

JRPP No:	2014SYE046
DA No:	54/2014
PROPOSED DEVELOPMENT	Alterations and additions to an existing building for use as a SEPP (Housing for Seniors or People with a Disability) residential care facility and a community facility, including a café, with ancillary car parking and landscaping.
APPLICANT:	RJA Projects Pty Ltd
REPORT BY:	Kerry Gordon – Director, Kerry Gordon Planning Services Pty Ltd

<u>Application Lodged:</u>	4 April 2014, amended plans/additional information lodged 14 July 2013
<u>Applicant:</u>	RJA Projects Pty Ltd
<u>Owner:</u>	Manly Council
<u>Estimated Cost:</u>	\$13,483,325
<u>Zoning:</u>	Manly Local Environmental Plan, 2013 – B2 Local Centre
<u>Surrounding Development:</u>	Low density residential, church, retail/mixed use
<u>Heritage:</u>	Not item, not in conservation area, adjoins item

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING FOR USE AS A SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) RESIDENTIAL CARE FACILITY AND A COMMUNITY FACILITY, INCLUDING CAFÉ, WITH ANCILLARY CAR PARKING AND LANDSCAPING
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND 12 SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO THE ROADS AND MARITIME SERVICE
4. THE APPLICATION WAS REFERRED TO ALL PRECINCT COMMUNITY FORUMS FOR COMMENTS. THE FAIRY BOWER AND FAIRLIGHT PRECINCT COMMUNITY FORUMS RAISED NO OBJECTIONS WHILST CLONTARF AND IVANHOE PARK RAISED CONCERNS WITH THE PROPOSAL.
5. THE APPLICATION INCLUDES A VARIATION TO THE HEIGHT DEVELOPMENT STANDARD OF 8.1%.
6. ON 14 JULY 2014 THE APPLICANT SUBMITTED AMENDED PLANS AND ADDITIONAL INFORMATION IN RESPONSE TO CONCERNS RAISED IN THE ASSESSMENT OF THE APPLICATION – THESE AMENDMENTS DID NOT WARRANT RE-NOTIFICATION OF THE APPLICATION AS THE AMENDMENTS RESPONDED TO ISSUES RAISED BY COUNCIL
7. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL **APPROVAL**

Introduction

Subject Property and surrounding area

The subject property is commonly known as No. 550 Sydney Road, Seaforth and legally known as Lot 2 in DP 1002339. The site is located on the northern side of Sydney Road, but has no frontage to Sydney Road (with the adjoining site containing Seaforth Library fronting Sydney Road). The site has frontage to both Frenchs Forest Road and Kempbridge Avenue. The property is irregular in shape and has an irregular frontage of 93.53 m to Frenchs Forest Road, a frontage of 71.078m to Kempbridge Avenue, a northern boundary dimension of 71.919m and an irregular southern boundary dimension of 60.025m, with an overall site area of 5,574m². The property currently contains a 2-3 storey brick and concrete building which was previously used as a TAFE with vehicular access via an existing driveway from Frenchs Forest Road to an existing car park located adjoining the northern boundary of the site, another vehicular access of Frenchs Forest Road and one off Kempbridge Avenue. The building is an irregular shaped building with the southern and northern wings being 3 storey, the connecting eastern wing being part 2 and 3 storey and the western connecting wing being 2 storey.

The property slopes down from south to north by between approximately 1.6m (Frenchs Forest Road frontage) and 2.2m (Kempbridge Avenue frontage) and includes a crossfall of between approximately 2.7m (southern boundary) and 3.3m (northern boundary).

The surrounding area includes low density residential development adjoining to the north and diagonally opposite to the north-east comprised of single detached dwellings. Two dwellings immediately adjoin the subject site to the north, No. 1 Kempbridge Avenue (adjoining the eastern half of the northern boundary) and No. 2 Frenchs Forest Road (adjoining the western half of the northern boundary). No. 1 Kempbridge Avenue contains a single storey cottage which is setback approximately 3.8m from Kempbridge Avenue and 1m from the common boundary with the subject site. This dwelling is constructed at a lower level than the subject site, with the gutter level of the dwelling being only 1.6m above the level of the existing car park which is a retained structure located approximately 5m from the dwelling. The dwelling has four windows adjoining the common boundary with the subject site. No. 2 Frenchs Forest Road contains a single storey cottage which is setback approximately 9.4m from Frenchs Forest Road and 1m from the common boundary with the subject site. This dwelling is constructed at a similar level to the adjoining car park on the subject site and has 3 windows adjoining the common boundary with the subject site.

Immediately to the south of the subject site is Seaforth Library which is contained within a small stone and tile building which is listed as an item of heritage under Manly Local Environmental Plan 2013 (MLEP). The library is located in a recently landscaped plaza area. Further to the south, on the opposite side of Sydney Road and opposite the site to the south-east are mixed use properties of low scale. Opposite the site to the west is a church.

Property Burdens and Constraints

The subject site is located in a Class 5 acid sulphate soil area and the application includes a geotechnical assessment report that indicates that although the site is within 500m of adjacent Class 1-4 land, the development will not lower the groundwater table on this land and as such specific acid sulphate soil management is unnecessary.

The site is not identified as being on land prone to landslip and is not identified as being bushfire prone.

The subject site does not contain any items of heritage and is not located in conservation area. The site adjoins Seaforth Library which is listed as an item of heritage. As the works in the vicinity of the item of heritage comprise cosmetic changes to the building and landscape works, they will not have a detrimental impact upon the heritage significance of the item.

Description of proposed development

The proposal includes alterations and additions to an existing building for use as a SEPP (Housing for Seniors or People with a Disability) residential care facility (total 76 accommodation rooms) and a community facility, including a café, with ancillary car parking and landscaping and is described in detail following:

Building Works

Ground Floor: It is proposed to excavate to the west of the existing two storey connecting western wing of the building to create a "basement" level addition (courtyard is proposed above) having dimensions of 11.4m x 16.2m.

Enclosure of the existing undercroft area of the eastern wing fronting Kempbridge Avenue,

Construction of a garbage storage bay and plant room forward of the existing fire stairs to the Kempbridge Road frontage.

Internal fitout of ground floor, with the southern half to be occupied for community purposes, including a café and potentially a business start up use. The fitout includes internal partitioning, provision of toilets, including an accessible toilet and installation of a kitchen and servery for the café. The northern half of the ground floor is to be fitted out as part of the proposed residential care facility with the ground floor providing for the administration and amenities for the complex, including a health centre, storage/maintenance rooms, staff amenities, function centre with terrace, medical consulting rooms, offices, hairdressers/day spa, laundry and kitchen. The main entrance to the residential care facility is via the proposed car park to the north of the building and is located roughly centrally on that façade. A second entrance is provided with an accessible ramp from the health centre to Kempbridge Avenue.

First Floor:

It is proposed to provide a small addition to the western façade of the western wing having a depth of 2.2m, to provide a small addition to the southern side of the northern wing and to enclose a balcony on the western side of the eastern wing.

It is proposed to fitout the first floor for use as a residential care facility. The eastern and western wings are largely to contain communal facilities, with the western wing containing two dining areas separated by a servery, store room and staff station and the eastern wing containing a lounge area and leisure area. The remainder of the floor is to be fitout with residential rooms, along with small sitting rooms for use by residents and visitors and various store rooms for the day to day operation of the facility. A total of 38 accommodation rooms are proposed on the first floor. Two lifts are proposed within the building, both in the northern wing, with one marked “visitors” and the other “service”. The first floor area leads out to raised terrace which is divided into two areas, one being a dementia courtyard.

Second Floor:

It is proposed to provide an additional storey on the currently two storey western wing and a large, projecting 4.2m x 12m balcony is proposed to the western side of this additional floor.

It is proposed to fitout the first floor for use as a residential care facility. The eastern and western wings are largely to contain communal facilities, with the western wing containing dining and lounge areas with a servery, store room and staff station and the eastern wing containing a leisure area. The remainder of the floor is to be fitout with residential rooms, along with small sitting rooms for use by residents and visitors and various store rooms for the day to day operation of the facility. A total of 38 accommodation rooms are proposed on the second floor.

External

Substantial works are proposed to the facades of the building to provide new openings for the accommodation rooms and to improve the appearance of the building. In particular, the southern façade of the southern wing and the the northern façade of the northern wing are to be provided with red feature fins and dark grey metal cladding. The eastern façade and western façade are to be finished partially in white and partially with dark grey metal cladding, with some red architectural elements.

The existing central courtyard is to be divided into two, with the northern portion to become an enclosed courtyard for the use of residents and visitors to the residential care facility and the southern courtyard to be used in conjunction with the proposed café and community centre.

It is proposed to reconstruct the existing car park at the same level to provide 20 parking spaces for staff and visitors. The existing access off Frenchs Forest Road is to be retained and is to become an entry only driveway, other than for servicing vehicles. A new access driveway ramp is proposed from Kempbridge Avenue which is to provide for ingress/egress. A variable width landscape strip is proposed along the northern boundary (1.3m-4.4m). A canopy is proposed in front of the entry foyer (between the proposed parking spaces) and is to double as an ambulance bay. A service area is identified within the car park to the Frenchs Forest Road frontage.

It is proposed to carryout landscaping throughout the grounds of the site, other than in the areas which have previously been landscaped by Council for the plaza surrounding the library. It is also proposed to create an elevated (1.8m above existing ground level) courtyard which is to be constructed over the proposed “basement” extension of the ground floor and extends to align with the front of the northern wing.

Initial Assessment

An initial assessment was made of the application, which included consideration of the submissions received, and the applicant was requested to amend the application and provide additional information by letter dated 10 June 2014. In this letter the following was requested:

- The application indicated the proposal was for a health care facility pursuant to SEPP (Infrastructure) and community facilities. The application did not comply with the definition of health care facility and the applicant was advised that the proposal appeared to comply with the definition of residential care facility pursuant to SEPP (Housing for Seniors or People with a Disability). Clarification of the defined use and its permissibility was sought.
- The applicant was advised that clause 6.11 of LEP 2013 required active street frontages for development on the site and that the proposal did not appear to meet this requirement.
- The applicant was advised that clause 6.14 of LEP 2013 requires the preparation of a DCP for key sites unless development is “minor” and the proposal was not considered to constitute “minor” development.
- The applicant was advised that clause 6.16 of LEP 2013 requires that 25% of the gross floor area of the building must be used for commercial premises in the B2 zone and the proposal did not comply with this requirements.
- The applicant was asked to provide a statement of environmental effects addressing the requirements of SEPP (Housing for Seniors or People with a Disability).
- The applicant was requested to provide additional information on the method and location of storage and removal of bodies from the premises in a discrete manner.
- Additional information was requested in relation to sight distances at the exit point onto Kempbridge Avenue.
- Additional information was requested in relation to proposed waste and recycling storage for the proposed café and community uses.
- Additional information was requested in relation to the proposed hours of use of the community facilities and café.
- Amended landscape plans were requested addressing areas of the site not already landscaped and not shown on the proposed landscape plan and to provide increased landscaping to the Kempbridge Avenue frontage.
- Plans of the proposed re-linemarking of the street parking in Kempbridge Avenue required as a result of the proposed driveway were requested that identified if the existing electricity pole would require relocation.
- Additional information was required in relation to whether the existing retaining walls were to be retained or replaced.
- Additional justification was requested in relation to the provision of a single lift for residents and visitors.

- Clarification was required in relation to the need for the extensive ramp system to Kempbridge Avenue.
- Concerns were raised in relation to the privacy of some of the accommodation rooms.
- Clarification and/or amendments to the car park layout were required to address the Australian Standards and to clarify use of the loading area and ambulance bay.
- More information was requested as to the level of independence of the residents.
- An accessibility statement was requested addressing SEPP (Housing for Seniors or People with a Disability).
- An acoustic report was requested addressing road noise, treatment of plant and impacts of the use of the car park area upon the adjoining residents.
- A comprehensive assessment of the impacts of the proposal upon the adjoining residents was requested.
- A response to the specific detailed submissions on the design of the facility was requested.

Response by Applicant to Initial Assessment

In response to the initial assessment the applicant provided the following information:

- A Statement of Environmental Effects clarifying the definition of the use and its permissibility under SEPP (Housing for Seniors or People with a Disability) and LEP 2013, the applicability of clauses 6.11, 6.14 and 6.16 of LEP 2014, addressing the provisions of SEPP (Housing for Seniors or People with a Disability); justification of need for ramp access to Kempbridge Avenue, clarification of the level of independence of the proposed residents, a response to the detailed design criticism in the submissions and an assessment of the impact upon the adjoining residents.
- Amended plans showing repair of retaining wall and removal of tree to Frenchs Forest Road, removal of parallel parking adjoining residential properties to the northern boundary to provide a wider landscaped buffer resulting in a reduction in onsite parking to 14 spaces, provision of capped and lapped fence along northern boundary, replacement of retaining wall to Kempbridge Avenue, removal of redundant vehicular crossing, provision of additional trees to Kempbridge Avenue frontage and landscaping of courtyard to that frontage, details of line-marking and light pole retention in Kempbridge Avenue, provision of new footpath to Kempbridge Avenue, provision of privacy measures and provision of a “green wall” to the pedestrian ramp in Kempbridge Avenue.
- Amended landscape plans
- Legal opinion as to the definition and permissibility of the proposed use and applicability of clauses 6.11, 6.14 and 6.16 of LEP 2014.
- Site Management Statement addressing removal of bodies and use of lift.
- Updated Traffic and Parking Report.
- Details of waste storage for café and community facility.
- Accessibility statement.
- Acoustic report.
- Clause 4.6 variation request to clause 4.3 of LEP 2013.

