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**Proposed Residential Aged Care Facility
1113 Oxford Falls Road
Frenchs Forest**

Statement of Environmental Effects

October 2014

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Job No/ Document No	Description of Issue	Prepared By/Date	Reviewed by Project Manager/Director	Approved by Project Manager/Director
SEE	Draft 12 September 2014	Tracy Davey	David Ryan	 David Ryan Executive Director
	Final 1 October 2014	Tracy Davey B.Soc Sci MTRP	David Ryan BTP (Hons), Dip Law(SAB)	
Note: This document is preliminary unless approved by a Project Manager / Director of City Plan Strategy & Development				

1 EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy and Development Pty Ltd (CPSD) on behalf of Dukor 24 Pty Ltd to accompany a Development Application (DA) to Warringah Council at lot 1113 in DP 752038, Oxford Falls Road, French's Forest.

This DA seeks approval to expand the capacity of an approved residential aged care facility (RACF) DA2013/0575, from 10 beds within the existing dwelling house, to a 45 bed RACF contained within the existing building and an additional five (5) buildings on the site.

The site is large, being 33.853 m² in extent. The proposed buildings are located in the south east of the site, comprising a site coverage of only 12%. In addition, 30 car spaces are provided on the site.

The SEE provides the following;

- a detailed description of the proposal,
- the strategic context,
- the statutory planning considerations, and
- a thorough assessment of the proposal in terms of Section 79C of the Environmental Planning Assessment Act, 1979.

All relevant issues are considered, in particular, the anticipated impact on the natural environment, built environment, the social and economic impact of the proposal and the suitability of the site for the intended use.

On balance it is concluded that the proposed extension to the RACF will deliver essential social benefits to the local community without any undue impacts. Accordingly, approval of the application is recommended

Note: This application for a Residential Care Facility is being lodged under the Warringah Local Environmental Plan WLEP (2000), and not the State Environmental Planning Policy, Seniors Living (SEPP, Seniors Living).

2 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy and Development Pty Ltd (CPSD) on behalf of Dukor 24 Pty Ltd to accompany a Development Application (DA) to Warringah Council.

This DA seeks approval for expanding the capacity of an approved residential aged care facility (RACF) DA 2013/0575 on the site, from 10 beds within the existing dwelling house, to a 45 bed RACF contained within the existing building and proposed additional five (5) buildings on lot 1113 in DP 752038, Oxford Falls Road, Frenchs Forest.

The facility will include ancillary uses, such as specialist medical facilities, a chapel, hairdressers, common games room, multi media room, cinema, a shop, gymnasium, swimming pool and spa.

This DA also seeks approval for the following:

- Demolition of a portion of the existing house;
- Site clearance and removal of trees;
- Site improvement and drainage works.
- Landscaping works across the site;
- Construction of internal roads; and
- 30 on grade car parking spaces;

Further detail regarding the proposal is provided at **Section 5** of this SEE. This SEE is required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000, and will set out:-

- The environmental impacts of the development; and
- The steps taken to protect or to lessen the expected impact to the environment.

Additionally this report will:-

- Analyse the site and its relationship to its setting and context, identifying both constraints and opportunities;
- Describe the proposed development;
- Identify all environmental planning instruments, development control plans and policies relevant to the proposal;
- Provide an assessment of the proposal against the matters for consideration set out in section 79C of the Environmental Planning and Assessment Act; and
- Draw conclusions resulting from that assessment.

This SEE has been prepared in conjunction with supporting architectural plans and specialist Consultants' reports accompanying this SEE at **Appendices 1 - 14**. This SEE concludes that the proposed DA for the development of a RACF is appropriate for the site and within the context of the relevant matters for consideration.

The subject application is being lodged under the Warringah Local Environmental Plan, (WLEP) 2000 and not the State Environmental Planning Policy, Seniors Living, (SEPP, Seniors Living).

Approval of the application is recommended.

3 PROJECT TEAM DETAILS

3.1 Project Team

The Project Team involved in the preparation of this DA is outlined in the table below.

Discipline	Consultant
Project Manager & Client	Dukor 24 Pty Ltd
Architect	Marchese Partners
Town Planning	City Plan Strategy and Development (CPSD)
Landscape	JCA Landscape Architects
Fauna and Flora	Travers Bushfire and Ecology
Bushfire	Travers Bushfire and Ecology
Waterways Impact Study	Travers Bushfire and Ecology
Access	Accessibility Solutions (NSW) Pty Ltd
BCA	Advance Building Approvals
Economic Analysis	Hill PDA
Geotechnical Report	GeoEnviro Consultancy Pty Ltd
Stormwater	JMD Development Consultants
Waste Management	Marchese Partners
Quantity Surveyor	Mitchell Brandtman
Table 1: Project Team	

4 THE SITE

4.1 Sub Regional Locality

The subject site is located in the northern beaches region of Sydney, within the local government area of Warringah. Refer to Sub Regional Locality plan, as below.

