.7% (118.42sqm)	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (i.e.: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	No	Yes
B9 Rear Boundary Setbacks	No	Yes
All other land under R2	No	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	No	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

Clause B1 of WDCP 2011 sets a maximum wall height of 7.2m. The northern elevation of Building A proposes a finished wall height of 9m at the entrance foyer only. The remainder of the additions to Building A are compliant with the control. The northern section of Building B where the proposed second floor addition is located also exceeds the wall height control with a proposed wall height of 8.8m to the north and eastern elevations and 8.4m on the western elevation.

It is noted that the neighbours have also raised concerns about the proposed wall height at the rear of the property, however as wall height is measured from the existing ground level, the rear of both Buildings A and B are compliant.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

As the non-compliance is located at the front of both buildings, the variation will be visible from the street.

The bulk of the alterations and additions to Building A are compliant with the wall height control, as the building has been well articulated to ensure the second floor has increased setbacks from the front, side and rear boundaries. The non-compliance occurs as a result of extensions to the entry foyer which are designed to match the existing ceiling height of the building and make use of the existing balconies. As the variation relates to a small component of the building which matches the existing non-compliant height, it is not considered that the works to Building B would result in an unreasonable visual impact on the streetscape or when viewed from the properties on the northern side of Beach Street.

The proposed additions to Building B comprise infilling of the existing second floor balcony at the front of the property to provide additional residential accommodation. As such, the wall height of the addition is defined by the existing floor level and ridge height of the building. Although the proposed addition exceeds the wall height control on the northern, eastern and western elevations, the perceivable additional bulk will be minimal given the existing configuration of the building, the nature of the proposed addition and the large front setback being maintained. In this regard, the non-compliance will not result in any unreasonable visual impacts on the streetscape or adjoining properties.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

Due to the location of the of the property so close to the coastline, tree canopy in the immediate vicinity of the site is limited. Even so, there are a number of Norfolk Pines visible from the site which are substantially higher than the proposed building works.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The proposed works will not result in any unreasonable loss of views.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

As the non-complying section of Building A is located along the front elevation only, there would be no unreasonable impacts on the adjoining residential flat building to the east or the dwelling houses to the south of the site.

The works to Building B exceed the wall height control along the north, east and western

elevations. However, as the works are to infill an existing balcony which currently includes a privacy screen along the western side, the proposal would not result in any significant impacts on adjoining dwelling to the west. Dwellings to the south would also remain unaffected by the proposed works to Building B.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The proposal includes significant excavation at the rear of the site to facilitate the alterations and additions to Building A, however as wall height is measured from the existing ground level, the excavation does not result in a non-compliance with the control.

The non-complying wall height to Building A is located at the front of the site and only occurs as a result of works to the existing front entry. All other works comply with the wall height control and the building has been stepped away from the street at second floor level to respect the topography of the site.

The infill of the second floor balcony to Building B also results in a significant non-compliance with the wall height control as the land drops away steeply at the front of the site. However, a design which would respect the topography of the site and result in compliance with a number of development controls would require an additional floor to be constructed at the rear of the property. Such an alternative design would be of significant detrimental impact to the properties at the rear in terms of view loss, overshadowing and privacy. The additions as proposed are defined by the existing floor level and ridge height of the building and do not require any excavation of the landform. As such, the proposed works are supported.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The roof to Building A comprises a range of opposing skillion roof forms to provide visual interest without impacting the views of the properties to the rear of the site. The roof of Building B is to comprise an extension to the pitched roof and gable end and the inclusion of a side dormer window which is considered to meet the objectives of the control.

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

B3 Side Boundary Envelope

Description of non-compliance

The proposed additions to the front of Building B significantly breach the western side boundary envelope due to the overall height of the building and the fall of the land.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The proposed breach arises from the infill of an existing covered terrace and an extension to the roof form to provide additional residential accommodation. The addition will match the building alignment of the first floor level below. The proposal will still present as an articulated built form to the street as the second floor level will remain setback from the ground floor level. The proposal will also improve the overall appearance of the existing building through the use of high quality materials in muted colours. The alterations and additions to Building B will therefore remain complementary to the existing streetscape and would not appear visually dominant in its context.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

Overshadowing of neighbouring properties as a result of the works to Building B is minimal and there would be no significant privacy impacts. The proposed non-compliance will therefore not result in any unreasonable amenity impacts on the adjoining residential properties.

- *To ensure that development responds to the topography of the site.*

Comment:

The development is defined by the existing building located on the site. It is noted that the floorspace could have been incorporated as an additional storey at the rear of the property to more accurately reflect the topography of the land, however such a design would result in significant detrimental amenity impacts on adjoining occupiers. The proposed addition still maintains an increased setback from the ground floor level to provide an articulated form that is respectful of the site topography.

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

B7 Front Boundary Setbacks

Description of non-compliance

Clause B7 of WDCP 2011 requires a front setback of 6.5m to be maintained free of structures and car parking.