Internal Referrals

Engineers Comments

The Council’s Engineers offered no objections to the proposal subject to inclusion of recommended conditions of consent.

Building Comments

The Council’s Building Surveyor offered no objections to the proposal subject to inclusion of recommended conditions of consent.

Landscape Officers Comments

Council's Landscape Officer has commented on the proposal as follows:

"In addition to this I should point out an error within paperwork as T12 is not shown on provided Landscape Plans authored by Taylor Brammer Landscape Architects Pty Ltd as being removed however the supplied Arborist Report authored by Stuart Pittendrigh states that the 'Tree will be adversely (sic) impacted by proposed development and will need to be removed'.

No proposed irrigation has been referred to in Stormwater Plans, this will need to be addressed to ensure establishment of the proposed plantings.

Regarding the proposed plantings, I believe they are appropriate given the majority proposed are endemic and thus sensitive to Council's aims and goals set within the Development Control Plan (DCP) 2013. Being endemic ensures long term survival provided adequate establishment is carried out.

Non endemic plantings are mostly contained within internal gardens and appropriate given deciduous trees are required within this area.

The existing and proposed tree plantings exceeds requirement for the site. The majority of tree removals are to accommodate the proposed additions, no trees are being removed without good reason or outside the Arboricultural Report recommendations.

Trees adjoining neighbours on Kembridge Road are being removed in consultation with the property owners. Low, non-climbable planting is proposed at their request/approval. These planting are appropriate given the levels within the area (subject site is higher than adjoining properties)."

The Council's Landscape Officer requested a number of conditions which have been included in the recommendation.

Heritage

Council's Heritage Officer has commented on the proposal as follows:

"Heritage Status

The subject site, 550 Sydney Road, Seaforth is not currently identified as an item of Heritage Significance within Schedule 5 of the Manly Local Environmental Plan 2013 (MLEP), Amendment 1.

The site is, however, adjacent to Heritage Item number I273 "Stone library (former school house)".

Existing Property

The subject site, located on Lot 1 DP 1041057, comprises the former Seaforth College of TAFE building, which began operation in 1964. The college was closed and has remained vacant since 1999 and consequently its physical condition has deteriorated.

The adjacent heritage listed former school house, located on Lot 2 DP 1041057, is a small sandstone building constructed in 1893. It is currently used as the Balgowlah Seaforth Library.

Proposal

The proposal seeks to undertake alterations and additions to the former Seaforth TAFE building to create a Residential Health Services Facility for persons, with age related health issues, Community Centre and Café.

The proposal includes the rejuvenation of the existing southern facade, through the utilisation of various new material and colours. In general, whilst modernising the facade, the proposed changes respect the existing vertical articulation, and will not change it in a substantial way.

Comments

The proposed alternations to the former TAFE college building will have nominal impact on the heritage significance of the former school building. The proposed works do not change the bulk and scale of the existing building as it faces the heritage item, and with the exception of the new materials on the facade, the interface between the two buildings will essentially remain unchanged. Furthermore, the reactivation of the former TAFE building may assist in revitalising the area surrounding the library. The creation of the new community centre facility also has the potential to provide a complementary function, and may increase visitation to the library, thus assisting in maintaining a viable use for the structure.

There are no objections to the proposal from a heritage point of view.

Conditions of Consent

No additional conditions of consent recommended.

Waste

Council's Waste Officer has commented on the proposal as follows:

"Amended plans to be submitted to Council showing the separate waste and recycling storage area for the proposed café. The applicant is required to comply with the NSW Waste Management Guidelines for health care facilities – August 1998. Your attention is drawn to section 6 – handling/containment/transport and storage."

Comment: Amended plans were sought from the applicant and referred to Council's Waste Officer who indicated the amended proposal was satisfactory subject to conditions which have been included in the recommendation.

Environmental Health

Council's Environmental Health Officer has commented on the proposal as follows:

- *"Beauty salon proposed. No detail regarding skin penetration activities.*
- *Commercial kitchen proposed. Drawing A102 & A201 show kitchen however detail is limited. Stove top, double-bowl sink and two hand wash basins identified on plans. Mechanical exhaust ventilation also proposed for commercial kitchen which is to be vented through the roof.*
- *Council to sub-lease ground floor area for use as a cafe. No detail regarding the proposed cafe.*
- *Plant platform on roof area. Roof plan (A204) shows acoustic barrier to be provided at 2.2m high. Plant proposed on roof area – A/C condensers and exhaust discharge points. Plan references mechanical consultant documentation however this documentation was not supplied. Closest sensitive receiver identified on Exponare to be 2 Frenchs Forest Road, Seaforth. Exhaust discharge points located on roof area of the building in the North-West section of the property. Plant room to be located central to the property on the roof area of the middle building.*
- *Site is classed as Class 5 Acid Sulphate Soils. Geotechnical Report identifies that no management plan is required as the site is not within 500m of adjacent Class 1, 2, 3, or 4 land and the development has be considered to be unlikely to lower the water table as the report indicates the watertable is below sandstone bedrock.*

- *External lighting to be provided to car park area – positioned so as not to cause nuisance to neighbouring properties. Closest sensitive receivers identified on Exponare to be 1 Kempbridge Avenue and 2 Frenchs Forest Road, Seaforth which adjoin the northern boundary of the property.*
- *Geotechnical Report identifies seepage may occur through the bedrock and along strata boundaries. The report recommends a sump-type drainage system to be installed in any new basement area. It also identifies that seepage may be encountered in excavated areas during construction.*
- *Geotechnical Report concluded that no hazardous materials such as asbestos or clinical waste found in soil samples.*
- *Stormwater Drainage Report identifies that the in ground piped system requires maintenance and that the sub-surface drainage to be upgraded. 'Humes Jellyfish' filter to be installed to capture sediment and nutrients before entering stormwater system.*
- *A sediment control plan has not been submitted.*
- *Proposed operating hours have not been identified.*

Recommendations

Request copy of the mechanical consultant documentation as noted on roof plan.

Recommendations of Geotechnical Report to be adopted.

Recommendations of Stormwater Drainage Report to be adopted.

If application to be approved, the following conditions should be placed on the Notice of Determination."

Comment: An acoustic report was requested from the applicant and this was referred to Council's Environmental Health Officer for comment. Council's Environmental Health Officer concurred with the findings of the acoustic report and the recommendations of the report have been included in the recommended conditions. The recommendations of the geotechnical and stormwater drainage reports have been included in the recommended conditions of consent.

Access

Council's Access and Mobility Committee has commented on the proposal as follows:

"The Committee considers the parking proposed to be inadequate. The facility, with 76 beds proposed, would require around 20 staff per day-shift or 40 staff over a 24 hour period, many of whom may drive long distances. Around 50% of residents will have daily visitors based on the experience of a similar facility, Manly Wesley Heights Aged Care. It is possible that some residents in the low care units could be still driving. On-street parking in the vicinity is timed parking."

Conditions of consent are recommended requiring the provision of a dedicated area for the parking of resident's mobility scooters, the provision of additional parking onsite, the provision of an additional on-street accessible parking space in Kempbridge Avenue adjacent to the accessible toilet and a dedicated holding/transfer room with controlled temperature and discreet exit for storage and removal of bodies.

Comment: The provisions of SEPP (Housing for Seniors or People with a Disability) provide requirements for parking which, if satisfied, cannot be used as a reason for refusal. As is discussed later in this report, the proposal provides 1-2 less parking spaces than required under the SEPP. It is considered appropriate in lieu of provision of the additional space, that the applicant fund the cost of providing the requested accessible parking space in proximity to the accessible toilet facility onsite. This location would provide appropriate access to the ramp providing entrance into the building and the public accessible toilet and as such could be used for visitors to the site and the general public. A condition to this effect is recommended.

More information was sought from the applicant as to the type of resident being catered for in the facility given it is a residential care facility and not self-contained accommodation. The additional information provided indicates that the facility is to provide for local residents following a medical assessment by the Aged Care Assessment Team rather than self-contained accommodation. Given this information it would appear that the residents will not have a high degree of independence, relying upon staff and the facility for laundry, meals and cleaning. Such residents are not likely to be able to travel independently or with mobility scooters and as such a parking area for such is not considered necessary for the proposal.

Finally, more information was sought in relation to the removal of bodies from the facility. The applicant has provided a management statement for the facility which indicates that bodies remain in their room until collection is arranged. Collection is arranged at a suitable time, usually early in the morning or late in the day outside the more common visiting hours. The body will be moved via the service lift to the loading dock. Given the management statement a separate mortuary room is not required and the method of collection of bodies is considered appropriately discrete, as long as it occurs at appropriate times and a condition to this effect is recommended.

Traffic Engineer

Council's Traffic Engineer has commented on the proposal as follows:

"Existing Conditions

The site and vehicular access

The former Seaforth TAFE College is situated at the intersection of Sydney Road / Frenchs Forest Road and also has a frontage on to Kempbridge Avenue. The site is currently unused. However, when operating as a TAFE would have generated high volumes of pedestrian and vehicular traffic.

Public transport

The site is within close proximity (less than 50m) to the Seaforth shopping area where there are bus stops connecting to the Manly CBD, Balgowlah, the City, Chatswood and Warringah mall and the Northern Beaches.

The current bus services are regular and frequent giving the site good accessibility by public transit. In addition to the state transit bus services, Manly Council operates an hourly 'Hop Skip and Jump' bus service between Seaforth and the Balgowlah interchange.

Public transport in the vicinity of the site would support a high sustainable travel mode share and reduces the dependency on car use for visitors to the site.

Traffic performance

The Traffic Report suggests that existing traffic performance is good. The Sydney Road / Frenchs Forest Road / Ethel Street intersection, which is the critical intersection in this area, is performing satisfactory during morning and afternoon peaks, with acceptable levels of service and delay to vehicles.

The traffic report also suggests that the local road network has some capacity to accommodate the additional traffic that might be generated by the development.

On street parking

The Traffic Report does not provide any information about the supply and demand for on street parking in the vicinity of the proposed development. Parking within the Seaforth is in high demand, particularly during the afternoon peak period. However, anecdotally the on street parking close to the TAFE site has a high turnover so some spaces are available at most times of day within a short walk of the site.

Proposed Traffic Generation

The proposed development will generate some additional traffic when compared to the current unoccupied land use. However, the level of traffic generation will be significantly less than would have existed if the TAFE had remained in operation.

Neither council's DCP nor the Roads and Traffic Authority Guide to Traffic Generating Developments (October 2002) provide guidance on the likely trip generation for a residential aged care facility.

The proposal to provide residential age care for 76 residents is expected to require up to 24 staff during day and less at night. The residents in care are likely to make very few trips and so trip generation will predominantly be from carers (the staff), visitors and service providers.

Transport and Traffic Planning Associates (TTPA) undertook traffic generation surveys of similar age care facilities. These have shown that traffic generation is likely to be in the range of 0.17 to 0.22 vehicle trips per bed per hour (within the peak hours). **This equates to between 13 to 17 trips in the peak hours. This level of traffic generation is unlikely to have an appreciable impact on any of the intersections close to the site.**

To check the validity of the trip generation assumed by TTPA two alternative trip generation approaches have been considered:

- **ITE Trip generation rate** – The Institute of Transportation Engineering (a US organisation) Trip Generation Manual suggests a rate for age care facilities of between 0.16 to 0.25 vehicle trips per bed in the peak hours (this correlates well with results of the TTPA survey results).
- **First principles** – A rate can be estimated from first principles. Assuming 50% of the staff arrive and leave by car in the peak hours and that up to 10% of residents have a guest arriving by car in the peak hours this equates to 12 staff trips and 8 visitor trips = 20 vehicle trips in the peak hour or 0.26 vehicle trips per bed in the peak hour. This rate correlates with the upper traffic generation rate suggested by the ITE.

The traffic generation rates assumed by TTPA in there Traffic Report are considered to be reasonable and the conclusion that at this rate traffic generation would be minimal and so unlikely to create any traffic or road safety impacts is supported.

Neither the Council's Development Control Plans (DCP) nor the Guide to Traffic Generating Developments (RTA 2002) provides guidance on traffic generation for Community Rooms.

The community rooms are intended to be used throughout the day but are likely to be busiest during the evenings outside of the PM peak hours for traffic. Traffic generation for the community rooms has been estimated based on the following assumptions:

- A maximum occupancy density of 20 people per 100 square metres of GFA for the community rooms (this is likely to overstate the number of users)
- An occupancy density of 9 people per 100m for the cafe. This based on the evening peak hour traffic volume for a restaurant.
- A utilisation rate of 85 percent of the maximum

- 90 percent of users living locally and 10 percent of users coming from out of the local area
- 15 percent of local users arriving by car. This assumes that most users will walk to the site or if they drive they will park in one of the close by free car parks and make the final park of their journey on foot. Given the availability of off street parking in nearby car parks this seems a reasonable assumption.
- 65 percent of non-local users arriving by car
- A car occupancy of 1.18 people per car (this is the Sydney metropolitan average and likely to overstate traffic generation for Seaforth)

In addition to the assumptions above it has also been assumed that 50% of community room users and 80% of cafe users will make a linked or multi-destination trip. This assumption accounts for users of the cafe, visiting as part of a trip to the community rooms or as part of a visit to the Seaforth Shops and assumes only 20% of users will make a trip solely to visit the cafe. It also accounts for users of the community rooms combining their trips with visits to the local shops, cafes and restaurants.