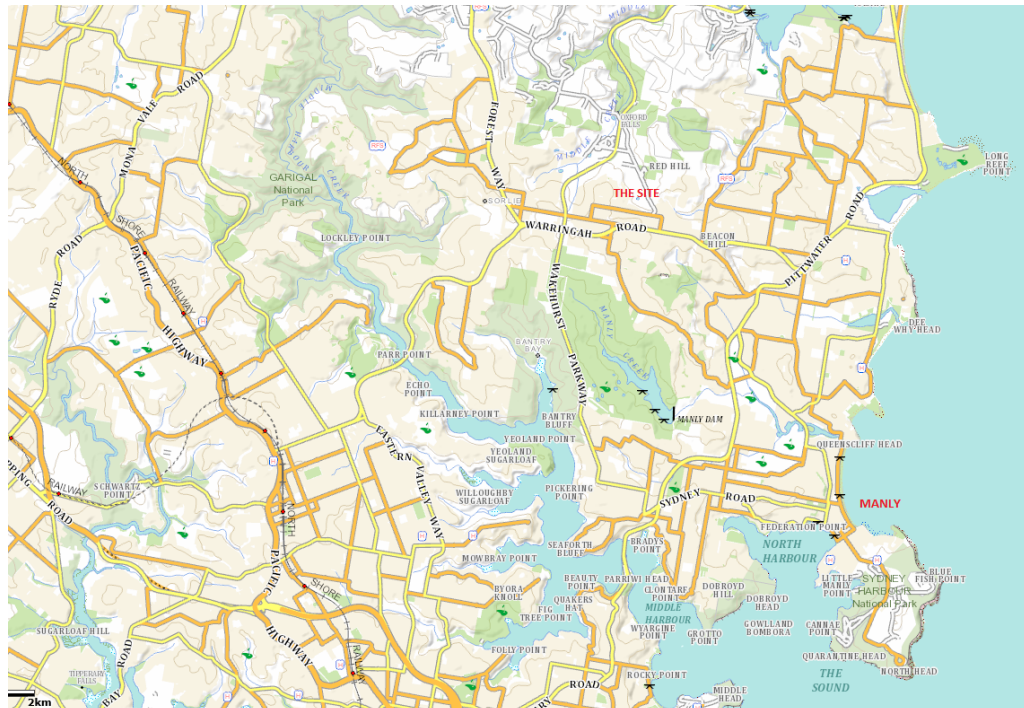


Figure 1: Sub Regional Locality Plan

The site is surrounded by low density semi-rural residential sites to the north, south and east of the site. To the west is one semi-rural allotment and suburban residential allotments, which comprise single dwellings.

4.2 Site Description

The subject site is located at 1113 Oxford Falls Road, Frenchs Forest and has a legal description of Lot 1113 in DP 752038. The site is irregular in shape and has a total area of 33,853 m². Refer to Figures 2 & 3 below. Access to the site is off Barnes Road, from Oxford Falls Road.

The site currently accommodates a detached dwelling and associated outbuildings. An internal driveway provides access from the entrance of the property at Barnes Road to the centre of the property.

The site has two distinct topographical parts. The steeper southern part is elevated between RL 110 and RL 90 and accommodates the dwelling house, landscaped garden areas, outbuildings and internal driveways. The shallower northern half is situated at a lower level of between RL 90 and RL 84 and accommodates a large open grassed area. The site has a fall of 26 metres from the south-western corner to the north-eastern corner.

The site has been largely cleared to support the dwelling, outdoor spaces and the paddock area to the north-east. A large grouping of trees is located in an east-west alignment across the centre of the site (adjacent to the internal central roadway). A smaller grouping of trees is also located to the south of the dwelling, as indicated in **Figure 2**.