Building A has an existing front setback which varies between 0m towards the eastern boundary, 0.7m to the existing entrance structure and 4.5m to the main building. To match the existing building alignment, the alterations and additions are proposed to have similar setbacks of 0.7m to the first floor balcony, 3.4m to the new foyer/reception space and 4.5m to the remainder of the building additions.

Building B is compliant with a setback of 15.6m proposed to the new works. However a substation kiosk is proposed to be located within the front setback area. The kiosk is proposed to be 0.6m from the front boundary, will have a width of 3m and a height of 2m.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense openness.*

Comment:

The proposed works will continue the existing front setback of Building A and provide a more consistent facade that will reduce visual clutter in the streetscape. The improved appearance of the building and additional landscaping within the front setback will increase the sense of openness.

The substation kiosk is a low height structure that would not result in any significant loss of openness in the streetscape.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The proposed alterations and additions within the front setback are to align with the existing front setback of Building A and the substation kiosk is a low height structure that although open to the street, will be surrounded by grass and planting. The proposal will improve the overall appearance of the buildings, minimise visual clutter and increase the quality of landscaping within the front setback including the planting of a number of street trees. In this regard, the proposal will maintain the visual continuity and pattern of buildings, and improve the landscape character of the street.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

As mentioned above, the proposed encroachment of the alterations and additions into the front setback is to align with the existing setback of Building A. The proposal will rationalise the appearance of the building, reduce visual clutter in the streetscape and provide additional landscaping within the front setback of the site.

The proposed substation although located at the very front of the site, will replace existing hardstand and be surrounded by landscaped open space.

As such the proposal will enhance the visual quality of the street.

- *To achieve reasonable view sharing.*

Comment:

The proposed non-compliance will not result in any unreasonable impacts on view sharing.

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

B9 Rear Boundary Setbacks

Description of non-compliance

Clause B9 of WDCP 2011 requires a minimum rear setback of 6m to be provided. The proposed alterations and additions to Building A will have a minimum rear setback of 1m, increasing to 3m at second floor level (excluding the goods lift which is also at 1m). There are no additions to the rear of Building B, therefore it will maintain the existing rear setback of 1.29m to the pergola and 3.39m to the rear wall.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

There are presently no deep soil landscape areas at the rear of the existing Building A and the existing deep soil areas behind Building B are to be maintained. The proposal seeks to improve landscaping at the rear of the site through the incorporation of large planter boxes with a depth of between 0.8m-1m.

- *To create a sense of openness in rear yards.*

Comment:

A minimum setback of 1m is proposed from the rear boundary, increasing to 3m at the second floor level. It is noted that currently behind Building A is a large cutting which is concreted and used for car parking. Although the works will essentially fill this existing open space, visually the rear setback area will be improved by the development as existing views from the properties to the south of the site which are currently of roof plant and an at grade parking area will be replaced by a streamlined façade and cohesive roof design. Furthermore, the roof height of the alterations and additions to the rear of Building A has been kept relatively low, so that it is only 300mm-700mm higher than the fence line of the properties to the rear. In this regard, although the rear setback is reduced, it would not result in an unreasonable sense of enclosure or appear visually dominant when viewed from the rear.

No additions are proposed at the rear of Building B.

Given the above, the proposal is considered to maintain a reasonable sense of openness through the rear yards and neighbouring residents would not experience any significant sense of enclosure as a result of the development.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

As mentioned above, the finished height of the roof at the rear of Building A sits only 300mm-700mm above the fence line of the properties that adjoin the site to the rear, thus mitigating potential privacy or solar access impacts.

There are limited works proposed to the eastern section of Building A so the rear setback adjacent to the eastern boundary is at least 5m. It is noted that the property to the east is occupied by a residential flat building also with a non-compliant rear setback of approximately 3m.

No additions are proposed to the rear of Building B, therefore there will be no additional impacts on neighbour amenity as a result of the existing non-compliance.

Given the above, the proposed non-compliance with the rear setback control will not result in any unreasonable amenity impacts on adjoining properties.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The rear setback of 1m to Building A is limited to the ground and first floor levels which are located below the finished ground level of the dwellings to the south of the site. The increased setback of 3m at the second floor level will align with the residential flat building to the east and will continue the existing rear setback of Building B.

The built form and rear setback of buildings along the southern side of Beach Street is varied with no consistent pattern of development being evident. The increased setback of 3m to the second floor level is sympathetic to the surrounding development and will not disrupt the visual continuity of buildings in the area.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

As mentioned above, the development would not give rise to any unreasonable privacy impacts due to the topography of the land and low height of the roof at the rear of the site.

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

C2 Traffic, Access and Safety

Although the proposal meets the requirements of Clause C2 of WDCP 2011, concerns have been raised by neighbouring properties that the proposal will result in a significant increase in traffic along Beach Street and in the surrounding area. Further, concerns have also been raised that the proposal will result in vehicle, bicycle and pedestrian conflict.