Based on the above assumptions the community rooms and cafe could generate **up to 14 vehicle trips per hour**. However, for the majority of the day traffic generation is expected to be far lower. It is also assumed that trip generation for the community rooms would be greatest after 7:00pm which is outside the peak hours for traffic on Sydney Road and Frenchs Forest Road.

Combining the likely traffic generations for the residential aged care facility and the community rooms in the PM peak hour could yield:

Trips for the Residential Aged Care facility	= 17	
Trips for the community rooms and cafe	= 14	
Total vehicle trips in PM peak hour		= 31 vehicle trips.

Using the trip distribution assumed by Transport and Traffic Planning Associates in their report "BUPA CARE" Proposed adaptive reuse for residential aged care facility cnr Frenchs Forest Road and Sydney Road, Seaforth - Assessment of Traffic and Parking Implications (TTPA March 2014) this equates to an additional vehicle trips to the existing traffic volumes:

- 13 inbound vehicle trips
- 18 outbound vehicle trips

This total traffic generation is minor when compared to existing traffic using the signalised intersection of Kempbridge Avenue / Sydney Road and is unlikely to have a noticeable impact.

Traffic Generation Sensitivity Test

The sensitivity of the traffic generation model was tested by assuming that 65% of local community room users would drive to the community rooms. Under this scenario a cumulative total of 75 vehicle trips per hour could be generated which equates to:

- 43 inbound vehicle trips
- 32 outbound vehicle trips

This scenario represents a worst case scenario when all the community rooms and cafe are fully occupied and the majority of users choose to drive. Given the availability of parking close to the site this scenario is unlikely. However, if it was to occur it would likely occur after 7:00pm at which time there is significant spare capacity at the Kempbridge Avenue / Sydney Road traffic signals and in the surrounding road network.

Proposed Access

The proposed access points to the development are an ingress/egress access on Kempbridge Avenue and an ingress only (service vehicles excepted) access off Frenchs Forest Road. The Kempbridge Avenue access is a new access and requires the removal of four existing on street parking spaces while the Frenchs Forest access is a modification of an existing access point.

The Traffic Report states that the design of the driveways will comply with the requirements of AS2890.1 and 2 and there will be good sight distance on both access points.

The proposed access off Frenchs Forest Road will be an ingress only access (modification of an existing access) with the exception of service vehicles. The location of this access point is considered to be satisfactory from a safety point of view.

A line of sight zone (as specified on drawing A102) has been provided at the proposed Kempbridge Avenue access point. However, the location of the kerb and the on street parking (as seen in Figure 2) located north of the access point may obstruct the view of drivers exiting the car park and wishing to turn right in a southbound direction.

It is recommended that the applicant provides further information to demonstrate that the sight distance in a northbound direction at the Kempbridge Avenue access can meet the required standards.

Proposed Parking Provision and Layout

The Traffic Report provides an estimate of the number of parking spaces required as a result of the proposed development. The report uses the rates provided in the SEPP 'Housing for Seniors or People with Disabilities' which requires 1 parking space per 10 beds and 1 parking space per 2 staff. Applying these parking rates would yield 8 spaces for visitors and 12 spaces for staff, which is what is proposed to be provided.

The Traffic Report states that the design of the car park will comply with the requirements of AS 2890.1 and 6.

The proposed layout of the car park is provided on drawing number A102. The following comments should be clarified by the applicant:

- Service area – Please clarify how access to parking bays number 13 and 14 will be managed if a service vehicle is parked in the service area;*
- Parallel parking spaces – Spaces number 17 to 19 and 20 appears to be short (below the required minimum of 6.3m and 6.6m according to AS 2890.1);*
- Parking bay number 1 appears to be narrow (below the minimum width required for an end space according to AS 2890.1); and*
- Aisle width – Please provide turning circles to demonstrate that a vehicle can access and leave the 90 degree parking bays provided.*

The applicant should clarify the above to ensure compliance with Australian Standards.

Neither Councils DCP nor the guide to Traffic Generating Developments provides a parking rate for community use rooms. Using the assumptions for the traffic generation a parking demand of 7 parking spaces has been estimated.

There are approximately 20 free parking spaces restricted to 2 hours on Kempbridge Avenue adjacent to and opposite to the site. In addition, there are approximately 40 free parking spaces restricted to 4 hour parking in the Council car park at the end of Ross Street approximately 2 minutes walk from the site (refer to Figure 3). Further off street parking is provided by council in the Balgowlah RSL on Ethel Street with is approximately 5 minutes walking from the site. Both these car parks have more than 7 spaces vacant at most times of the day.

The 2 hour parking on Kempbridge Avenue is often unused after 7pm at night and so would be available for use by the users of the community rooms.

Conclusion

The proposed development is unlikely to have a significant impact on traffic flow or safety. This is because the likely traffic generation is very low. It is estimated that traffic volumes on Kempbridge Avenue / Sydney Road may increase in the peak hours by up to 17 trips in the peak hour. This is insignificant when compared to the existing traffic flows at this intersection.

The site is well served by public transport and so there is good access for staff and visitors by alternative modes to the car.

The development proposes to provide 24 parking spaces which is considered adequate to accommodate all visitors and staff at all times and so the site is unlikely to have any impact on the parking supply on surrounding streets.

Some details about the design of parking bays, sight lines for access and circulation have been identified. These would need to be addressed by the applicant prior to a construction certificate being issued.

Comment: The applicant was asked for additional information to address the concerns raised by the Traffic Engineer. The additional information was forward to the Traffic Engineer who raised no objection to the amended proposal subject to conditions which have been included in the recommendation.

Driveway

The Council's Driveway Officer offered no objections to the proposal subject to inclusion of recommended conditions of consent.

External Referrals

Precinct Community Forum Comments

The proposal was referred to the nine active Precinct Community Forums for comment. The following comments were received:

Fairlight Precinct

Having accepted the disposal of this site by the Government, its purchase by Manly Council for Community benefit and recognising the high demand for aged care facilities in close proximity to transport and services. This proposed use is valid and appropriate particularly as contained within the existing building. The community component is a valuable asset at minimal cost and well located. The delineation of the facade with texture and colour is imaginately done without being over intrusive and well complemented with planting.

The Precinct supports - Approval subject to compliance with Manly Council site controls and independent review by a JRPP.

Ivanhoe Park Precinct

Suggestions were made to provide a more integrated, open and friendly for community use.

MOTION: Provide better access and use of café, some community parking and a suitable reception and office area.

Moved: Alison Dodd; **Seconded:** Denis Keen. All unanimous.

Action – Please review comments concerning the layout of the communal areas within the Health Center – see below

Alterations and additions to the former Seaforth TAFE building to create a Residential Health Services Facility for persons with age related health issues, Community Centre and Cafe

Objection from Precinct on the design of the Community Centre and Cafe. The presented layout of the Community Centre and Cafe is not conducive to maximising community use.

The design can be improved with consideration to the following:

- * Large spaces that can be divided up into small rooms if required provide for more flexible use. Particularly a large 'hall' space is required for large meetings or functions*
- * A reception area to greet people is necessary*
- * The 'admin' office should be adjacent to the reception area and not need to be accessed through a meeting room*
- * All meeting rooms should have independent access rather than through other rooms or the cafe*
- * The cafe could open up to both the courtyard and the plaza maximising 'openess' of the Community Centre and perhaps freeing up indoor space for other uses*
- * Thought must be given to a central full kitchen that can be accessed from all meeting rooms. Ideally it would also open to a 'main' meeting room through a sliding hatch or similar*
- * Thought must be given to storage of chairs and tables when not required but can be easily moved and accessed from all rooms*
- * Position of PA/projection systems should be discussed and agreed. Both for appropriate storage and for projection space*
- * There will be some parking required, either for staff or for people hiring rooms in the premises*

No issues raised from Precinct on this DA in regard to the Residential Health Facility

Comment: Whilst the above comments are acknowledged, Council has designed the community facility and presumably have done so with many uses and users in mind. It is considered that Council is therefore in a better position to design the layout of the space than the author of this report and I could not appropriately require changes to the design.

Fairy Bower Precinct

The Precinct generally supports the application and the mix of aged care and community uses.

Clontarf Precinct

A spirited discussion was held regarding this large development application.

A presentation from an informed health professional was given on the best practice design of Aged Care Facilities in this modern era. Please find a copy of the presentation which forms the basis of a submission of objection of the presenter attached to the minutes. The attachment of the submission was agreed to by the meeting.

Another member of the meeting reiterated that BUPA would spend \$30 million to renovate the building and that 10% of the building would be retained for the Community Centre on the lower ground floor opening onto the Seaforth Piazza.

There was some discussion regarding the outside facade treatment of the building and it was seen that the red bar like decoration and the modern industrial colours of brown and black being the other colours of the building, were not in character with the surrounding areas and it was hoped that this facade colouring would be softened and calmed for older people's preference. More outdoor and garden areas were also thought to be more beneficial and health giving for older residents.

Motion 1: 'The Precinct appreciates that the size and location of the former Seaforth TAFE may not be able to be changed but expresses great concern as to the quality of the proposed use of the building in that the internal layout of the is Aged Care Facility is far below the level of best practice by modern international standards. The Precinct requests that the designers and planners revisit the internal refitting of the accommodation and consider recreation areas with gardens and terraces included. The Precinct is all very concerned that the physical appearance of the building should be modified, with a removal of the "bar like" facade covering of corroded aluminium windows and a substitution of some other more attractive external treatment. The colour scheme should be softened to be more attractive to older people's taste and not red which is an aggressive, hot colour. Blues and greens are more restful and welcoming.'

Vote: unanimous motion carried

Motion 2: "The Precinct expresses deep disappointment about how the decision to convert the Seaforth TAFE building into a large private residential Aged Care Facility was made. Any plan of this magnitude should have been put before the Precinct before the Memorandum Of Understanding was signed. There has never been any communication that this site was to be used as an ACF and in fact, the Precinct feels that Council has broken its promise to make the site into a full Community centre with innovative activities open to all in the community. Council has demonstrated a great lack of transparency in and lack of communication to the Precinct regarding this site being turned over to a large commercial enterprise."

Vote: in favour: unanimous motion carried

Comment: The comments in relation to the internal design of the residential care facility were referred to the applicant for comment. The applicant's response indicated that whilst there are a number of different facility types for accommodation for aged and disabled persons it has extensive experience in running such facilities and the standard of accommodation and facilities proposed are high. It is agreed that the standard of the facility is appropriate to the nature of the accommodation provided.

In terms of the design of the façade upgrades, the design approach and colour scheme are considered to provide for a modernizing of the building. The use of red for architectural features is considered acceptable in the location and is not considered inappropriate for the use or in the context.

The Precinct's comments in terms of the level and timing of information about the use of the subject site is noted and is a matter for Council to respond to, not being a matter for consideration in the assessment of the application.

Roads and Maritime Services

The proposal was referred to the Roads and Maritime Services. Roads and Maritime Services raised no objection to the proposal subject to advisory comments in the form of conditions which have been included in the recommendation.

Planning Comments

Environmental Planning & Assessment Act 1979 – Section 79(C)(1)

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:**
 - (i) any environmental planning instrument, and**

State Environmental Planning Policy 55

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The geotechnical report prepared for the proposal also included soil testing which found the site not to contain soil contamination beyond acceptable levels. No further assessment is required.

State Environmental Planning Policy (Infrastructure)

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority, it being noted that the existing electricity pole in Kempbridge Avenue is being retained and protected by way of raised kerbing.

The Roads and Traffic Authority referral response requests that proposed development be designed such that road traffic noise from Sydney Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102.3 of State Environmental Planning Policy (Infrastructure) 2007. An acoustic report was requested from the applicant addressing this requirement and the report provided indicates subject to specified construction elements, the noise level within the accommodation rooms will satisfy clause 102.3. A condition of consent requiring the appropriate level of construction is recommended.

State Environmental Planning Policy (Housing for Seniors or People with a Disability)

Clause 4 of SEPP (Housing for Seniors or People with a Disability) indicates that the policy applies to land that is primarily zoned for urban purposes if dwelling-houses, residential flat buildings, hospitals or special uses are permitted on the land. The site is zoned B2 Local Centres and the identified uses are not uses that are permissible with consent. However, SEPP (Infrastructure) permits hospitals in B2 zones and as such hospitals are permitted uses in the zone, making SEPP (Housing for Seniors or People with a Disability) applicable to the subject site. Clauses 15 and 16 provide that seniors housing (of which residential care facilities are one form) are permissible on the subject site with consent.

The proposal, in part, constitutes a residential care facility pursuant to SEPP (Housing for Seniors or People with a Disability), satisfying the following definition, as it provides accommodation rooms where meals and cleaning, personal care and nursing are provided, with appropriate staffing, furniture, furnishing and equipment. The health related facilities proposed are for use of residents only and as such are an ancillary use to the residential care facility.