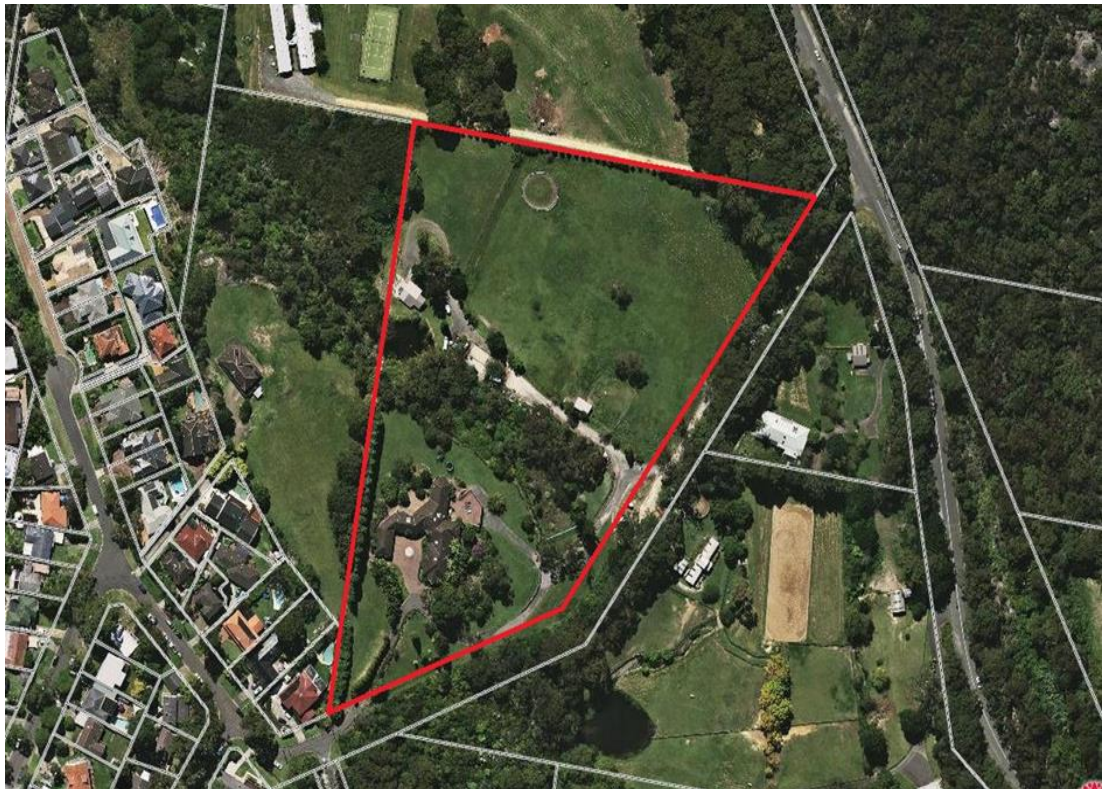


Figure 2: Aerial View of Site

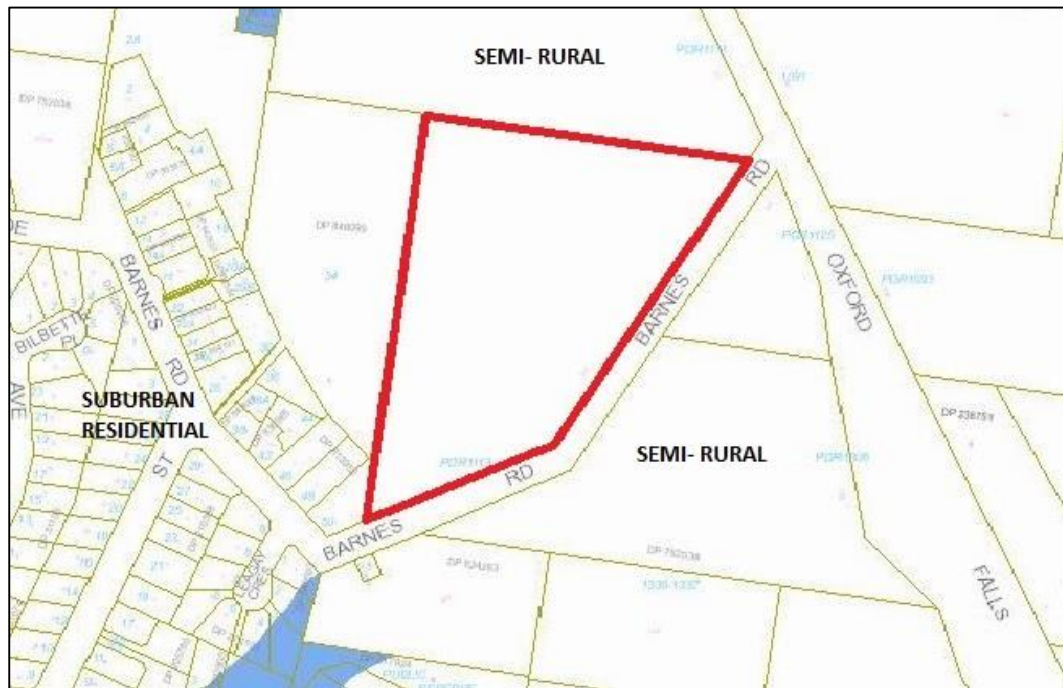


Figure 3: Surrounding Land Use of Site

4.3 Environmental Site Conditions

4.3.1 Flora and Fauna

A Flora and Fauna Study was undertaken by Travers Bushfire and Ecology, dated August 2014, a copy of which is enclosed in **Appendix 3**.

Flora

A total of two hundred and seventy six (276) flora species (157 native, 119 exotic) were observed within the study area (page 43). No threatened flora species were recorded within the study area.

Fauna

Four (4) threatened fauna species were identified, the Powerful Owl (*Ninox strenua*), Grey-headed Flying-fox (*Pteropus poliocephalus*), GlossyBlack-Cockatoo (*Calyptorhynchus lathamii*) and Eastern Bentwing-bat (*Miniopterus orianae oceansis*) were recorded within, or in close proximity to, the study area.

No protected migratory fauna species listed under the *Environment Protection and Biodiversity Conservation Act 1999* were recorded within, or in close proximity to, the study area. No endangered populations or *Endangered Ecological Communities (EECs)* were recorded within the study area.

The investigations noted that there are no threatened flora species, protected fauna species, threatened marine or aquatic species, and further no Endangered Ecological Communities (EECs) recorded within the study area. Refer to Section 8.2.1 for more details.

4.3.2 Bushfire

The site is located within bushfire prone land as indicated in **Figure 4** below:

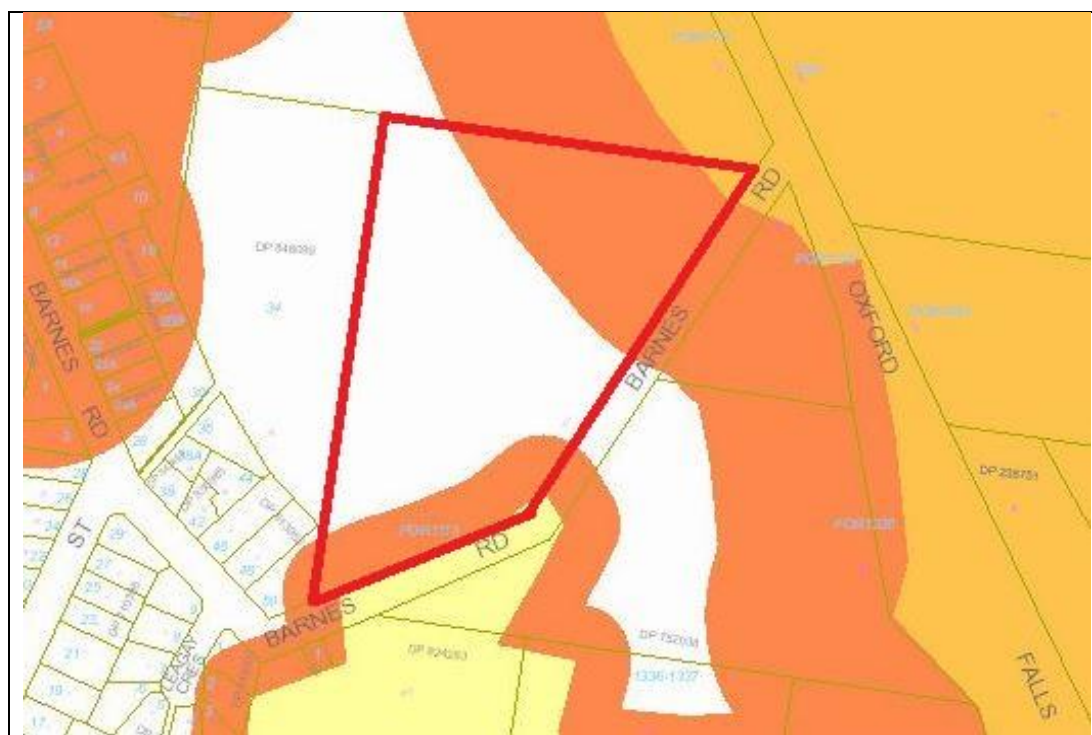


Figure 4: Bushfire Prone Map

Source: Warringah Council – Bushfire Prone Land Map.