The proposal will increase the overall provision of parking for the hospital and provide a loading facility within the semi-basement that will reduce the number of deliveries currently undertaken from the public roadway. The proposal provides an improved car park entry, clear pedestrian access, and the removal of redundant laybacks will increase the number of on street parking spaces available in the vicinity of the site. In this regard, the proposal is considered to improve traffic safety and reduce vehicle, bicycle and pedestrian conflict. Additionally, Council's Traffic Engineer has assessed the proposal and raised no objections on traffic grounds subject to condition.

C3 Parking Facilities

A number of concerns have been raised by neighbours in relation to the provision of parking, including the number of spaces provided, the acceptability of the parking layout and the ability to park a mini-bus in the car park. As such, an assessment of the application has been provided against the objectives of the control.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

Appendix 1 of WDCP 2011 does not provide a specific parking rate for hospitals. Due to the nature of the site being a rehabilitation facility that accommodates patients for a fixed period of time, Council's Traffic Engineer has considered the application to be similar to that of a

convalescent home. Therefore, parking has been assessed against the requirements for a convalescent home as described in the RMS Guide to Traffic Generating Developments.

It has been found that the parking proposed is a significant improvement over the existing situation and is adequate to service the development. The parking layout is sufficient to accommodate a mini-bus and is required to be designed and constructed in accordance with the relevant Australian Standards. In this regard, it is considered that adequate off-street parking has been provided.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The proposed semi-basement parking area has been integrated into the building design and will be partially screened by a low height front wall and associated landscaping. In this regard, the proposed garage will not result in a significant visual impact on the street frontage.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

As mentioned above, the proposed car park would not dominate the street frontage as it has been integrated into the building design and will be partially screened by a front wall and landscaping. The proposed car parking will therefore not appear visually dominant in streetscape.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported.

C9 Waste Management

The applicant has provided details of operational waste management within the submitted Waste Management Plan. A garbage storage room is proposed to be located within the basement and will be serviced by private waste contractors. Waste will be collected from the street as adequate height for a garbage truck cannot be achieved within the basement. Council's Traffic Engineer has raised no objections to the collection of waste from the public road.

The proposed management of operational waste is considered satisfactory to address the objectives of the control.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

40% of the site is required to be maintained as landscaped open space.

When calculated in accordance with the definition which only includes areas with a soil depth of 1m at ground level and with a minimum dimension of at least 2m, only 4.7% (118.42sqm) of the site is landscaped open space.

The applicant has however provided a landscaped area plan which takes into account all landscaped areas (including those excluded by the WDCP 2011) which demonstrates that 14.6% of the site area (366.7sqm) will include landscaping.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

Although the site contains very little landscaped open space as defined by WDCP 2011, the proposal includes significant additional planting throughout the development. Landscaped open space across the site will decrease as a result of the proposal due to works which will occupy 26 Beach Street, however the quality of landscaping provided will significantly improve with quality planting proposed across the property to complement the existing streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The site does not contain any indigenous vegetation or habitat for wildlife. The site does contain rock outcrops which will be removed to allow for excavation associated with the car parking area. The rock outcrops are not of any specific environmental importance and are not of high amenity value.

The proposed landscaping will significantly increase the amount of soft landscaping across the site and will include planting of indigenous species. On balance, the proposal is considered to enhance the landscaped character and appearance of the streetscape.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The proposed development provides improved opportunities for the planting of shrubs and trees. Council's Landscape Officer has reviewed the proposal and is satisfied with the level of planting provided given the existing situation on site. The landscape design will soften the appearance of the building and complement the character and appearance of the streetscape.

- *To enhance privacy between buildings.*

Comment:

Due to the height of the proposed roof, limitation of existing setbacks and requirement to preserve the views enjoyed by neighbouring properties, there are limited opportunities to provide planting to enhance privacy between buildings. It is noted that even without such planting, the development would not result in any unreasonable privacy impacts.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

There are numerous outdoor terrace areas accommodated within each of the buildings for the use of patients for passive recreation.

- *To provide space for service functions, including clothes drying.*

Comment:

Due to the use of the site being for a hospital, service functions normally required for residential uses do not need to be accommodated within the landscaped open space.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The application includes the provision for on-site stormwater detention.

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

D3 Noise

Specific concerns have been raised by neighbouring residents in relation noise and disturbance that could result from mechanical equipment associated with this development. To minimise such noise impacting on adjacent properties, the kitchen and service areas have generally been located towards the centre of the site away from the shared boundaries with residential properties. Conditions will also be imposed to ensure noise levels of mechanical equipment do not exceed that permitted by the NSW Industrial Noise Policy.