*In this Policy, a **residential care facility** is residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*

(c) *appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.*

Note. The [Aged Care Act 1997](#) of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.

Clause 26 requires that consent shall not be granted to seniors housing unless written evidence is provided by the applicant showing that the residents of the proposed development will have access that complies to shops, bank service providers and other retail and commercial services that residents may reasonably require, community services and recreation facilities and the practice of a general medical practitioner. Access complies for the purpose of this clause if the facilities and services are located not more than 400m for the site by means of an accessible path or travel or there is public transport available and the stop is located no further than 400m away by means of an accessible path of travel and the service is available to and from the site at least once a day between 8am and 12pm and once between 12pm and 6pm Monday to Friday.

The Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions indicates that the site *"is within 400 metres of a range of retail, commercial & community services including a general medical practice, banking & recreational facilities, etc. located within the Seaforth Village Local Centre as well as regular bus services to other facilities with access via public paths at satisfactory grades for accessibility as required under the SEPP."* And as such the proposal satisfies the requirements of clause 26.

Clause 27 requires that seniors housing not be located on land identified as bush fire prone and the subject site is not identified as being bushfire prone.

Clause 28 requires that consent shall not be granted unless satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal of sewage. The subject site is connected to an existing reticulated water system and the sewer, satisfying this clause.

Clause 29 requires consideration, prior to granting consent for seniors housing, of the whether the proposed development is compatible with the surrounding land uses having regard to the following:

- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

The site is not subject to any known environmental hazards. The site contains no significant remnants of the natural environment, having been fully developed in the past. The other uses in the vicinity of the site include mixed uses in the shopping strip, a church and residences. The proposed residential care facility is compatible within this mix of uses.

- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*

The site is well located for access by residents to services and facilities, being located within Seaforth Shopping Village and with a bus stop located opposite the site in Frenchs Forest Road. The site also immediately adjoins the Balgowlah Seaforth Library and is opposite Seaforth Anglican Church. Further, the proposal includes onsite facilities including hairdressing/spa and medical services.

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

The bulk of the development remains largely unchanged as viewed from Kempbridge Avenue (with only the enclosure of the ground level opening in the building) and Sydney Road. As viewed from Frenchs Forest Road an additional storey is proposed between the northern and southern wings. This addition will result in the building having the same height in the central portion as for the remainder of the western elevation. Given the separation of this element from adjoining properties the additional height has no detrimental impacts upon them. In terms of the streetscape, as the central portion will match the existing height of the remainder of the building, it will present an acceptable and compatible streetscape to Frenchs Forest Road.

Clause 30 requires the provision of a site analysis with any application for seniors housing. The amended information provided includes an appropriate site analysis diagram.

Clause 33 requires that development

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*

The proposal is not for a new building, but rather alterations and additions to an existing building. The limited additions to the building are designed to have compatible height, bulk, scale and setback with the existing building and the upgrade of the facades will improve the presentation of the building to the public domain, including the adjoining plaza, and as viewed from the surrounding residential area.

- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*

The site adjoins a local heritage item, Balgowlah Seaforth Library, and comments from Council's Heritage Officer indicate the proposal will not result in any loss of heritage significance for this item.

- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*

- (i) providing building setbacks to reduce bulk and overshadowing, and*
- (ii) using building form and siting that relates to the site's land form, and*
- (ii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
- (iii) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

The additions proposed to the building are not located on the northern side of the building and as such do not alter the bulk of the building as viewed from the residential properties to the north. Further, as the residential properties are to the north of the site, there is no shadow impact upon them as a result of the proposal. The site is relatively flat, with a gentle slope and the proposed addition to the Frenchs Forest Road frontage takes advantage of the slope to create a partially elevated courtyard above a 'basement' level. The building height of the existing building is not increased by the proposal, though part of the existing building is infilled to match the height of the remainder of the building which is considered to be compatible in the streetscape. No buildings are located on boundaries.

- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*

The proposal does not change the existing setback other than small works forward of the stair case to Kempbridge Avenue and a minor reduction in setback to the central portion of the building fronting Frenchs Forest Road. Both reductions in setback do not project forward of the predominant setback of the existing building and as such are acceptable.

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

The proposed landscape scheme, as amended to increase landscaping to the Kempbridge Avenue frontage and provide for increased landscape separation between the car park and the residents to the north, is considered to be in sympathy with the streetscape.

(f) retain, wherever reasonable, major existing trees, and

The proposal retains significant trees where possible and appropriate and incorporates additional tree planting.

(g) be designed so that no building is constructed in a riparian zone.

The site does not contain, and is not in the vicinity of, a riparian zone.

Clause 34 addresses visual and acoustic privacy and requires appropriate site planning of windows and balconies to ensure the privacy of neighbours and the appropriate location of bedrooms to ensure acceptable noise levels. The proposal is contained within an existing building which has a setback of 17m from the boundary with the adjoining residential properties and as such the separation provides suitable amelioration for visual privacy concerns to those properties.

The proposal includes a 1.8m high acoustic fence along the northern boundary, which will ensure that visual and acoustic privacy to the adjoining dwellings and their areas of open space are protected from users of the car park. This is further enhanced by the proposed landscape setback which varies from 1.2m-4m wide. Concern is raised with the extent of narrowing of the landscape strip and its location immediately adjoining the dwelling at No. 2 Frenchs Forest Road. The applicant was asked to review whether the extent of the narrowed portion could be reduced given it is only necessary for turning manoeuvres for garbage trucks (with delivery and servicing trucks being smaller trucks and requiring less manoeuvring area). In response the applicant provided the following turning template for a garbage truck which shows that the wider landscaped area can be extended an additional 5m in a westerly direction such that it would adjoin 1 of the 3 windows in the dwelling of No. 2 Frenchs Forest Road (see following turning template).



Turning template for garbage truck

As such a condition of consent is recommended widening the landscaped area for an additional 5m in a westerly direction. This will further assist in separating truck turning movements from the adjoining residence and when combined with a condition limiting deliveries and garbage removal (other than where necessary for removal of bodies – which would occur infrequently) to Monday to Friday between 9am and 5pm will ensure an appropriate level of acoustic amenity is retained to the adjoining dwellings.

Clause 35 addresses solar access and requires proposed development to maintain adequate daylight to the main living areas and private open space areas of the neighbouring properties and for site planning and dwelling design to reduce energy use, provide natural ventilation, solar heating and lighting by locating living and dining room windows in a northerly direction.

The adjoining properties are to the north and as such no loss of solar access will occur to living rooms or private open space areas. The design provides two north facing lounge/sitting areas on each level of the northern wing and lounge/dining and leisure areas in the eastern and western wings with good solar access from either the east or west. The sitting areas in the southern wing are less well located with a southern and a western sitting area,

Clause 35 addresses stormwater and requires development to control and minimize the disturbance and impacts of stormwater and to, where practical, provide onsite stormwater detention or re-use of water. The proposal is to refurbish and existing building and results in no significant change in the amount of impervious areas on the site. As such the impacts upon stormwater runoff will be negligible.

Clause 37 addresses crime prevention and requires development to be designed to encourage crime prevention by providing observation of approaches to dwellings, providing shared entries to serve a small number of dwellings and allow for residents to see who approaches a door without opening the door. These requirements are largely for self-contained accommodation and don't apply to the subject proposal for a residential care facility.

Clause 38 addresses accessibility and requires the development to have obvious and safe pedestrian links from the site to public transport or local facilities and provide attractive and safe environments for pedestrians and motorists. The proposal provides a ramp to Kempbridge Avenue providing safe access to services and facilities and a paved path separate from the driveway for access from the parking spaces to the building, ensuring safety. The parking area and building surrounds are appropriately landscaped, providing an attractive environment for motorists and pedestrians.

Clause 39 addresses waste management and appropriate provision has been provided for the development for waste storage and collection, subject to the conditions requested by Council's waste officer which form part of the recommendation.

Clause 40 contains development standards for development for seniors housing and requires a minimum site area of 1,000m² and a minimum frontage at the building line of 20m, with the remaining development standards applying to residentially zoned land and not being applicable. The site has an area of 5,574m² and a frontage at the building line of 93.5m to Frenchs Forest Road and 71m to Kempbridge Avenue, complying with the controls.

Clause 48 contains standards that if met cannot be used to refuse development consent to residential care facilities. The relevant standards are a building height of 8m, a density of 1:1, a landscaped area of 25m² per residential care facility bed and parking at the rate of 1 space per 10 beds (1 per 15 beds if only providing for dementia patients), 1 space per 2 employees on duty at any one time and 1 space for an ambulance.

The proposal has a height of 13.51m, a FSR of 0.88:1, a landscaped area of 2,762m² (1,244m² deep soil) and 14 parking spaces plus an ambulance bay at the entrance. As such the proposal complies with the FSR and landscaped area requirements, but varies the height requirement by 5.01m.

A discussion on the suitability of the height for the site is contained in the assessment of the clause 4.6 variation to the height control contained in LEP 2013 and for the reasons discussed there, the height proposed is considered acceptable.

With regard to parking, the application indicates a maximum of 16 employees will be on site at any one time and as such 8 staff parking and 7.6 other parking spaces should be provided, a total of 15.6 or 16 spaces, a shortfall of 2 spaces for the standard. It is noted that the control for parking is reduced to 1 space for 15 beds if the facility is only for dementia patients but doesn't reduce the amount of parking for the dementia component in a mixed facility. The proposal provides for dementia patients, with a specific dementia courtyard off the first floor southern wing, which caters for 19 beds. If the 15 bed per space requirement was applied to this component of the facility, 1.3 spaces would be required for this component and 5.7 spaces would be required for the remainder, giving a total of 7 spaces for beds, resulting in a shortfall of 1 space overall. A 1 space shortfall is not considered to be unacceptable in the circumstances of the case where it is considered to be more important to provide an improved landscape buffer to the adjoining residents. Accordingly, the 1 space deficit is considered acceptable in this case. The assessment of the amended plans by Council's Traffic Engineer supports this conclusion.

A condition of consent is recommended requiring 7 spaces to be marked as being available for visitors only between the hours of 9am and 7pm, which would equate to the hours when most visitors are likely to come to the development. At other times, particularly during night duty, these spaces would be available for staff, ensuring safety for night staff.

Manly Local Environmental Plan 2013

The subject site is located in Zone B2 Local Centre under Manly LEP, 2013 the proposed development is considered to be a residential care facility, community facility and food and drink premises. As discussed previously, the residential care facility is proposed pursuant to the provision of SEPP (Housing for Seniors and People with a Disability) and is permissible with consent under that instrument. The community facilities and food and drink premises are permissible with consent in the B2 zone.

The provisions of SEPP (Housing for Seniors and People with a Disability) indicate that where there is an inconsistency with the SEPP and another instrument, the SEPP overrides the other instrument to the extent of the inconsistency.

The objectives of the B2 zone are addressed following:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposal provides for community uses, a café and accommodation and as such satisfies this objective.

- *To encourage employment opportunities in accessible locations.*

The use provides employment within the community facilities, the café and to support the residential care facility and as such satisfies this objective.

- *To maximise public transport patronage and encourage walking and cycling.*

Parking provision is minimised on the site which encourages public transport patronage and use of alternative methods of transport like cycling and walking and as such the proposal satisfies this objective.

Part 4 Principal development standards

The provisions of the Manly LEP 2013 have been referred to as part of the assessment:

4.	<u>Principal Development Standards</u>	<u>Requirement</u>	<u>Proposed</u>	<u>Complies Yes/No</u>	<u>Comments</u>
4.3	Height of buildings	12.5m	13.51m	No	See exception to development standard discussion following

4.6 Exceptions to development standards

The Consent Authority may consider a variation, where that variation would achieve a better outcome. In considering whether to support such a variation the consent authority must be satisfied that the applicant has provided justification that the contravention of the standard is well-founded as compliance with the standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravention of the standard. The consent authority must also form the opinion that the proposal is consistent with the objectives for the standard and the zone.

The application seeks a clause 4.6 variation to the height controls contained at clause 4.3 of LEP 2013 which sets a maximum height of 12.5m, with the proposal having a maximum height of 13.51m.

Comment:

The applicant provided the following justification (summarized) for the breach of the height control:

- Most of the existing building and the proposed works comply with the height control.
- The breach occurs in relation to the north-eastern corner of the building, the lift overrun, services enclosure and a few existing and proposed building elements including the proposed fins on the southern and northern facades;
- The proposal is consistent with the height control and zone objectives;
- The breach does not result in any significant adverse impact upon the amenity of nearby residents or the public domain;
- The proposal does not seek significant changes to the overall height and bulk of the existing building;
- The works constitute adaptive reuse of an existing building;
- The variation is not a matter of state or regional significance; and
- The proposal provides a public benefit, being the fitout of part of the building for community purposes and a café.

As has been previously considered, the proposal is consistent with the objectives of the zone. The proposal is assessed against the objectives of the height control following:

(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,

The variations to height relate to existing components of the building and new components such as the lift overrun and service enclosure, which will largely not be visible from the public domain, and architectural features like the fins on the front and rear facades, which are considered to add to the aesthetics of the building. The proposed works as a whole will fit appropriately within the streetscape notwithstanding the breaching elements.

(b) to control the bulk and scale of buildings,

The breaching elements do not add to the bulk and scale of the building to any significant degree.