1. The dark orange area indicates the 30m and 100m buffer zone respectively.
2. The light orange area indicates a Category 1 Vegetation area (i.e.: forests, woodlands, heathlands, pine plantations and wetlands).
3. The yellow area indicates a Category 2 Vegetation area (i.e.: grasslands, scrublands, rainforests, open woodlands and mallee).

The site will therefore require approval from the NSW Rural Fire Service and is an "Integrated Development", (that is one which requires approval from another agency). A Bushfire Protection Assessment Report has been undertaken by Travers Bushfire and Ecology, dated August 2014. A copy of which is enclosed in **Appendix 4**. Refer to Section 8.2.1 for more details.

4.3.3 Watercourses

A Waterways Impact Study has been undertaken by Travers Bushfire and Ecology, dated August 2014, a copy of which is enclosed in Appendix 4. There are three watercourses which traverse the subject site. **Figure 5** below shows the location of the watercourse and its associated 40m buffer (highlighted in pink) in relation to the site.



Figure 5: Waterways and Riparian lands map The site in context to the watercourse and 40m buffer. Source: Warringah Council Natural Drainage (Waterways) Buffer Map.

The report identifies the three watercourses are as follows;

- 1) A natural watercourse to the south, which flows to the east and into a dam and managed rural landscape on the adjacent property.
- 2) An ephemeral stormwater channel that has been constructed from a roadside culvert to the south which flows into the natural channel mentioned above.
- 3) Middle Creek Tributary is a modified drainage channel that bisects the north eastern corner of the site. Refer to Section 8.2.1 for more details.

Refer to Section 8.2.1 for more details.

4.4 Facilities and Community Services

The site is located in close proximity to a variety of facilities and community services within the Frenchs Forest area. The Frenchs Forest Road East Local Retail Centre, contains a pharmacy, bakery, superette and two take away restaurants, and is 837m from the site. The Forestway shopping centre, 2km from the site, has a range of shops and amenities including a pharmacy, optometrist, banks and grocery shopping outlets.

Warringah Mall and the associated Warringah Mall Medical Centre is 2.7kms from the site. Its main tenants include David Jones, Myer, Target, Big W, Woolworths, Coles, Rebel Sport, JB HiFi, Dick Smith Powerhouse and Hoyts Cinema. In addition there are over 300 specialty stores. The Warringah Mall Medical Centre, which is adjacent to the Warringah Mall, accommodates a full range of medical and dental facilities. It also has a 24 hour emergency centre. Further, the new Northern Beaches Hospital is currently under construction on the corner of Warringah Road and Wakehurst Parkway and is located approximately 1.5kms from the subject site. This facility offers significant medical care and support to the local area and to future residents of the retirement village.

The nearest bus stop the subject site is in Iris Street, which is 488 metres from the site. There is also a bus stop at Paxton Street (to the north) which is 539m from the site. Further, a community bus will be available for the exclusive use of residents of the retirement village.