D7 Views

Objections in relation to view loss were received from the 9 and 11 Wyndora Avenue located to the south of the site and 30 Beach Street which adjoins the site to the west. As such consideration of the objectives of the control is provided below.

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To allow for the reasonable sharing of views.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1. Nature of the views affected

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

Comment to Principle 1:

9 Wyndora Avenue

9 Wyndora Avenue benefits from views of North Curl Curl Beach and headland including the interface between land and water to the north east. To the north, district views are obtained.

The quantum of North Curl Curl Beach that can be seen from the property increases significantly with the elevation achieved from standing in the rear garden to standing at the first floor level.

11 Wyndora Avenue

11 Wyndora Avenue benefits from views of North Curl Curl Beach and the headland including the interface between land and water to the north east and district views to the north. Due to vegetation, fencing and a garage, views from the rear garden are very limited. From the rear porch and ground floor level, views of the headland, beach and interface between land and water can be seen over the side boundary shared with 9 Wyndora Avenue and the rear boundary of 9 Wyndora Avenue.

At first floor level, the views are no longer obstructed by the rear garden and garage.

30 Beach Street

Access to 30 Beach Street was unable to be obtained. However an external site visit was able to be conducted. It is believed from windows and terraces on the northern elevation, the property would benefit from views of the ocean, headland and district from the ground floor level and from district views and views of North Curl Curl Beach and the headland including the interface between land and water from the second floor level. Ocean glimpses may also be possible from the windows in the eastern side of the building.

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

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

Comment to Principle 2:

9 Wyndora Avenue

The views from 9 Wyndora Avenue are obtained primarily over the rear boundary of the property. At the garden level the views can be seen when standing only. At both ground floor and first floor levels, the views can be seen when both sitting and standing.

11 Wyndora Avenue

District views from 11 Wyndora Avenue are achieved directly over the rear boundary. Beach and headland views are achieved over the north eastern corner of the site where the side and rear boundaries meet. Due to obstructions in the rear yard, any views visible at rear garden, and ground floor level are from a standing position only. At first floor level, views can be seen from both a sitting and standing position.

30 Beach Street

30 Beach Street primarily obtains its views over the front boundary of the site with potential ocean glimpses obtained from the eastern windows over the eastern side boundary. Given access to the property was unable to be achieved, it is unknown whether the views are from a sitting or standing position.

3. Extent of impact

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

Comment to Principle 3:

9 Wyndora Avenue

The highest point of the finished ridge of the proposed works to Building A will be approximately 300mm higher than the existing semi transparent balustrade located at the rear of the property. If standing at the balustrade, there will likely be some interruption of the views of North Curl Curl Beach and the interface between land and water. However the majority of the views from the rear garden are likely to be maintained. At ground floor level which is used as a secondary living area, a negligible decrease in views of North Curl Curl Beach is likely, particularly from a sitting position. From first floor level, the views are obtained from the primary living areas and will remain unobstructed.

Overall, the impact on the views obtained from 9 Wyndora Avenue is considered minor.

11 Wyndora Avenue

From 11 Wyndora Avenue, the maximum ridge height of Building A will sit approximately 700mm above the existing retaining wall at the rear of the property. It is noted that the highest, and also closest point of Building A is located directly behind the existing garage on site. At the rear garden level, views are already limited due to the existing structures and planting. The glimpses of the headland and district views achieved over the side and rear boundary of neighbouring 9 Wyndora Avenue from the rear garden level are likely to be negligibly reduced. At the porch and ground floor level, which is currently used as an informal living area, there is likely to be a minor reduction in views of North Curl Curl beach including the land and water interface, noting that these views are at the moment, largely obscured by the existing garage. At first floor level, the views of the beach and headland including the land and water interface which are obtained from the primary living space will remain unobstructed. There will be minor impacts on district views obtained to the north.

Overall, the impact on the views obtained from 11 Wyndora Avenue is considered minor.

30 Beach Street

All views obtained from the northern windows of 30 Beach Street will remain unobstructed. Ocean glimpses that may be achieved from the windows within the eastern side of the building are likely to be severely impacted by the proposed works to Buildings A and B, particularly when looking directly east. However, some ocean glimpses may still be possible from these windows when looking to the north east. It is unknown which rooms these windows are associated with as access to the porch could not be obtained.

Even so, given the extensive views obtained from the northern elevation will remain unaffected, the overall view impact on 30 Beach Street is considered minor.

4. Reasonableness of the proposal that is causing the impact

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

Comment to Principle 4:

The application proposes a number of non-compliances to the development controls including variations to the front and rear setbacks, building height, wall height and side boundary envelope requirements. Even so, as has been found in the assessment provided above, the impacts on view sharing are overall found to be minor. Importantly, at the rear of the site where the potential for view impacts is most likely, the development complies with the critical building height and wall height controls. The development is located between 1m and 3m from the rear boundary of the site, however given its height, a compliant rear setback would not result in a significant improvement in the sharing of views.