(c) to minimise disruption to the following:

- (i) views to nearby residential development from public spaces (including the harbour and foreshores),
- (ii) views from nearby residential development to public spaces (including the harbour and foreshores),
- (iii) views between public spaces (including the harbour and foreshores),

The breaching elements will not result in any loss of views.

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,

The breaching elements will not result in any significant increase in shadowing to public open space (with only very minor shading from the fin elements upon the plaza) and will not result in any additional shadowing of private open space or sunlight to the habitable rooms of any dwellings.

(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

N/A

As the proposal satisfies the objectives of the zone and the height control and results in an improved streetscape presentation, without any significant detrimental impacts resultant from the breach of the control, it is considered that requiring compliance with the control is unnecessary and unreasonable. The adaptive reuse of the building and provision of community facilities provide sufficient justification for the limited height breaches and result in a public benefit. It is therefore considered that the clause 4.6 variation request is well-founded.

Part 5 Miscellaneous Provisions

The provisions of the Manly LEP 2013 have been referred to as part of the assessment:

5.	Miscellaneous Provisions	Applies	Complies	Comments
5.9	Preservation of Trees or Vegetation	Yes	Yes	Council's Landscape Architect supports the removal of the trees requested for removal and the proposal provides appropriate replacement tree planting.
5.10	Heritage Conservation	Yes	Yes	Council's Heritage Officer has formed the opinion that the proposal will not have a detrimental impact upon the adjoining heritage item – Balgowlah Seaforth Library.

Part 6 Local Provisions

The provisions of the Manly LEP 2013 have been referred to as part of the assessment:

6.	Local Provisions	Applies	Complies	Comments
6.1	Acid Sulphate Soils	Yes	Yes	Proposal complies with the clause
6.2	Earthworks	Yes	Yes	Proposal complies with the clause
6.4	Stormwater Management	Yes	Yes	Proposal complies with the clause
6.11	Active street frontages	Yes	Yes	Refer to Planning comments
6.12	Essential services	Yes	Yes	Proposal complies with the clause
6.13	Design Excellence	Yes	Yes	Proposal complies with the clause

6.14	Requirement for development control plans	Yes	No	<i>Refer to Planning comments</i>
6.16	Gross floor area in Zone B2	Yes	Yes/No	<i>Refer to Planning comments</i>

Clause 6.11 LEP 2013

Clause 6.11 requires the development on the site to provide active street frontages to Frenchs Forest Road and Kempbridge Avenue (other than for the car park) and identifies that a building has an active street frontage “*if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises*”. This requirement excludes the area required for entrances and lobbies in mixed use development, vehicular access and access for fire services.

The requirement for active street frontages is inconsistent with the requirements of SEPP (Housing for Seniors and People with a Disability) and as such, to the extent that the proposal involves that component, the clause is not applicable. The applicant has submitted legal advice which supports this opinion. As such the requirement applies only to the café and community facilities (including potential business start up use). It is considered that the site has a frontage only to Frenchs Forest Road and Kempbridge Avenue, with the adjoining allotment containing the Balgowlah Seaforth Library having frontage to Sydney Road. As such the components of these uses facing Frenchs Forest Road and Kempbridge Avenue need to provide active street frontages. The use of the component facing the street frontages has not been determined at this stage and as such the compliance with this control is a matter for consideration in the assessment of future applications for use.

Clause 6.14 LEP 2013

Clause 6.14 requires the preparation of a development control plan for key sites prior to granting development consent on the subject site unless the development is considered to be “of a minor nature” and if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone.

It is considered that this provision is inconsistent with the provisions of SEPP (Housing for Seniors and People with a Disability) and as such to the extent that the proposal involves that component, the clause is not applicable. The applicant has submitted legal advice which supports this opinion. As such the requirement applies only to the café and community facilities (including potential business start up use). As the remaining component of the development involves minor fitout works, it is considered to be development of a minor nature and as such compliance with the requirements of clause 6.14 is unnecessary.

Clause 6.16 of LEP 2013

Clause 6.16 requires that in the B2 zone consent must not be granted to the erection of a building (which includes alterations and additions) unless the consent authority is satisfied that at least 25% of the gross floor area of the building will be used as commercial premises. Commercial premises include business, office and retail premises (including food and drink premises). It is considered that this provision is inconsistent with the provisions of SEPP (Housing for Seniors and People with a Disability) and as such, to the extent that the proposal involves that component, the clause is not applicable. The applicant has submitted legal advice which supports this opinion. As such the requirement applies only to the café and community facilities (including potential business start up use). The café and business start up component of this use comprises of in excess of 25% of the floor space that is not residential care facility, satisfying the control. Further, the café has a floor space of 115m² and as such satisfies the requirement that consent not be granted to development with a gross floor area of any retail premises in excess of 1,000m².

79C(1)(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

There is no applicable Draft Planning Instrument.

79C(1)(a)(iii) - any development control plan, and

Manly Development Control Plan 2013:

The following is an assessment of the proposal's compliance with the standards of the Development Control Plan (DCP 2103). Where a variation is proposed to the standards an assessment is included in the Planning Comments.

Part 3 General Principles of Development

<u>Issues</u>	<u>Consistent with principle</u>	<u>Discussion</u>
Townscape	YES	Refer to planning comments
Heritage – In Vicinity	YES	The proposal has no unacceptable impacts upon the heritage significance of Balgowlah Seaforth Library
Sunlight Assess and Overshadowing	YES	Refer to planning comments
Privacy and Security	YES	Refer to planning comments
Maintenance of Views	YES	The proposal has no detrimental impacts upon views
Sustainability	YES	Refer to planning comments
Accessibility	YES	An accessibility report was submitted with the application indicating the level of accessibility is appropriate for the proposed use.
Stormwater management	YES	Council's Development Engineer is satisfied with the proposed stormwater management
Waste Management	YES	Council's Waste Officer is satisfied with the proposed waste management
Mechanical Plant Equipment	YES	The plant is appropriately located and acoustically shielded.

Comment:

Townscape Principles

The site is located in the Seaforth Local Centre and is identified in the Schedule 2 map as having a residential interface. The proposal complies with the townscape design details as:

- The proposal does not increase the scale or footprint of the building to any significant degree and the upgrade works proposed to the façade will improve its streetscape presentation to all streets and to the adjoining residential area. The façade details will assist in breaking down the bulk and scale of the existing building by the introduction of large and fine grained architectural treatments providing vertical emphasis to a long, horizontal building.
- The overall height of the building is not being increased, other than in relation to the lift overrun and the plant structure on the roof and these elements will not be visible from the public domain.
- The proposed red vertical fins will give relief to the wide, flat roof of the building.
- Whilst the building does not have an architectural style, bulk and scale consistent with the neighbouring buildings, it is in a commercial zone and as such it is not appropriate for it to be similar to the adjoining small scale residential building. It is, however, visually compatible with the commercial zoning having regard to its place within Seaforth Local Centre.
- The proposal will not alter the amount of sunlight to the adjoining dwellings and will only minimally change solar access to the adjoining plaza (due to the fin blades) and will have no detrimental wind effects.

Sunlight Access and Overshadowing

The proposal has no impact on sunlight access to the adjoining residential properties as they are to the north of the site. The proposed fin blades will have negligible impact upon solar access to the adjoining plaza.

Privacy and Security

The existing building is 17m from the boundary with the nearest residential property and it is considered the distance separating the properties will provide appropriate amelioration of any visual privacy impacts.

An acoustic report accompanying the application confirms that subject to the provision of a 1.8m high acoustic wall along the northern boundary and barriers adjoining the rooftop plant, the proposal will have an acceptable acoustic impact upon the nearby residents. The impact of the use of the car park and loading dock is further ameliorated by proposed conditions on timing of servicing, deliveries and garbage collection.

The acoustic report also addressed the construction requirements to ensure the acoustic privacy of the future residents from the road noise and a condition of consent requires compliance with those requirements.

The proposed building will provide for an appropriate level of casual surveillance to the car park and the plaza adjoining.

Sustainability

The proposal appropriately addresses sustainability by the adaptive reuse of the building. This approach to the development of the site, rather than demolition and construction of a new building, reuses the structure of the existing building resulting in significantly less use of construction material.

The design has had appropriate regard to passive solar design and benefits of thermal massing will be achieved. A condition of consent is recommended requiring the fitout of the building to use water and energy efficient devices.

Part 4 - Development Controls

Site Area: 5,574m ²	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Height	12.5m	13.51m	NO – see assessment under LEP 2013
Setback	Construct to boundaries unless undesirable in terms of amenity to adjoining residential land	Retain existing setbacks	NO – non-compliance is largely to existing building, with new work matching setbacks with existing building. Appropriate to the site and context
Car Parking	1 space / dwelling and 0.16 space / dwelling for visitors	14 spaces	N/A – the control is inconsistent with the parking requirements of SEPP (Housing for Seniors and People with a Disability) and as such does not apply
Loading bay	7.6mx 3m, 3.4m high	7.5m x 5m, 3.6 high	Marginally noncompliant, acceptable
Wall Height	10.5m (3 storey)	12.5 (3 storey)	The existing building breaches the wall height but the proposed additions comply with the control.

Comment:

Building Design

The controls require that the three elements of the commercial frontage are to be articulated (ie shop front awning, main façade above and third floor parapet/roof element). Given the design of the existing building this cannot be achieved on the site, however there are distinctive ground floor and roof elements providing a complementary look to the remainder of the Seaforth Centre.

79C(1)(a)(iia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

The application is no subject to any planning agreement or draft planning agreement.

79C(1)(a) (iv) - the regulations

The proposed development is not inconsistent with any relevant regulation.

79C(1)(a)(v) - any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

There is no Coastal Zone Management Plan applicable for the Manly area.

79C(1) (b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The likely impacts of the development have been considered throughout the assessment report and have either been assessed as being acceptable or will be acceptable subject to the recommended conditions of consent.

79C(1) (c) - the suitability of the site for the development,

The site is zoned to permit all of the proposed uses and the works proposed are relatively modest, being to support the reuse of the previous TAFE building. The proposal appropriately mitigates impacts upon adjoining properties and the amenity of the area and, subject to the recommended conditions, is considered to be suitable for the site.

79C(1) (d) - any submissions made in accordance with this Act or the regulations

The application was notified to nearby and adjoining property owners by letter dated 10 April 2014, which gave until 12 May 2014 for submissions, in accordance with Council's Development Control Plan 2013 Section 2.2 with 12 submissions received from the following objectors raising the following concerns:

1. Balgowlah RSL Memorial Club, PO Box 72, Seaforth
 - 20 parking spaces are inadequate for the proposed use to cater for staff, visitors and service providers (eg hairdressers, doctors, dentists, physiotherapists, etc).
 - Concern overflow parking from the use will try to use the RSL Club car park which is already abused by shoppers and staff who park in the club all day, it being noted that 49 spaces are already provided by the club to Council.
 - Concern is raised as to the adequacy of the loading area for deliveries.
2. John Mattes, 2 Aden Street, Seaforth
 - The property was sold to Council at a discounted price for a community purpose and it is being used for a commercial nursing home. The whole site should be used for community purposes.
 - The location of parking, garbage disposal, deliveries and ambulance movements adjoining residential properties will result in unacceptable impacts.
 - No provision has been made for parking and waste for the community centre.
 - The commercial arrangement between BUPA and Council does not provide adequate returns for ratepayers.
 - Inadequate consideration has been given to alternative and more appropriate uses for the site.
3. Janet Wright, 17 Kirkwood Street, Seaforth
 - The site should not have been leased for a commercial use and should be used for community purposes.
 - Inadequate parking.
 - Concern at increase in traffic and impact upon pedestrian movements.

4. David and Brianna Curry, 2 Frenchs Forest Road, Seaforth
 - Broadly in favour of development.
 - Object to the car parking and service area proposed adjoining dwelling which has two bedrooms, a bathroom and kitchen adjoining. The parking layout is not the same as that approved previously on the site, with that approval requiring the deletion of parallel parking spaces along the northern boundary and their replacement with landscaping. The landscaping now proposed is inadequate and should be at least 2.6m wide.
 - The loading dock should be relocated to the Kempbridge Avenue frontage rather than provided immediately adjoining my dwelling.
 - Request closure of vehicular access from Frenchs Forest Road as the site may be used as a 'rat run' during peak hour.
 - Concerned that left-turn only access into the Frenchs Forest Road driveway not impact the ability to turn right into the driveway of No. 2 Frenchs Forest Road
5. Michael Smellie, 13/567 Sydney Road, Seaforth
 - Council should undertake a long term strategic plan for development of Seaforth before any development consent is given for the site.
 - The proposed aged care facility is not the promised community space.
 - The aged care facility will not provide a catalyst to underpin attractive, vibrant and community engaged village.
6. Dr PP and Mrs HE Kendall, PO Box 4204, Balgowlah Heights
 - The proposal is not consistent with the preferred option of people remaining in their home for as long as possible.
 - The design does not provide for safe and efficient evacuation in the event of an emergency and inadequate lifts are provided, which will result in frail residents having to stand and wait for lifts.
 - Separate facilities should be provided for frail aged from dementia residents.
 - Dementia residents require a domestic atmosphere with identifiable entrances to their rooms and sensory gardens
 - The red vertical bars could create a negative impact as it may look prison like and the red colour could cause agitation.
 - Consideration should be given to demolishing the building and construction of smaller aged care residential buildings.
7. Georg and Nicole Faeste, 1 Kempbridge Avenue, Seaforth
 - The 24 hour a day use of the premises will result in amenity impacts upon No. 1 Kempbridge Avenue.
 - The parking area, loading area, servicing area and ambulance bay are to be located 1-2m above the level of the dwelling on No. 1 Kempbridge Avenue without an appropriate landscaped buffer.
 - Privacy impact into living, dining and external living areas of dwelling and impact of any screening upon amenity and indirect solar access to property.
 - Noise impact from car and servicing uses.
 - Safety concern with potential for cars to 'crash through' fence into adjoining property.
 - Security concerns with car park providing access to the side of property.
 - Proximity of driveway to adjoining dwelling.
 - Light impact upon adjoining dwelling.
 - Odour and noise from garbage collection.
 - Traffic generation and lack of parking.
 - Main entrance should be from Kempbridge Avenue rather than opposite residential properties.
 - Previous approval for the site provided landscaped setback and servicing from Kempbridge Avenue access not adjoining residential properties.
 - Should provide a basement parking area.