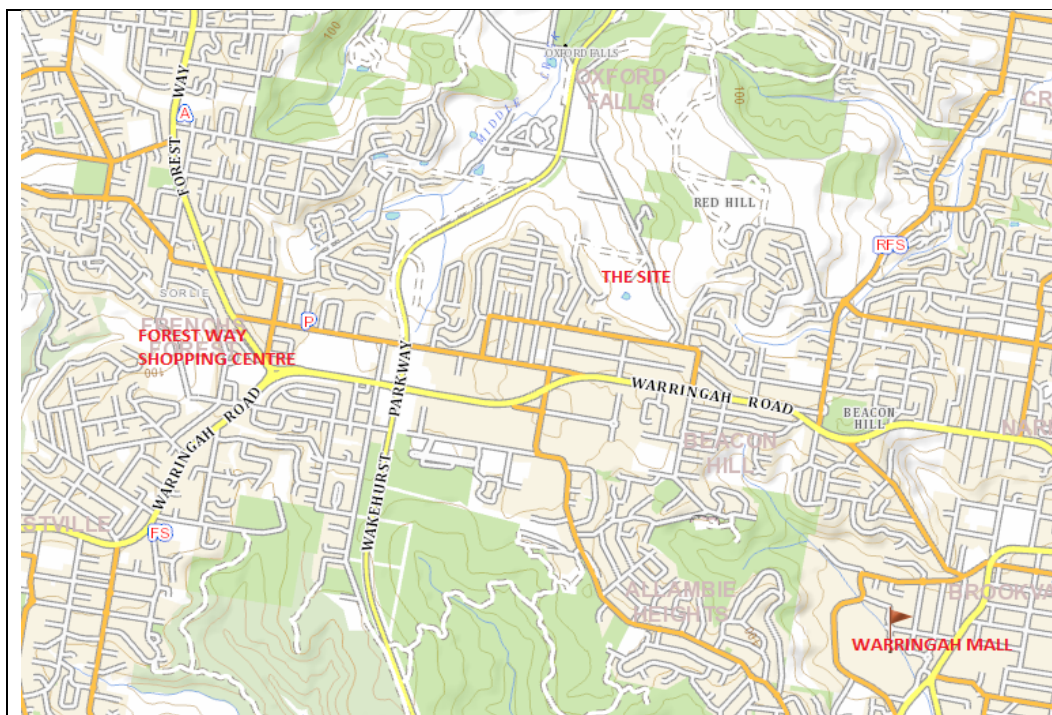


Figure 6: Facilities and Community Services

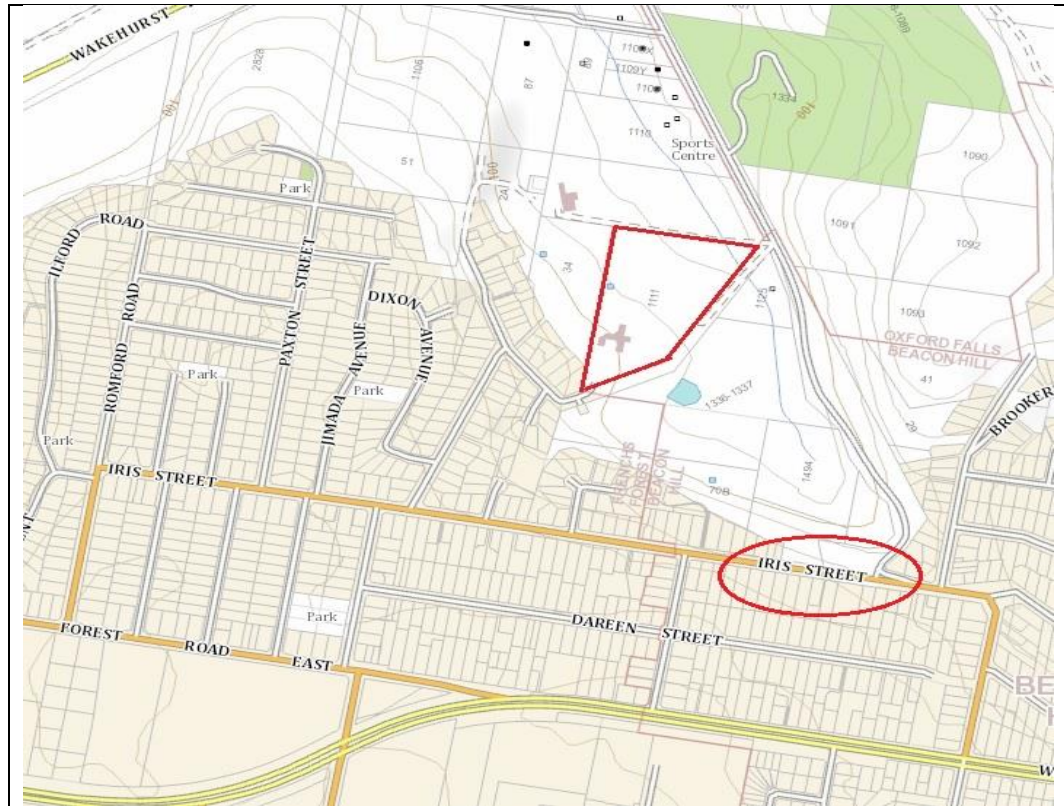


Figure 7: Access - The nearest bus stop is in Iris Street, 488 metres from the site.

4.6 Previous Approvals

The site has been subject to a number of development proposals over the last decade. Earlier proposals incorporated the subject site within a much larger development site involving several other adjoining and adjacent properties in a significantly larger seniors housing scheme than currently proposed. These proposals were refused for various reasons, but generally were considered to be inconsistent with the B2 - Oxford Falls Valley Desired Future Character Statement in Warringah Local Environmental Plan 2000 (which will be discussed in detail later in this SEE).

Most recently, a DA2013/0575 was lodged to Warringah Council for the subject site for the use of the existing dwelling house for a ten (10) bed residential care facility. The application was approved by the Council on 13 November 2013.

4.7 Site Photos

The following is a series of photos of the site and surrounding area.



Photo 1: View of the existing dwelling on the site



Photo 2: Entrance to the site, and view of existing dwelling



Photo 3: Westerly view of surrounding residences from the site



Photo 4: Edge of the western boundary of the site



Photo 5: View of the mid road, which bisects the site



Photo 6: Eastern boundary of the site



Photo 7: Northern portion of the site



Photo 8 : View across site in a northerly direction , towards Oxford Falls Road



Photo 9: Surrounding built form



Photo 10: Surrounding built form. Suburb to the south of the site.

5 DESCRIPTION OF THE DEVELOPMENT

5.1 Overview

This application seeks consent for the development of the subject site for the following;

- Site clearance and removal of trees and undergrowth;
- Demolition of a portion of the existing dwelling;
- The construction of a 45 bed residential care facility (RACF);
- On grade car parking spaces;
- Landscaping works across the site;
- Construction of internal roads; and
- Site improvement and drainage works

A detailed explanation of the proposed scheme is outlined below.

5.2 Project Scope

Site Clearance and Demolition

The site will be cleared to accommodate the proposed development. In addition a portion of the existing dwelling will be demolished. Refer to demolition plan in **Appendix 1**.

Bulk Earth Works

The estimated amount of excavation for external works including hard areas (that is roads, car parks and patios) and soft areas (landscape, lawns and planterbeds) is a total of approximately 5900 cubic metres. Most of which will be able to be re-used on site.

Tree Removal

A total of 120 trees are to be removed to adapt the site to the proposed development. All trees to be removed are identified on the Landscape Plans in **Appendix 2**.

Civil/Drainage Works

The proposed development requires:-

- On-site detention system
- The site has an existing Sydney Water manhole in close proximity to the driveway entrance of the site. It is proposed to introduce a private sewer reticulated system, which will then be connected into to the manhole.
- Water Sensitive Urban Design "WSUD" elements will be incorporated into the site stormwater management plan. WSUD measures will include:-

- A proposed stormwater collection tank will be incorporated into the proposed development. The water collected in this tank will be reticulated back through the development for re-use in toilet flushing and laundry use.
- A bio retention basin (rain garden) will be used to collect and treat all runoff from landscaped areas around the proposed development.

The above details can be found in the Stormwater Concept Plan. The report and plans prepared by JMD Developments are appended at **Appendix 10**.

Construction Works

Redevelopment of the site will include the refurbishment of one (1) existing building and the construction of five (5) new, separate buildings to create 45 apartments and ancillary services, all with connecting enclosed walkways.