Following an assessment of the development against the planning principles, the overall impacts on the views of adjoining properties is found to be minor and reasonable.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The development has been appropriately designed to minimise view impacts by maintaining the existing building height and ensuring the rear of Building A will not significantly protrude above the rear gardens of the properties to the rear. In addition, the use of low skillion roof forms in a dark grey colour will ensure the expansive roof area will appear recessive in its environment and not detract from the view.

- *To ensure existing canopy trees have priority over views.*

Comment:

No canopy trees will be lost as a result of the proposed development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported.

D8 Privacy

The proposed development complies with the requirements of Clause D8 - Privacy. However specific concerns have been raised in relation to both visual and acoustic privacy as a result of the development. As such, an assessment of the proposal against the objectives of the clause are provided below.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

Visual Privacy

The development has been designed to maximise the visual privacy of adjoining properties.

Building A has been designed to sit low at the rear, with a maximum height that is only 2m above the finished ground level of the properties to the rear of the site in Wyndora Avenue. There are no windows proposed within the rear elevation at second floor level to ensure no privacy impacts arise from the proposal. As there are very limited works proposed along the eastern side of Building A, there will be no increase in privacy impacts on the adjoining residential flat building.

All bedroom windows located within the western elevation of Building B are proposed to be fitted with privacy screens to prevent overlooking of the adjoining residential property to the west. This will be sufficient to maintain privacy between the properties.

Acoustic Privacy

A number of acoustic measures have been implemented to reduce the noise impacts of the development.

There are two outdoor terraces on Building A which have the potential to result in unreasonable impacts on the adjoining residential properties. Specifically, the northern terrace adjacent to the dining room and the serenity garden in the south-eastern corner of the site have the potential to cause impacts, particularly as they are proposed for use up until 10pm at night. An acoustic report prepared by Acoustic Logic dated 23 November 2012 indicates that subject to the construction of 1.8m high acoustic barriers along the boundaries of both terraces, the use of the terraces will not give unreasonable noise disturbance. Even so, it is considered a 10pm curfew on the use of the terraces is not sufficient given the surrounding residential uses. As such, a condition is recommended to limit the use of the terraces to between 7am and 9pm, seven days a week and also that a complaints register is to be maintained on site to log all complaints received in relation to noise.

The submitted acoustic report has also found that traffic noise associated with the development will not exceed the relevant criteria. It is agreed that less traffic movements associated with the hospital are likely to occur in the evening and night time hours thus reducing the potential for acoustic impacts when neighbours are most likely to be affected. It is however considered that as some deliveries are still likely to occur from within Beach Street, a condition should be imposed restricting deliveries to between 7am and 6pm, seven days a week. Given the findings of the acoustic report and subject to recommended conditions of consent, the proposal is not considered to give rise to any unreasonable impacts on acoustic privacy as a result of the development.

It is noted that the acoustic report also identifies that construction noise associated with excavation works may exceed the relevant Environmental Protection Authority criteria. However, subject to the recommendations of the report being implemented, it is considered temporary disturbance can be minimised in accordance with the principles of Australia Standard AS2436.

Overall, subject to conditions, the development is considered to satisfactorily minimise impacts on the acoustic privacy of adjoining properties.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

To minimise privacy impacts, the development has been sensitively designed to locate the bulk of the works at the rear of the property so that the finished ridge height is only 2m above the finished ground level of Wyndora Avenue. Windows abutting adjoining residential properties have been minimised and the outdoor terraces are to be treated with 1.8m high acoustic glazing. In this regard, the proposal is considered to suitably implement innovative design solutions that will maintain the visual and acoustic privacy of the urban environment.

- *To provide personal and property security for occupants and visitors.*

Comment:

The hospital and associated supported living facility will be staffed at all times providing security for occupants and visitors to the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported.

D9 Building Bulk

The application is considered to meet the requirements of the control. However, specific concerns have been raised by the objectors in relation to the bulk and scale of the development and the level of excavation proposed. As such, consideration of the development against the objectives of the control are provided below.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The proposed alterations and additions to Building A provide an articulated facade that steps down across the site from west to east and includes a recessed second floor level to minimise the visual bulk of the development. The proposal includes excavation to allow for the construction of a semi-basement car parking and to allow the building to sit low at the rear of the site to ensure the views of the properties along Wyndora Avenue are maintained.

The alterations to Building B, although infilling a currently recessed terrace, will maintain a level of articulation when viewed from the street. The design of the fenestration within the front elevation will improve the overall appearance of the facade and increase visual interest.