8. Huy Minh Tran, 2 Kempbridge Avenue, Seaforth
 - Impact of car park ramp upon dwelling with noise and lights.
 - Risk of trucks crashing into property opposite.
 - Noise and odour from garbage collection.
 - Loss of on-street parking for visitors to our dwelling.
 - Impact upon property value.
9. Susanne Kutra, no address provided
 - 24 hour parking adjoining residential properties will adversely impact neighbours in terms of noise and light.
10. Lynne Young, 8 Linkmead Avenue, Clontarf
 - Lack of communication prior to Council's deal with BUPA.
 - Preferred option for people to stay in their homes for as long as possible.
 - Facility should include respite facility for dementia patients being cared for at home.
 - Institutional residential care is not best option, should be smaller scale.
 - The development should be redesigned to provide a cluster of rooms around a kitchen/dining area with small lounge areas.
 - Inadequate outdoor spaces. A raised terrace should be provided on the northern side above the car park.
 - Colours of the façade should be softened, with bars removed.
 - Inadequate provision for lifts.
 - Should reduce the number of beds and increase provision of community facilities for aged living at home.
 - Should provide a larger café with access for residents.
11. Jenni Jordon, 10 Frenchs Forest Road, Seaforth
 - Concerned with proximity of pedestrian crossing to roundabout and proximity of driveway to the pedestrian crossing.
12. Resident requested confidentiality
 - The site should be used for community facilities not a commercially run aged care facility.
 - The community centre is tokenistic with little space, no defined use and no parking.

Comment on submissions:

Due to the number of submissions, the issues raised are addressed collectively as follows:

1. Adequacy of parking/potential use of RSL Club parking area by visitors and staff. Parking should be in basement.

The parking provided is 1-2 spaces below the number which, if complied with, would mean there was no power to refuse the application. For the reasons given in the assessment of compliance with SEPP (Housing for Seniors or People with a Disability), the parking provision is considered to be adequate.

2. Adequacy of loading facilities. Loading dock should be moved to Kempbridge Road frontage

An assessment has been made of the noise impacts related to the proposed loading dock and subject to the provision of an acoustic fence, and extended landscaped area and conditions on the hours of use of the loading dock, it is considered that the location will not result in unacceptable impacts upon the adjoining residential properties. Swept paths have been provided showing the loading area can appropriately be accessed.

3. The whole site should be used for community purposes/ inadequate consideration has been given to alternative uses for the site.

Whilst it is acknowledged that residents may have been expecting a different use for the premises, under the provisions of the Environmental Planning and Assessment Act consideration can only be given to the proposal contained within the application.

4. No parking provided for community use.

No parking is provided onsite for the community use however Council's Traffic Engineer has assessed that adequate parking is available in the area for this use, particularly as the heaviest use will be outside of normal business hours.

5. No waste facility for community use.

Council's Waste Officer has indicated that the amended plans provide appropriate facilities for waste disposal subject to recommended conditions of consent.

6. Impacts upon adjoining residents of location of parking, garbage collection (noise and odour), deliveries and ambulance bay, 24 hours use, light impacts. Proximity of driveway to dwellings.

An acoustic report was requested, and provided, to address acoustic impacts from this area and the findings of the report, which are supported by Council's Health Officer, are that subject to installation of a 1.8, high acoustic fence, an appropriate level of acoustic amenity will be maintained for adjoining resident. Garbage storage is within the building and as such odour should not become an issue. A condition of consent is recommended requiring lighting to the car park area and entrance to be designed to ensuring glare is not a concern.

7. Increased traffic and truck movements and impact upon pedestrian safety.

The proposed use will result in less traffic generation than the previously existing TAFE and an assessment by Council's Traffic Engineer is that the surrounding road network can cater for the additional traffic. It is not considered that the additional traffic and truck movements will have any discernible impact upon pedestrian safety.

8. Adequacy of landscape buffer to adjoining residential properties.

Concern was raised with the applicant with the width of the landscape buffer adjoining the northern boundary and in response amended plans were received removing the parallel parking spaces adjoining the boundary and replacing them with landscaping. Whilst this was an improvement, additional planting is to be required by condition of consent to extend the widened landscaped area a further 5m westward, maximizing landscaping whilst still allowing suitable manoeuvring area for a garbage truck.

9. Vehicular access from Frenchs Forest Road should be removed and if kept and made left in only should not restrict right turn movements into No. 2 Frenchs Forest Road.

The retention of the driveway access is not opposed by either the Roads and Maritime Service or Council's Traffic Engineer and as such is considered acceptable. No works proposed will impact the ability of carrying out a right turn into the driveway of No. 2 Frenchs Forest Road.

10. Need for long term plan for Seaforth.

The need for a long term plan for Seaforth is a matter for Council. The assessment of the application cannot be delayed until such a plan is prepared.

11. Aged care facility is not catalyst for attractive, vibrant and community engaged village.

The use is a permissible use for the site and there is no requirement for it to be a catalyst for attractive, vibrant and community engaged village under the provision of SEPP (Housing for Seniors or People with a Disability), under which it is proposed.

12. Appropriateness of use of red bars on façade.

The materials and design of the façade upgrades will provide an improved aesthetic to the building commensurate with its new use. It is not considered that the use of fin elements or the choice of colours will be detrimental to future residents.

13. Whether a multi-level age care facility is the appropriate choice for aged care.

The provision of a residential care facility is permissible on the site and multi-level facilities are becoming more commonplace in proximity to shopping areas. Whilst it is acknowledged that there should be and are alternative solutions for care of aged persons, the proposal is of acceptable design and satisfies the legislative requirements to an acceptable level.

14. Adequacy of lift and evacuation provision.

It is considered that the provision of two lifts, with separate uses, is appropriate for this type of facility to separate back of house operations from lifts used by residents and visitors. This will ensure that lift availability for residents and visitors is not compromised by its use by staff for operational reasons.

15. Need for individualised entrances to rooms and sensory garden.

The need for individualized entrances to rooms is an appropriate approach for dementia accommodation and a condition of consent is recommended requiring the provision of a “memories” box at the entrance of each accommodation room designed for use by dementia residents, where items of the occupant can be securely placed to provide a memory trigger to the location of their room. It is considered that the two gardens provided will provide an appropriate range of outdoor experiences for residents, with a shaded central courtyard more appropriate for use in summer and the western courtyard better for use in winter.

16. Main entrance should be from Kempbridge Avenue, not adjoining residential properties.

The proposal provides for two entrances, one from the car park and one from the street, providing ease of access to those arriving by car and those arriving by foot or public transport. Given the 17m separation, landscape buffer and acoustic fence provided between the entrance and the residential properties it is not considered that the entrance will have an unacceptable impact upon the amenity of the adjoining residential properties.

17. Potential for cars to ‘crash through’ into adjoining properties.

The extended landscape setback makes it unlikely that cars would “crash through” into the adjoining properties.

18. Security impact of 24hr access to side of adjoining dwellings.

The use is unlikely to result in unacceptable security impacts upon the adjoining dwellings, with a proposed side fence and a landscaped setback. Further, as the proposed building will be occupied with residents and staff and visitors will be coming and going from the car park, the activation of the site is likely to ensure a higher level of security by way of casual surveillance.

19. Light and noise impact of driveway and potential for trucks to crash into No. 2 Kempbridge Avenue.

This property is located on the opposite side of Kempbridge Avenue from the subject site. It is not considered that the use of the driveway opposite will result in any unacceptable noise impacts upon No. 2 Kempbridge Avenue. In this regard it is noted that time restrictions are proposed by way of conditions of consent on deliveries and garbage removal from the site. It is not considered that there is any significant risk of trucks crashing into No. 2 Kempbridge Avenue due to the design and location of the proposed driveway. Given the separation distance between the driveway and the dwelling opposite it is not considered that headlight glare will be an unacceptable impact.

20. Loss of property value.

Loss of property value is not a matter that can be considered in assessing a development application under the provisions of the Environmental Planning and Assessment Act.

21. Concerns with specific design of development.

A number of specific concerns with the design of the residential care facility have been raised, mainly to do with the type of accommodation proposed. The type of accommodation is permissible on the site and is appropriately designed for its intended use.

22. Proximity of driveway to pedestrian crossing and roundabout.

The driveway is located sufficiently distant from the pedestrian crossing and roundabout such that it will not result in any unacceptable pedestrian safety issues. The driveway is proposed for entry only (other than by trucks) and a condition of consent is recommended requiring the erection of signage prohibiting exit other than by trucks and prohibiting right turn movements.

79C(1) (e) - the public interest.

The proposal is considered to raise no public interest concerns.

S94 Contribution towards provision or improvement of amenities or services

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- '(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
 - (b) the payment of a monetary contribution,*
 - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.'*

Comments:

In this case, the total additional Floor Area to be used for Residential Care Facility is 772.72m². The contribution per 100m² is \$13,996.60 as per the Council's Section 94 Contributions Plan 2005. therefore the total Section 94 Contribution for the proposed development is \$108,154

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013 and is considered to be acceptable subject to the recommended conditions.

RECOMMENDATION

That the application to vary the development standard for height pursuant to clause 4.6 of the Manly Local Environmental Plan 2013 is well founded and supported.

That Development Application No. DA 54/2014 for alterations and additions to an existing building for use as a SEPP (Housing for Seniors or People with a Disability) residential care facility and a community facility, including a café, with ancillary car parking and landscaping at No. 55 Sydney Street, Seaforth be **Approved** subject to the following conditions-

GENERAL CONDITIONS RELATING TO APPROVAL

- 1 The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation

Plans affixed with Council's stamp relating to Development Consent No. 54/2014

Plan No. / Title	Issue/ Revision & Date	Date Received by Council
A102 – Site Plan & Site Analysis	Issue K – 7/7/14	14 July 2014
A201 – Ground Floor Plan	Issue R – 7/7/14	14 July 2014
A202 – First Floor Plan	Issue P – 7/7/14	14 July 2014
A203 – Second Floor Plan	Issue O – 7/7/14	14 July 2014
A204 – Roof Plan	Issue F – 28/3/14	4 April 2014
A301 – Elevation Sheet 1	Issue D – 28/3/14	4 April 2014
A302 – Elevation Sheet 2	Issue D – 28/3/14	4 April 2014
A303 – Elevation Sheet 3	Issue B – 28/3/14	4 April 2014
A304 – Elevation Sheet 4	Issue B – 28/3/14	4 April 2014
A305 – Elevation Sheet 5	Issue B – 28/3/14	4 April 2014
A306 – Elevation Sheet 6	Issue A – 28/3/14	4 April 2014
A307 – Elevation Sheet 7	Issue A – 28/3/14	4 April 2014
A308 – Elevation Sheet 8	Issue A – 28/3/14	4 April 2014
A401 – Sections	Issue C – 30/3/14	14 July 2014

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

- 2 The architectural and landscape drawings are to be modified as follows:
 - a) The wider portion of the landscape strip adjoining the northern boundary is to be extended 5m to the west.

The modifications are to be submitted to and approved by the PCA prior to the Construction Certificate being issued.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council.

- 3 Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of annotation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

Reason: To ensure compliance with the approved development.

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

- 4 The development must be designed to comply with the requirements of the *Disability Discrimination Act 1992* and *Australian Standard AS 1428.2-1992*. Compliant access provisions for people with disabilities is to be clearly shown on the drawings and submitted to the Council/Accredited Certifier for approval with the Construction Certificate. All details and construction must be in compliance with these requirements.

Reason: To provide equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

- 5 The design, construction and fit-out of the food premises must comply with the following:

- *Food Act 2003;*
- *Food Regulation 2004;*
- *Australian Standard AS4674-2004: Design, Construction and Fit-out of Food Premises.*

Reason: To ensure compliance with legislation and to protect public health and safety.

- 6 The design, construction and fit-out of the hairdressing premises must comply with:

- *Local Government (General) Regulation 2012, Schedule 2 (Part 2 – Standards for hairdressers shops)*

Reason: To ensure compliance with legislation and to protect public health and safety.