Building	Uses	GFA
Building 1 (existing)	Reception, lounge, café, main dining area, multi media room, chapel, hairdresser, games, room, back offices	940m ²
Building 2	Kitchen, delivery, services, 6 apartments and ancillary services, personnel area, communal living areas and 6 apartments	680m ²
Building 3	Cinema, communal living areas and 8 apartments	1025m ²
Building 4	Communal living areas and 14 apartments	1545m ²
Building 5	Communal living areas and 9 apartments	1265m ²
Building 6	Pool, spa, gym, communal living areas and 8	1095m ²
Total		6,830 ²

Table 3: Total No. of Buildings

Materials and Finishes

The materials and finishes for the proposed development are detailed in the plan entitled, "Material Board" prepared by Marchese Partners at **Appendix 1**. A varied palette of materials and colour treatments is proposed to aid in providing a high level of visual interest. There is a combination of light colours and the use of vertical wood and brick walls to harmonise with the natural landscape of the site.

Car parking

A total number of 30 of car parking spaces are provided at grade.

Type of Car Parking	No. of spaces provided
Residents	20 (including 3 accessible car parking spaces)
Employee	5
Visitor	5

Table 4: Car Parking Provision

Landscaping

The site will be landscaped, with different areas of the site receiving a separate landscape treatment to reflect their unique character and proposed use. Broadly the landscape zones are identified as the following; the entrance driveway area, forecourt area, the existing rock garden and pool area, the memorial garden, the south eastern terraced gardens, hobby garden area, the alfresco terrace deck and the communal lawns. Each of which is elaborated upon below.

Entrance Driveway

The entrance driveway is bordered with a screen hedge of avenue trees and fronted with ground cover planting to create a sense of “arrival” . Car parking is provided on either side of the driveway and ramps lead from the disabled parking spaces to the front door through an existing landscape area which will be upgraded into a native bushland garden.

Entrance Forecourt

A spacious paved forecourt provides a safe level pick-up and drop-off point for visitors and the community bus. It will also act as a turning head for larger emergency vehicles. Soft landscaping will be provided on the edges of the forecourt.

Existing Rock Garden and Pool

The site contains an existing sandstone rock garden with two pool and a small stream and water cascade. These elements will all be retained and the water feature upgraded. The lower existing water pond will be replanted with aquatic plants to attract insect and bird life.

Memorial Garden

A memorial garden comprising a rose garden and reflection pool will be created as a centre piece of the landscaped areas. It will be structured on a traditional layout and will accommodate a summer house which will overlook a pond, with stepping pavers and access from Building No 6.

The entrance to the Memorial Garden will be marked by a significant entrance feature for example a ‘Lych gate’ or similar, which will frame and designate the space. Flowering climbers will be trained over the arbour for scent, colour and amenity creating a space of beauty and reflection.

South-Eastern Terraced Gardens

A series of three formal terraced gardens are proposed. Each terrace will have its own direct access from the adjacent residential buildings and will be linked to each other via a set of feature steps. Small to medium trees will frame views to create a sense of enclosure.

Hobby Gardens and Planter Beds

The lower eastern end of the site will be dedicated to a number of garden beds which are for hobby gardeners. Residents may grow and cultivate herbs and other favourite culinary plants to keep active and maintain their interests in gardening and horticulture. Fruit and vegetables from these garden beds will be used in the preparation of their meals. Raised planter beds will cater for residents with access disabilities.

Alfresco Terrace-Deck

Leading off the arrival lobby is an “alfresco” terrace, located close to a café. This terrace provides panoramic views northwards across the centre’s function lawns and the woodland and beyond towards Middle Creek.

Communal Function Lawns

Two large lawns with amenity garden shrubs and tree planting face northwards to the sandstone outcrop and existing woodland. The upper lawn will have a BBQ equipped for outdoor entertaining and social functions. The larger, lower function lawn features a gazebo or pavilion with immediate views into the native woodland tree canopies. Both gardens will be fully screened from the existing residential properties to the west of the subject site.

5.3 Key Development Statistics

Below is a summary of the key development statistics for the development proposal:-

Detail	Proposed
Site Area	33,853 m ² (3.38 hectares)
Total GFA	6,830m ²
Total FSR	0.20:1
Maximum Building Height	8m
Landscaped area	29,790 (88% of the site)
Car parking	30
Total no of beds	45
Table 5: Summary of Key Development Statistics	

5.4 Hours of Operation

The RACF will operate 24 hours a day.

5.5 Capital Investment Value

The Capital Investment Value of the project (that is the construction costs) is estimated at \$21,600,000. This figure is confirmed by the Quantity Surveyor Cost Report which accompanies the application at **Appendix 13**.

Based on the above figure, we note that the consent authority for this application will be the Joint Regional Planning Panel (JRPP).

6 STRATEGIC CONTEXT

Draft Sydney Metropolitan Plan, 2030

The site is located within the Northern East Sub Region of the Draft Sydney Metropolitan Plan, 2030 which comprises the local government areas (LGAs) of Hornsby, Ku-ring-gai, Manly, Pittwater and Warringah.

This sub region area is expected to grow in population from 573,000 in 2011 to 610,000 by 2031. Of particular relevance to this proposal is that fact that Frenchs Forest, which is located adjoining the suburb of Oxford Falls (and similarly within the Warringah LGA) is specifically identified as a, *“Health Specialised Precinct” which is proposed to capitalise on the growing cluster of hospital and health-related uses with associated research/business park opportunities to stimulate local jobs*. (Page 91)

In support of the above strategic intention, is the proposed Northern Beaches Hospital Precinct in Frenchs Forest, bounded by Frenchs Forest Road West, Warringah Road, Wakehurst Parkway and the Forest High School. This facility has the capacity for 423 beds and will deliver surgical, paediatric, obstetric, inpatient mental health services and an emergency department. The proposed RACF development is a use that will benefit from the proximity of the growing medical infrastructure in the area.