When considered in the context of the surrounding development, which includes a six storey residential flat building to the east and a three storey residential dwelling to the west, the proposed development is considered compatible in terms of its bulk and scale. The proposal will therefore improve the urban environment by providing a cohesive development comprising modern colours and materials that will also reduce visual clutter within the streetscape.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

Although a number of variations to the built form controls are sought to allow for the proposed development, the overall bulk of the building when considered in the context of the streetscape is not excessive. The proposal is compatible with the varied height and scale of surrounding buildings and would result in an articulated built form which appears cohesive and reduces visual clutter. Further, with improved materials and finishes in neutral colours, the development will not appear visually dominant or overbearing when viewed from the street.

Attempts have been made to ensure the development does not exceed the existing ridge line of both buildings in order to minimise impacts on the dwellings adjoining the rear of the site. In addition, a variety of skillion roof forms to be finished in dark colorbond roofing are to be used and the existing roof is also to be painted to match to ensure the roof is recessive and not visually dominant when viewed from Wyndora Avenue. The works to Building B are minimal and will also not result in an unreasonable visual impact on the property adjoining the site to the west.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported.

D12 Glare and Reflection

Specific concerns have been raised by the neighbouring residents in relation to glare and reflection cause by the large expanse of roof proposed.

The proposed roof is to be finished with colorbond roofing in a dark grey colour identified as Woodland Grey. The existing parts of the roof are also proposed to be painted in Woodland Grey to ensure the roof is cohesive and when viewed from the properties at the rear, and will appear recessive in the landscape. The proposed colour is considered sufficient to ensure the roofing does not result in any unreasonable glare or reflection impacts on adjacent occupiers.

Additionally, to ensure the development does not result in unreasonable impacts from artificial illumination, the development will be conditioned to comply with the relevant Australian Standard relating to the obtrusive effects of lighting.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Crime Prevention Through Environmental Design (CPTED) provides four principles that need to be used in the assessment of development applications to minimise the opportunity for crime:

1. Surveillance;
2. Access control;
3. Territorial reinforcement; and
4. Space management.

1. Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others.

Would be offenders are often deterred from committing crime in areas with high levels of surveillance.

Comment to Principle 1:

The development offers a high level of natural (passive) surveillance through the provision of a foyer, bedrooms, outdoor terrace, lounge and office spaces which overlook both the public and private domains within and around the site. Clear sightlines and the provision of low level landscaping limits opportunities for offender concealment.

Details pertaining to the provision of technical surveillance (CCTV cameras, lighting etc) are not provided on the plans or within the supporting documentation but the plans do indicate that external lighting will be provided in accordance with AS4282 which should sufficiently illuminate the development.

2. Access control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. However, care needs to be taken to ensure that the barriers are not tall or hostile, creating the effect of a compound.

Comment to Principle 2:

The development includes physical barriers which are used to attract, channel or restrict the movement of people to the main entrance foyer. The proposal includes a low front wall and landscaping which channels pedestrians and visitors to a clearly identifiable reception area which is staffed at all times.

It is noted that the car park is open to the street and is not secured in any way. As such, to ensure the safety of residents and staff, particularly at night, a condition is recommended that the car park be secured from the street and access be granted only by way of an intercom between the hours of 9pm and 6am.

3. Territorial reinforcement

Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership also increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it.

Comment to Principle 3:

As the development is used for the purposes of a hospital, both the primary hospital building and the supported living facility will be manned by staff 24 hours a day, 7 days a week. This higher frequency of use will generally reduce opportunities for crime by increasing the exposure of the potential offenders.

4. Space management

Popular public space is often attractive, well maintained and well used space. Linked to the

principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

Comment to Principle 4:

As identified in the submitted Statement of Environmental Effects, the hospital employs specific staff to ensure the landscaped areas are maintained to a high standard and to manage the general upkeep of the hospital building.

Having regard to the above assessment, it is concluded that the development is consistent with the principles of Crime Prevention through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 5,600,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 53,200
Section 94A Planning and Administration	0.05%	\$ 2,800
Total	1%	\$ 56,000

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs

- Consistent with the objects specified in S.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT the Joint Regional Planning Panel grant Development Consent to Development Application No. DA2012/1509 for Demolition works, alterations and additions to the existing hospital, use of premises as a hospital and supported living facility and consolidation of lots on land at Lot 81 DP 583700, 24 Beach Street, Curl Curl, Lot 1 DP 937236, 26 Beach Street, Curl Curl, Lot 1 DP 947329, 28 Beach Street, Curl Curl, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA0001B	02.04.2013	Anthony Vavayis and Associates
DA0101A	06.12.2012	Anthony Vavayis and Associates
DA0102A	06.12.2012	Anthony Vavayis and Associates
DA0103A	06.12.2012	Anthony Vavayis and Associates
DA1001A	06.12.2012	Anthony Vavayis and Associates
DA1002A	06.12.2012	Anthony Vavayis and Associates
DA1003B	06.12.2012	Anthony Vavayis and Associates
DA2001B	28.03.2013	Anthony Vavayis and Associates
DA2003B	11.03.2013	Anthony Vavayis and Associates
DA2004A	11.03.2013	Anthony Vavayis and Associates
DA3001B	11.03.2013	Anthony Vavayis and Associates
Schedule of Colours and Materials	Undated	Anthony Vavayis and Associates