- 7 The design, construction and fit-out of the beauty salon and all associated equipment must comply with:

- *Local Government (General) Regulation 2012, Schedule 2 (Part 3 – Standards for beauty salons);*
- *Public Health Regulation 2012, Part 4 (Division 2 – Requirements for premises where skin penetration procedures are carried out)*
- *Australian Standard: AS2182 – 1998 – Sterilizers – Steam – bench top;*
- *Australian Standard: AS2773 – 1999 Ultrasonic cleaner for health care facilities – bench top;*
- *Skin Penetration Guidelines, NSW Health; and*
- *Skin Penetration Code of Best Practice, NSW Health.*

Reason: To ensure compliance with legislation and to protect public health and safety.

8. A Certificate of Adequacy signed by a practising structural engineer stating the existing structure is capable of supporting the proposed additions, is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: The existing building must be able to support proposed additional loading.

9. A detailed stormwater management plan is to be prepared to fully comply with Council's *Specification for On-site Stormwater Management 2003* and *Specification for Stormwater Drainage 2003* and must be submitted to Council for approval prior to issue of the Construction Certificate. The Stormwater management plan must be prepared and certified by a chartered professional engineer with NPER number, name and date of signature on the drawing.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

10. A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

Reason: Compliance with the Environmental Planning and Assessment Act 1979.

11. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council *Guidelines on Erosion and Sediment Control*, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- a. all details of drainage to protect and drain the site during the construction processes,
- b. all sediment control devices, barriers and the like,
- c. sedimentation tanks, ponds or the like,
- d. covering materials and methods, and
- e. a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

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

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

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

13. All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

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

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

15. Details of the proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the *Building Code of Australia* and *Australian Standard 1668 Parts 1 and 2* are to be submitted to Council or the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure compliance with legislation and to protect public health and safety.

16. A sediment control plan must be drafted by an appropriately qualified person and submitted to Council or the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

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

17. Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of *Australian Standard 1558.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *Australian Standard 4282:1997 Control of the obtrusive effects of outdoor lighting*.

Reason: To protect public health and amenity.

18. The residential care facility shall be constructed using the following materials in the locations specified in the marked up plans drawing numbers A201-203 attached at appendix B of the Acoustic Report prepared by EMF Griffiths, dated 7 July 2014.

Walls – 150mm masonry/blockwork (245kg/m²)

Windows – 4mm or 6mm float glass in standard weather sealed frame, 4mm or 6mm float in acoustically sealed frame, 6.38mm laminated glass to less exposed northern and eastern façade and 10.38mm laminated glass with acoustic seals to southern and western façade and exposed areas of eastern and northern façade – in locations identified in drawing numbers A201-203

Glazed doors – 6/38 laminated glass with acoustic seals

Roof – 200-250mm concrete slab with resilient mounted suspended ceiling system, 103mm R2 ceiling blanket above 10mm plasterboard ceiling.

Details are to be submitted with the Construction Certificate Application for approval by the PCA.

Reason: To ensure a suitable level of internal acoustic amenity.

19. The following acoustic attenuation measures are to be provided for the development, with details submitted with the Construction Certificate Application for approval by the PCA.

- Roof mounted plant and equipment shall be isolated for noise and vibration to maintain target internal noise levels;
- The condenser deck shall be shielded with an acoustic barrier (minimum superficial density 15kg/m²) to at least condenser height; and
- A 1800mm 15/kg/m² acoustic fence shall be constructed along the northern boundary, extending from 1m forward of the dwelling at No. 1 Kempbridge Avenue to 1m forward of the dwelling at No. 2 Frenchs Forest Road. The fence shall be constructed with no gaps, including no gaps below the fence.

Reason: To protect the acoustic amenity of adjoining properties.

20. Plans showing compliance with the recommendations of the Stormwater Drainage Report prepared by Taylor Thomson Whitting, dated 10/0/14 and the Report on Geotechnical Investigation prepared by Douglas Partners, dated March 2014 shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To ensure appropriate design of works.

21. A contribution is to be paid for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

Total contribution for this development for Alterations and additions to an existing building for use as a SEPP (Housing for Seniors or People with a Disability) residential care facility and a community facility, including a cafe, with ancillary car parking and landscaping is currently **\$584,637.98** the amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with Council's adopted Section 94 Contributions Plan effective July 2014 as follows;

Component Contribution

Community Facilities	\$285.97
Streetscape and Landscaping	\$5,719.37
Traffic & Parking	\$47.67
Environmental Programs	\$7,943.57

TOTAL: \$13,996.60 per 100m² GFA

The calculations for **DA 54/2014** are as follows:

Floor Area = 772.72m²
\$13,996.60 X 772.72m² divided by 100
= \$108,154

Total Section 94 Contribution applicable = **\$108,154**

Note: Section 94 Contribution fees are adjusted on the 1st July each year and are based on the March CPI figures.

Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.

22. The applicant must consult with the energy provider, **Ausgrid**, to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of the energy provider requiring a sub-station, the applicant must consult with Council or its delegate with a view to dedication of the land for the sub-station as public roadway.

Reason: To ensure services are in accordance with the requirements of Ausgrid.

23. All electrical and telecommunication services to the site are to be provided by underground cabling, with the details noted on the drawings prior to the issue of the Construction Certificate.

Reason: To provide infrastructure which improves the streetscape, by locating cabling underground.

23. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator; for details see the Sydney Water web site www.sydneywater.com.au or telephone 13 20 92.

The Section 73 Certificate must be submitted to Council/Accredited Certifier prior to release of the Construction Certificate.

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

24. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant / developer.

Reason: To ensure compliance with service provider requirements.

25. A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the *Manly Development Control Plan 2013, Amendment 2*.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling. All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

26. Garbage rooms or grease arrester rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.

27. Detailed drawings and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to and approved by Council under the *Roads Act 1993*, before the issue of any Construction Certificate. Specific works include:

- 1) Full width vehicular crossings having a maximum width, at the back of layback, of {width} metres, and in accordance with the current policy of Council and *Specifications for the Construction of Vehicle Crossings*; and
- 2) Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway must be provided for assessment. Gradients and transitions must be in accordance with *Australian Standard AS 2890.1 – 2004, Part 1 – Off-Street Car Parking*. The driveway profile submitted to Council must be to scale at 1:25 (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

Driveway to be designed to provide for existing or future footpaths across driveway, in accordance with Council's *Specification for Civil Infrastructure Works, Developments & Subdivisions 2003* and *Australian Standard AS 1428.1:2001 - Design for access and mobility*.

Reason: To facilitate suitable vehicular access to private sites.

28. No portion of the proposed building or works, as approved within the subject site, are to encroach upon any road reserve or other public land except as may be permitted by the *Local Government Act 1993*. This includes the opening and closing of gates and doors which must open and close within the subject site.

Reason: To ensure structures are contained within the site.

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

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

30. All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

31. The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with *Australian Standard AS 3740*. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

32. Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: Compliance with legislation

33. Plans shall be submitted with the construction certificate application for approval by the PCA showing the proposed fire sprinkler system for the residential care facility.

Reason: Compliance with legislation

CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT

Reason: To ensure compliance with statutory provisions.

34. Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.

Reason: To ensure demolition is carried out in an appropriate manner that is non-disruptive to the locality and the public.

35. An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

Reason: To protect the public interest and safety.

36. The applicant must complete an application form and pay applicable fees for an application to Council for the construction of a Vehicular Crossing, for the design, specification and inspection by Council. Applications are to be made a minimum of two (2) working days prior to commencement of proposed works on Council's property.

Reason: To provide suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic.

37. All healthy trees and shrubs identified for retention on the submitted landscape drawing are to be suitably marked for protection before any construction works start.

Reason: To ensure the trees conditioned to stay on the site are suitably protected during any construction works.

38. All trees on the site clear of the building are to be retained, and those trees within 7.5 metres of the building are to be provided with a tree guard and a notice on each guard reading: 'This tree is the subject of a Tree Preservation Order by Manly Council'. This notice is to be in position prior to any work being commenced on the site. This does not include trees which have Council approval to be removed.

Reason: To ensure trees clear of the building are retained and those within 7.5 metres of the building are protected.

39. Where trees greater than 5 metres in height which are not within the proposed footprint (i.e. not directly affected by the development) and are proposed for removal, a tree permit is required subject to the *Tree Preservation Order 2001* criteria.

Reason: Retain the number of existing trees on site which are protected by the Tree Preservation Order and not directly in the way of development.

40. In accordance with the *Roads Act 1993*, written consent from Council must be obtained and must be in hand prior to any track equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

Reason: To ensure appropriate protection of public infrastructure and facilitate access for public and vehicular traffic.

41. Applications for a construction zone on a local road require 28 days notice to Council indicating location and length. All construction zones require the approval of the Manly Traffic Committee.

Reason: To ensure Council and the Traffic Committee have sufficient time and information to assess the traffic and access implications of a proposed construction zone and to develop appropriate responses to those implications.

42. Applications for a construction zone on a State Road require 28 days notice to Council and Road & Maritime Services (RMS) State Network Services indicating the location and length. All construction zones require the approval of the Manly Traffic Committee.

Reason: To ensure Council, the Traffic Committee, and the RMS have sufficient time and information to assess the traffic and access implications of a proposed construction zone and to develop appropriate responses to those implications.

43. Prior to the commencement of works, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report shall itemise equipment to be used for excavation works. The recommendations identified within the plan must be implemented during the construction phase of the development. The plan shall address, but not be limited to, the following matters:

1. Identification of activities carried out and associated noise sources
2. Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
3. Determination of appropriate noise and vibration objectives for each identified sensitive receiver
4. Noise and vibration monitoring, reporting and response procedures
5. Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles
6. Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction
7. Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
8. Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration
9. Contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

Reason: To protect acoustic amenity of surrounding properties and the public.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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

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

45. All of the following are to be satisfied/complied with during demolition, construction and any other site works:
 - a) All demolition is to be carried out in accordance with *Australian Standard AS 2601-2001*.
 - b) Demolition must be carried out by a registered demolition contractor.
 - c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
 - d) No blasting is to be carried out at any time during construction of the building.
 - e) Care must be taken during demolition / excavation / building / construction to prevent any damage to adjoining buildings.
 - f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
 - g) Any demolition and excess construction materials are to be recycled wherever practicable.
 - h) The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
 - i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*. All excavated material

should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

- j) Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- n) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- o) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- q) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

46. In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7:00 a.m. and 6:00 p.m. Monday to Friday and 7:00 a.m. to 1:00 p.m. Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

47. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

Reason: To maintain sanitary conditions on building sites.

48. Anyone who removes or repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from the WorkCover Authority of NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover. A permit will not be granted without a current WorkCover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- *Work Health and Safety Act 2011,*
- *Work Health and Safety Regulation 2011*
- *The Protection of the Environment Operations Act, 1997*
- *Manly Council – Asbestos Management Guideline 2011*
- *Model Code of Practice - How to Safely Remove Asbestos* available at:

<http://www.safeworkaustralia.gov.au/AboutSafeWorkAustralia/WhatWeDo/Publications/Pages/Safely-Remove-Asbestos-COP.aspx>

- Model Code of Practice - How to Manage and Control Asbestos in the Workplace available at:
<http://www.safeworkaustralia.gov.au/AboutSafeWorkAustralia/WhatWeDo/Publications/Pages/Manage-Control-Asbestos-COP.aspx>, and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Model Codes of Practice referred to above are specifically referenced in the *Work Health and Safety Act 2011*. Council is not the appropriate regulatory authority to act upon this legislation; readers are referred to the WorkCover Authority of NSW. Further advice is available online at: www.workcover.nsw.gov.au.

Reason: To ensure the health of site workers and the public.

49. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Reason: To comply with the legislation.

50. The existing footpath level and grade at the street alignment of the property must be maintained.

Reason: To ensure appropriate access and infrastructure protection.

51. Landscaping is to be carried out in accordance with the approved Landscape Drawing LT01A, 04A and 05A, dated 2/7/14 and LT02B-03B, dated 7/7/14, prepared by TaylorBrammer and plan titled "Manly Council External Land Areas" as amended by approval conditions.

Reason: To ensure appropriate landscaping is carried out on the development site.

52. All healthy trees and shrubs identified for retention on the drawing are to be:

- (a) suitably protected from damage during the construction process, and
- (b) retained unless their removal has been approved by Council.

Reason: This is to ensure that the trees on the site which do not have approval to be removed on the site are suitably protected during any construction works.

53. The felling, lopping, topping, ring-barking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

Reason: To prohibit the unnecessary damage or removal of trees without permission from Council during any construction.

54. The following precautions must be taken when working near trees to be retained:

- harmful or bulk materials or spoil must not be stored under or near trees,
- prevent damage to bark and root system,
- mechanical methods must not be used to excavate within root zones,
- topsoil from under the drip line must not be added and or removed,
- ground under the drip line must not be compacted, and
- trees must be watered in dry conditions.

Reason: This is to ensure no damage is caused to trees from various methods of possible damage.

55. Trees and shrubs liable to damage (including, but not limited to street trees) are to be protected with suitable temporary enclosures for the duration of the works. These enclosures are to only be removed when directed by the Principal Certifying Authority.

The enclosures are to be constructed out of F62 reinforcing mesh 1800 mm high wired to 2400 mm long star pickets, driven 600 mm into the ground and spaced 1800 mm apart at a minimum distance of 1000 mm from the tree trunk.