Draft Oxford Falls Valley and Belrose North Strategic Review 2013

The Draft Oxford Falls Valley and Belrose North Strategic Review 2013 applies to the site. In approving the Warringah Local Environmental Plan 2011(WLEP 2011), the Minister for Planning and Infrastructure decided to defer certain lands. The deferred land is within the B2 Oxford Falls Valley and C8 Belrose North localities under Warringah Local Environmental Plan 2000 (WLEP 2000) and therefore includes the subject site.

In July 2012 Warringah Council and the New South Wales Department of Planning and Environment (the Department) commenced work on Stage 1 of the Strategic Review to inform how a Planning Proposal should bring land in Oxford Falls Valley and Belrose North into WLEP2011.

Extensive consultation and research was undertaken to prepare the draft Strategic Review Report. The draft Strategic Review Report was publicly exhibited from 22 June to 30 August 2013 and consideration of the submissions resulted in a recommendation where the majority of the land would be zoned E3 – Environmental Management (Option 1).

The Strategic Review involved 2 stages. Stage 1 is to transfer the deferred lands in Oxford Falls Valley and Belrose North into WLEP2011. Stage 2 involves considering the future urban development potential for the area:

Stage 1:

The purpose of the Stage 1 Strategic Review Report has been to recommend an appropriate

set of zoning and planning controls to transfer from WLEP2000 into WLEP2011, and to engage the community in the process. Through this initial stage it was never intended to significantly change the urban development potential of land in Oxford Falls Valley and Belrose North.

Stage 2:

The purpose of Stage 2 is to investigate the urban development potential of land as recommended by the New South Wales Planning and Assessment Commission (PAC) in its 2009 report of the Strategic Review of four sites in Oxford Falls Valley for urban development.

Stage 2 was planned to commence once deferred lands have been consolidated into WLEP2011.

Warringah Council at its meeting on the 26 August 2014 recommended the following;

"1. That Council notes:

A. That Council staff have consistently followed the methodology determined by the NSW Department of Planning and Environment.

B. The conflicting advice it has received from the NSW Department of Planning and Environment and from the former Minister.

C. The residents' concerns regarding the review of their individual parcels of land by the NSW Department of Planning and Environment led team.

D. That the previous Council was in favour of Stage 2 of the Planning and Assessment Commission recommended studies being carried out immediately.

E. That the E3 zone is being reviewed by the NSW Department of Planning and Environment.

1. That Council:

A. Requests the NSW Department of Planning and Environment to consider the report which is Item 8.1 on tonight's agenda and make a determination by selecting one of the five options.

B. Recommends the renaming of the E3 zone to address public concern about the implications of having a zone entitled "Environmental Management".

C. Recommends that Stage 2 of the Planning and Assessment Commission recommended studies be carried out immediately by the State Government.

D. Expresses its concern to the State Government at the rising costs of unnecessarily administering two Local Environmental Plans.

E. Informs affected landowners of this resolution.

(A full copy of the Council Minutes are available on <http://www.warringah.nsw.gov.au/>).

At the time of lodging this application the subject site is “deferred land” and will remain under the provisions of LEP 2000 until the land is legally incorporated into the Warringah Local Environmental Plan (WLEP 2011). We submit that there is negligible certainty or imminence associated with the making of any proposed new LEP for this area and that no determinative weight should or can be placed on a prospective LEP.

Draft Warringah Housing Strategy

The Draft Warringah Housing Strategy identifies that the LGA *requires “a diversity of housing options through the provision of a greater mix of housing, in terms of type, density and affordability, to accommodate an increasing and diverse population”*. The Strategy further identifies that the provision of dwellings for the elderly and disabled persons is a high priority for the LGA, with an annual demand for elderly and disabled persons of +67.3 dwellings and a forecast of an additional +1,480 such dwellings between 2010 and 2031. (Extract from Hill PDA Economic Report, a copy of which is enclosed in **Appendix 10**)

Therefore the proposed RACF will make a positive contribution to the provision of housing for the elderly.

Warringah Social Plan, 2010

The Warringah Social Plan (WSP), 2010 notes that Warringah’s population is ageing at a higher rate than the national average, and generally living longer. The WSP notes it is important that healthy ageing be encouraged and that services and infrastructure further support this, as well as catering for those with additional needs such as for home-based or residential care.

The strategic directions include, *‘facilitate healthy and active lifestyles for older people which encourage ageing in place, participation and reduce the potential for social isolation’*.

In order to achieve this objectives the following two actions are proposed;

“1. Plan for a range of housing types and densities in Warringah, to best meet existing and future housing needs and targets.

2. Review opportunities in particular for increased housing choice and accessibility for older people and people with a disability. Facilitate the ability of people to be able to ‘age in place’ here in Warringah”.

The RACF will provide an additional 35 beds (10 beds have been previously approved under DA2013/0575) and ancillary services which will contribute to providing accommodation and a sense of community for the target group. The additional apartments contribute to meeting the strategic objectives of the Social Plan.

7 STATUTORY PLANNING CONSIDERATIONS

7.1 Overview

The relevant statutory regime and assessment criteria applicable to development on the subject site comprises the following:-

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulations 2000;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Warringah Local Environment Plan 2000.

These matters are addressed in the following sections below.

7.2 Environmental Planning and Assessment Act 1979

Section 79C of the Act identifies the matters that a consent authority is to take into consideration when determining a development application. In summary those matters are:

- The provisions of any environmental planning instrument, draft instrument, development control plan, planning agreement, or the Regulations that apply to the land to which the development application relates;
- The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- The suitability of the site for the development;
- Any submissions made in accordance with this Act or the regulations; and
- The public interest.

For a detailed commentary on these issues, refer to **Section 8** of this report.