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
HDA01/P2	31.01.13	Whipps-Wood Consulting
HDA02/P3	31.01.13	Whipps-Wood Consulting
HDA03/P3	31.01.13	Whipps-Wood Consulting
HDA04/P3	31.01.13	Whipps-Wood Consulting
HDA05/P3	31.01.13	Whipps-Wood Consulting
HDA06/P2	31.01.13	Whipps-Wood Consulting

Engineering Plans - Endorsed with Council's stamp		
HDA07/P3	31.01.13	Whipps-Wood Consulting
HDA08/P1	31.01.13	Whipps-Wood Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Draft Operational Management Plan	December 2012	South Pacific Private
Acoustic Assessment for Expansion Rev 2	23 November 2012	Acoustic Logic
Traffic and Parking Assessment	7 December 2012	Traffix
Geotechnical Report	12 November 2012	Asset Geotechnical
BCA Assessment Report	10 December 2012	Blackett Maguire and Goldsmith
Disability Access Report	6 December 2012	Cheung Access

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- e) The development is to be undertaken generally in accordance with the following:

Landscape Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sheets 1, 2 and 3 Issue D	6.12.12	Paul Scrivener

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

2. Prescribed Conditions

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

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the

work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- o 7.00 am to 5.00 pm inclusive Monday to Friday,
- o 8.00 am to 1.00 pm inclusive on Saturday,
- o No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- o 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 5,600,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 53,200
Section 94A Planning and Administration	0.05%	\$ 2,800
Total	1%	\$ 56,000

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

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

5. Bonds

(a) Security Bond

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

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

A Bond of \$5,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

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

A Bond of \$35,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

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

A Bond of \$30,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

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

A Bond of \$2,000 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.

(f) Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$10,000 for the construction of the trunk drainage line and associated works. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

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

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

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

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

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

6. Disability Access Requirements

The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.

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

Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety.(DACBCCPCC1)

7. 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 Whipps-Wood Consulting, drawing number 2012-0349 HDA01/P2, HDA02/P3, HDA03?P3, HDA04/P3, HDA05/P3, HDA06/P2, HDA07/P3 dated 31.01.13.

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)

8. Submission of Engineering Plans for Civil Works in the Public Road Reserve

Engineering plans are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of the trunk drainage line from the site to the existing pit in Beach Street which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

The fee associated with the assessment and approval of the plans is to be in accordance with Council's fees and charges.

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

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

9. 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)

10. Utilities Services

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

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

Reason: To ensure that services have been provided as required by this consent. (DACENC15)

11. Structural Adequacy and Excavation Work

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

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

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

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

Reason: Safety. (DACENC19)

12. Shoring of Adjoining Property

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

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

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

13. Trees and / or Landscaping

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

Existing trees which must be retained

- a) All trees not indicated for removal on the approved plans

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

14. Compliance with Standards

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

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

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

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

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

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

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

15. Construction Management Program

A Construction Management Program 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;
- (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) Estimated volumes of waste and excavated material and method of disposal;
- (h) Evidence that waste and excavated material has been appropriately disposed of is to be provided to the Certifying Authority prior to the issue of Occupation Certificate;

- (i) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (j) The location and operation of any on site crane.

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.

16. Secure Carpark

The car park is to be secured between the hours of 9pm and 6am with access during these hours via intercom or similar only. Grills, gates etc. used to secure the car park are to be of an open style in colours and materials that match the approved development.

Details are to be provided to the certifying authority prior to the issue of the Construction Certificate.

Reason: To maintain safety and security.

17. Dilapidation survey

A photographic survey of adjoining properties to the south (being No's. 7, 9, 11 and 13 Wyndora Avenue) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Certifier prior to the issue of a Construction Certificate.

This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

Reason: Proper management of records (DACPLCPCC1)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is

to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Progress Certification (Road & Subdivision)

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

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

(**To be tested by a recognised N.A.T.A. approved laboratory).

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

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

20. Stormwater Pipeline Construction

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

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

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

21. Vehicle Crossings

The provision of one vehicle crossing 6 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal 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)

22. 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)

23. Footpath and Kerb and Gutter Construction

The applicant shall construct a 1.5 metre wide footpath and 150mm high kerb and gutter for the entire frontage of the site. The works shall be in accordance with the following:

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

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

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

24. Layback Construction

A layback 6 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)

25. 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)

26. Notification of Inspections

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

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

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

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

27. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in

accordance with 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)

28. Requirement to Notify about New Contamination Evidence

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

Reason: To protect human health and the environment. (DACHPE01)

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

29. Fire Safety Upgrade

The fire upgrading measures and works to upgrade the building (including fire upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed (or referred to) and recommended in the Building Code of Australia Assessment Report prepared by Blackett Maguire and Goldsmith, dated December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, fire upgrading measures and works as detailed in any subsequent report/s and alternative solutions created for the building and also No.28 Beach Street.