Reason: To ensure protection of the trees on the site which could be damaged during any development works and to outline the type of protection.

56. All disturbed surfaces on the land resulting from the building works authorised by this approval must be re-vegetated and stabilised to prevent erosion either on or adjacent to the land.

Reason: To prevent/contain erosion.

57. All of the following are to be satisfied/complied with during demolition, construction and any other site works:

1. All demolition is to be carried out in accordance with *Australian Standard AS 2601-2001*.
2. Demolition must be carried out by a registered demolition contractor.
3. A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
4. No blasting is to be carried out at any time during construction of the building.
5. Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
6. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
7. Any demolition and excess construction materials are to be recycled wherever practicable.
8. The disposal of construction and demolition waste must be in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
9. All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
10. All waste must be contained entirely within the site.
11. Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
12. All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
13. Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
14. Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
15. Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

16. Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
17. All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
18. Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

58. Any de-watering from the excavation or construction site must comply with the *Protection of the Environment Operations Act 1997* and the following:

1. Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory for compliance with *ANZECC Water Quality Guidelines*;
2. The certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*, prior to the commencement of de-watering activities;
3. Council will grant approval to commence site de-watering to the stormwater based on the water quality results received; and
4. It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

Reason: To ensure compliance with legislation and to protect the surrounding natural environment.

59. The approved Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

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

60. Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction, then the following inspections/certifications are required:

1. Silt control fences,
2. Framework inspection,
3. Wet area moisture barrier,
4. Final inspection.

The cost of these inspections by Council is **\$1,180** (being \$295 per inspection inclusive of GST **for the current financial year**). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$165, **for the current financial year**.

Note: Council charges are adjusted on the 1st July each year and are based on the March CPI figures. A list of current charges is available on Council's website: www.manly.nsw.gov.au

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

61. All requirements of the Local or Regional Traffic Advisory Committees are to be complied with.

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 which respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community.

62. All construction vehicles associated with the development must to obtain a permit from Council on a daily basis, for access onto The Corso and Sydney Road Plazas.

Reason: To manage and minimise disruption to the area.

63. The requirement for a Waste Management Plan is included in the Office of Environment and Heritage (OEH) *Waste Service Performance Improvement Payment Criteria* (WSPIP). All works shall comply with AS4970-2007 Protection of Trees on Development Sites, Any excavation/fill works within identified tree protection zones – as per the Arborist Report prepared by Stuart Pittendrigh dated March 2014 – are to be under the supervision of a Level 5 arboriculturist/site arborist with level 5 in arboriculture.

Reason: Protection of the environment.

64. Anyone who removes, repairs, or disturbs bonded or friable asbestos material must hold a current removal licence from WorkCover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. All removal, repair or disturbance of or to asbestos material must comply with the requirements of WorkCover NSW and with the following:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011; and
- How to Safely Remove Asbestos Code of Practice [WorkCover NSW (2011)].

Reason: To ensure compliance with legislation and protect the health and safety of site workers and of the public.

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

65. The premises require an Environmental Health Inspection upon completion of works by Council prior to the issue of an Occupation Certificate.

Reason: To comply with legislation.

66. Trading must not commence until the proprietor of the food business formally register their business details with The NSW Food Authority Notification and Food Safety Information System (NAFSIS).

Reason: To ensure compliance with legislation and the Australia and New Zealand Food Standards Code.

67. Stormwater drainage from the proposed addition/extension must be disposed of to the existing drainage system. All work is to be carried out in accordance with Council standards and specifications for stormwater drainage. Work is to be completed prior to the issue of the Occupation Certificate.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

68. All surplus vehicular crossings and/or kerb laybacks must be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

Reason: To provide on-street parking, suitable vehicular access to private sites, and infrastructure protection.

69. A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Principal Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing and a maintenance program has been established.

Reason: This is to ensure the landscaping is planted in accordance with the drawing and maintained appropriately

70. Documentation is to be supplied by a practising mechanical engineer certifying the mechanical exhaust ventilation system, as installed, complies with *Australian Standard AS 1668*, and must be provided to Council Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure the mechanical exhaust ventilation system complies with Australian Standard AS 1668.

71. An Acoustic Compliance Report, prepared by a qualified and experienced acoustical consultant, must be submitted certifying noise levels emitted from the (building's/premises) (services, equipment, machinery and ancillary fittings) does not exceed 5 dBA above the background level in any octave band from 63.0 Hz centre frequencies, inclusive at the boundary of the site.

Note: This method of measurement of sound must be carried out in accordance with Australian Standard AS 1055.1-1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

72. Any adjustment to a public utility service is to be carried out in compliance with its standards; where consent is required, with its concurrence; and with the full cost being borne by the applicant. Full documents of adjustments to any public utility service should be submitted to Council.

Reason: To ensure compliance with the terms of this consent.

73. The applicant must contact Sydney Water (Tel: 131 110) to determine whether a Trade Waste Permit is required before discharging any trade waste to the sewerage system.

Reason: To comply with legislation.

74. A "memories" box shall be provided adjoining the door of each accommodation room designed for use by dementia residents, where items of the occupant can be securely placed to provide a memory trigger to the location of their room.

Reason: To assist dementia patients to find their rooms.

75. A sign shall be erected at the Frenchs Forest Road driveway indicating that exiting onto Frenchs Forest Road is not permitted other than for trucks and that trucks are not permitted to turn right onto Frenchs Forest Road. The signage shall be erected prior to the issue of the Occupation Certificate.

Reason: To ensure road safety.

76. Prior to the issue of the Occupation Certificate, the owner of the business must complete and submit Council's Health Premises Registration form for the beauty salon/hairdressing premises and food premises. This notification may incur a fee.

Reason: To comply with legislation.

77. The southern-most on-street parking space on the western side of Kempbridge Avenue shall be widened to be made an accessible parking space and a compliant ramp provided to ensure an accessible path of travel to the footpath. The parking space is to be provided by widening the existing space in a southerly direction and is to be 1 of the 17 spaces required fronting the subject site. Any works required for this parking, including re-linemarking and changes to signposting of the spaces fronting the subject site are to be carried out at the expense of the applicant

Reason: To ensure adequate accessible parking.

78. The residential care facility shall only be occupied by seniors or people with a disability (as defined by SEPP (Housing for Seniors and People with a Disability)) or staff employed to assist in the administration of and provision of services to the facility. A restriction as to user to this effect and as required by clause 18 of SEPP (Housing for Seniors and People with a Disability) shall be registered against the title of the subject site prior to the occupation of the residential care facility, in accordance with section 88E of the Conveyancing Act 1919 limiting the use of any accommodation to the kinds of people identified in this condition.

Reason: Compliance with legislation

ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT

79. All towers, ventilation/ducting, exhaust fan structures, chillers and condensers for air-conditioning and any other structures on the roof are to be the subject of a separate Development Application.

Reason: To maintain the amenity of the surrounds.

80. The development consent of Council must be obtained for any new advertising structure prior to erection.

Reason: Control of signage.

81. The use of the premises must not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and must be controlled in accordance with the requirements of this Act.

Reason: To ensure compliance with legislation and to protect public health and amenity.

82. The hours of operation (i.e. hours open for business) must not exceed 7am to 10pm seven days a week for the community facilities and 6am to 9pm seven days a week for the cafe without the prior approval of Council.

Reason: To ensure amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality.

83. The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- *Food Act 2003*
- *Food Regulations 2004*
- *Australian Standard AS4674-2004: Construction and fit out of food premises*
- *Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment*
- *Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements*

Reason: To ensure compliance with legislation and to protect public health and safety.

84. The operational procedures of the hairdressing premises must comply with the following:

- *Schedule 2 (Part 2 - Standards for hairdresser's shops) of the Local Government (General) Regulation 2005,*
- *Skin Penetration Code of Best Practice (March 2001).*

Reason: To ensure compliance with legislation and to protect public health and safety.

85. The ongoing operation of the beauty salon and all associated equipment must be maintained in accordance with the following:

- *Public Health Act, 2010*
- *Public Health Regulation, 2012*
- *Skin Penetration Guidelines, NSW HEALTH*
- *Skin Penetration Code of Best Practice, NSW HEALTH*
- *Australian Standard: AS 2182 –1998 – Sterilizers – Steam – Benchtop.*
- *Australian Standard, AS 2773.2 – 1999 Ultrasonic cleaners for health care facilities – Benchtop.*

Reason: To ensure compliance with legislation and to protect public health and safety.

86. To minimise the risk of cardiovascular disease to the community, the ongoing operation of the premises shall be in accordance with Council's *Saturated and Trans Fats Reduction Policy*.

Reason: To comply with Council Policy in minimising saturated and trans fats in the retail food industry in the interest of public health and safety.

87. Cooking oils containing trans fats cannot be used when preparing or cooking food in order to minimise the risk of cardiovascular disease to the community.

Reason: To comply with Council Policy in minimising saturated and trans fats in the retail food industry in the interest of public health and safety.

88. No existing street trees can be removed without Council approval. Where such approval is granted, the trees must be replaced at full cost by the applicant with an advanced tree of a species nominated by Council's relevant officer.

Reason: To encourage the retention of street trees.

89. No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

90. Glare from internal lighting is not permitted to extend beyond the limits of the building authorised by this approval.

Reason: To ensure there is no glare from internal lighting to neighbouring properties and land.

91. The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

Reason: To ensure compliance with legislation and to protect public health and amenity.

92. External sound amplification equipment or loud speakers must not be used for the announcement, broadcast, playing of music (including live music) or similar purposes.

Reason: To protect the acoustic amenity of neighbouring properties and the public.

93. The use of amplified sound equipment and public address systems is not permitted, unless located entirely within the shop and used in such a manner that the noise cannot be heard in any public place.

Reason: To ensure compliance with legislation and to protect public health and amenity.

94. The visitor parking is to be accessible at all times, and a sign post erected at the vehicular entry point(s) of the development indicating the location of the visitor parking.

Reason: To ensure visitors are not forced to park on public streets when visitor parking has been provided and is available within the development.

95. Adequate vehicle parking as required by the *Manly Development Control Plan 2013, Amendment 2* is to be available at all times for motor vehicles associated with the use of the land.

Reason: To ensure users of the land are not forced to park on public streets.

96. Loading and unloading of vehicles and delivery of goods to the land must be carried out within the site. The car parking area shown on the approved drawings must be used for vehicle parking only. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

Reason: To ensure the safety and amenity of the general public using public streets, and to ensure the protection of the environment from spillage of materials.

97. Activities must not detrimentally affect impact existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.

Reason: To protect existing and future amenity of the adjoining occupations from excessive waste emissions.

98. Deliveries, servicing and waste collection must only occur during the following hours (excludes ambulance movements and collection of the bodies of deceased residents):

9am and 5pm Monday to Friday.

Reason: To minimise disruption to neighbouring properties.

99. Waste bins used for commercial premises are to be left on public footpaths for the minimum time necessary for waste collection and then promptly removed. Lids should be closed to prevent littering.

Reason: To ensure waste and bins are promptly removed from public places following collection; to limit obstruction of footpaths or roads; and to minimise public amenity impacts.

100. All non-recyclable waste from commercial premises must be presented for collection in a lidded receptacle. Waste receptacles are not to be stored in public spaces such as footpaths.

Reason: Public amenity and litter minimisation.

101. No waste generated on site from any commercial operation is to be placed in public place bins. Commercial operators must maintain their commercial waste bins in an organised, clean and sanitary condition, preventing potential for litter from overflowing bins.

Reason: To communicate policy regarding illegal trade waste dumping in public bins; and maintenance of trade waste bins.

102. Signage on the correct use of the waste management system and materials to be recycled must be posted in the communal waste storage cupboard/room or bin bay prior to receiving an occupation certificate. Signs are available from Manly Council's Customer Service.

Reason: To ensure all residents are aware of Council's waste and recycling system with regard to their dwelling.

103. Suitably constructed waste disposal containers must be kept on the property for the storage of any clinical, contaminated, sharps or related waste prior to final disposal of the material at a facility approved by the Office of Environment & Heritage, and as per the requirements of the NSW Health Department.

Reason: To comply with legislation and protect public health and safety.

104. The medical and other facilities provided within the residential care facility are to be for the use of residents only and are not to provide services for the general public.

Reason: To comply with the approval.

105. A total of 14 onsite parking spaces shall be provided and be available at all times, with 7 spaces marked for the use of visitors only between the hours of 9am and 7pm.

Reason: To ensure adequate parking.

106. The applicant is required to comply with the NSW Waste Management Guidelines for Health Care Facilities – August 1998. Your attention is drawn to section 6 – handling/containment/transport and storage.

Reason: To ensure public health.

107. The removal of bodies of deceased residents is to occur outside the normal hours of visitation to the residential care facility in a discrete manner.

Reason: To ensure public amenity.

RMS Conditions

108. All works/regulatory signage associated with the proposed development will be at no cost to Roads and Maritime.
109. All vehicles must enter and leave the proposed development in a forward direction. Provision for vehicles to turn around must be provided within the development.
110. The proposed development should be designed such that road traffic noise from Sydney Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102.3 of State Environmental Planning Policy (Infrastructure) 2007.
111. The layout of the proposed car parking areas and access driveway associated with the subject development should be in accordance with A52890.1- 2004.
112. All vehicles should be wholly contained on site before being required to stop.



Assessment Planner:

Date: 24 July 2014