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim or Final Occupation Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

30. Disability Access Requirements

The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim or Final Occupation Certificate.

Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety. DACBCFPOC2)

31. 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)

32. Registration of Encumbrances for On-site Stormwater Detention

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

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

Reason: To identify encumbrances on land. (DACENF02)

33. Reinstatement of Kerb

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

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

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

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

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

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

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

35. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

36. Certification of Drainage Works and Works As Executed Data

The Civil Engineer responsible for the supervision of the civil drainage works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed data certified by a registered surveyor prepared in accordance with Council's requirements is to be provided to Council. Full details of the information to be submitted to Council, as part of the Works as Executed Data, are outlined in Council's 'Guideline for preparing Works as Executed data for Council stormwater

assets' which is available from Council's Natural Environment Unit. The Works as Executed data is to be verified by the Principal Certifying Authority prior to submission of any documentation.

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

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

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

37. 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)

38. 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)

39. Creation of Positive Covenant and Restriction as a User

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

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

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

Reason: To identify encumbrances on land. (DACENF14)

40. Environmental Reports Certification

Written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Warringah Council, stating that all of the details in the acoustic report (reference 20121021.1/2311A/R2/HP) prepared by Acoustic Logic have been addressed and the premises complies with the NSW Industrial noise Policy.

Reason: To ensure compliance with standards. (DACHPF04)

41. Food Premises

The premises shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit Out of Food Premises).

Reason: To ensure compliance with the applicable food standards. (DACHPFPOC1)

42. Required Planting

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

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on Landscape Plans Dwg Nos. 1, 2, 3 Issue D dated 6.12.12 prepared by Paul Scrivener	As indicated on the Landscape Plans	As indicated on the Landscape 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 maintain environmental amenity. (DACLAF01)

43. Fire Safety Matters

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

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

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

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

44. Operational Plan of Management

The draft operational plan of management is to be amended as follows:

- The outdoor terrace adjoining the dining room and kitchen at the first floor level and the serenity garden in the south eastern corner of the site are not to be used between the hours of 9pm and 7am, seven days a week.
- A register of complaints is to be maintained on site at all times for the registering of complaints in relation to noise, traffic and deliveries etc. and associated actions undertaken to rectify the issue.
- The car park is to be secured between the hours of 9pm and 6am seven days a week with access during these hours via intercom or similar only.

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

Reason: To minimise noise and traffic impacts.

45. Vehicle Turning Area

The manoeuvring space adjacent to parking space 22 is to be linemarked as a 'No Parking' area.

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

Reason: to maintain manoeuvring space for parked vehicles. (DACTRBOC1)

46. Disabled Parking Space.

Parking space number 4 is to be clearly linemarked and signposted as a disabled parking space.

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

Reason: To meet the requirement of AS2890.9 (DACTRBOC2)

47. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times.

Car-parking provided shall be used solely in conjunction with the uses contained within the development and each car parking space shall be clearly line marked.

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

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

48. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site.

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

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

49. Consolidation of Lots

Lot 81 DP 583700, Lot 1 DP 937236 and Lot 1 DP 947329 must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands).

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

Reason: To ensure development is not constructed over property boundaries. (DACPLF02)

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

50. Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979

A Maintenance Period of six (6) months shall apply to the trunk drainage and associated road works located in, on or over the public road (Beach Street) as approved under the provisions

of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective.
(DACENG01)

51. Storage and collection of waste

Waste must be stored on site in appropriate bins in a manner that does not cause pollution or create health risks. Waste collection is permitted between 7am and 6pm only and in a manner that does not cause disturbance and/or nuisance to any adjoining properties.

Reason: Prevent pollution and protect health & amenity (DACHPGOG1)

52. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 6pm and 7am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

53. Hospital Mini Bus

The proposed hospital mini-bus identified in the plan of management is to be accommodated within the hospital car park at all times.

Reason: To maximise on street parking.

54. Visiting Hours

Visiting hours are to be restricted so that only half of the patients within the facility receive visitors at any one time. Visitors are permitted on Sundays only.

Reason: To minimise traffic impacts.

55. Staffing

A maximum of 34 staff (inclusive of staff associated with the supported living facility) are permitted on the site at any one time.

Reason: To ensure the development maintains a level of activity consistent with the available parking. (DACPLGOG1)

56. Maximum Beds

The hospital is permitted to accommodate a maximum of 63 beds (including those in the supported living facility).

Reason: To ensure the hospital operates in accordance with the consent.

57. No Illumination

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

58. Operational Plan of Management

The proposal is at all times to operate in accordance with the approved Operational Plan of Management as modified by the conditions of this consent.

Reason: To minimise amenity impacts on adjoining occupiers.