Section 91 – Integrated Development

This section of the Act defines ‘integrated development’ as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body, their General Terms of Approval (GTA) in relation to the development.

This application is classified as integrated development under this section of the Act as it requires approval from the NSW Rural Fire Service for *"special fire protection"* purpose (*"seniors housing"*) under Section 100B of the Rural Fires Act 1997.

7.3 State Environmental Planning Policy No. 55 - Remediation of Land

Clause 7(1) (a) of the above SEPP states that a consent Authority must not consent to the carrying out of any development on land unless;

“(1) A consent authority must not consent to the carrying out of any development on and unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.

Warringah Council's Assessment Report for DA 2013/0575 dated the 15 May 2013 “(page 28) for the subject site states that *Council records indicate that the site has been used for residential purposes for a significant period of time. It is therefore considered that the site poses no risk of contamination*”.

Further details on contamination and remediation issues can be found under Section 8.2.1 in this report.

7.4 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The SEPP (Seniors Housing) applies within the State of NSW and is relevant to the assessment of this application. Although this development application is not submitted under the provisions of SEPP (Seniors Housing), as noted previously, consideration of the relevant provisions is undertaken below.

The NSW Land and Environment Court decision of Talbot J in *Mete v Warringah Council* (2004) NSWLEC 273 confirmed that any clauses in the SEPP (Seniors Living) which are prefaced with the words “*development application made pursuant to this chapter*” are **not** relevant to a development application submitted pursuant to a Local Environmental Plan.

Chapter 1 – Preliminary

Chapter 1 of the SEPP (Seniors Housing) lists under Clause 2(1) the Aims of the Policy as follows:

“Clause 2 (1) Aims of Policy

This Policy aims to encourage the provision of housing (including residential care facilities that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design”*

The above aims under Clause 2 (1) are relevant and are considered as follows:

“(a) Increase the supply and diversity of residences that meet the needs of seniors or people with a disability”.

The proposed development is considered to be consistent with the aims of the policy, in that the proposed development will increase the supply and diversity of residences to meet the needs of seniors or people with a disability, in the area. There is currently unmet demand for seniors housing in the area, as noted in the report below.

The report entitled “Oxford Falls, Review of Submissions, July 2008” by Urbis stated that;

“The residential aged care need in Northern Sydney is disproportionate to that of most other areas within the metropolitan region; with a higher than average number of persons aged 65 and over and a significant number of persons expected to require residential aged care in future years up to 2031. By 2031, the largest increases (measured by volume) for residential aged care living can be expected to emerge from the Hornsby (1,049 additional places in 2031), Warringah (747 additional places), Ku-ring-gai (699 additional places), Pittwater (577 additional places) and Ryde LGAs (553 additional places), with Warringah also being prominent with relation to the need for high care residential aged care, where an additional 1,007 residential aged care places will be required to cope with regionally generated demand.” (Page 2)”.

There is clearly a need for the type of development proposed.

“(b) Make efficient use of existing infrastructure and services”

The site is fully serviced by existing road infrastructure, and available energy, water, sewerage, and telecommunications.

Road Access

Road access to the site is two routes. Firstly, via Oxford Falls Road and onto Barnes Road reserve. Warringah Council’s Assessment Report for DA 2013/0575 dated 15 May 2013 “(page 97) for the subject site states that “*The Department of Lands has confirmed, via email*

to Council dated 26 June 2013, that Barnes Road was placed under Council control on 20 January 1911 and that Council is therefore the Roads Authority for the road reserve”.

Secondly, the site may also be accessed through the suburb of Oxford Falls, from Warringah Road, Patanga Road and Myra Road, which lead onto Barnes Road. The site is well serviced with established road access.

Energy

Energy is available to the site and it will be extended to the new buildings.

Water

Water to the site is supplied by Sydney Water.

Sewerage

The site has an existing Sydney Water man hole in close proximity to the driveway entrance of the site. It is proposed to introduce a private sewer reticulated system, which will then be connected into to the man hole.

Telecommunications

Telecommunications is currently available to the site and will be extended.

The site is therefore able to be fully serviced to support the proposed development.

“(c) Be of good design”

The proposed development is considered to be of excellent design in that it has sensitivity considered the constraints and opportunities of the site and the character of the locale. The design response is sympathetic to the quality of the surrounding environment and had been designed by reputable Architects. The design response may be characterised as being of a domestic scale.

Chapter 2 – Key concepts

Chapter 2 identifies key concepts associated with Seniors Living developments. The relevant clauses are addressed below.

Clause 8 Seniors

This clause defines ‘seniors’ as

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

Future occupants of the proposed development will meet the above criteria.

Definition of Seniors housing

Clause 10 states that, *"In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility, or*
 - (b) a hostel, or*
 - (c) a group of self-contained dwellings, or*
 - (d) a combination of these,*
- but does not include a hospital".*

The proposed built form of the development falls into the category of "residential care facilities", which is defined in Clause 11 as;

"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.*

The proposed development has been designed to meet the above criteria pertaining to a RACF. The proposed development is intended for "Seniors" as defined above, and it is able to meet the requirements of a RACF in that the facility will provide meals and cleaning services, there will be personal and nursing care as there are a number of 'terminal' units Building 2 for those residents that require additional assistance. There will be eight (8) staff and the built form of the development is not a dwelling, hostel, hospital or psychiatric facility. Therefore the proposed facility is a RACF and is consistent with the relevant provisions of Chapter 2 – Key Concepts.

Chapter 3 – Development for seniors housing

Chapter 3 of the SEPP contains a number of development standards that are applicable only to development applications made pursuant to the SEPP (Seniors Housing). However, as the development application is made pursuant to WLEP 2000, the specific provisions prefaced for their operation with the words *"made pursuant to this chapter"* of Chapter 3 are not relevant to this application, as per the NSW Land and Environment Court decision of Talbot J in *Mete v Warringah Council* [2004] NSWLEC 273.

Notwithstanding a separate assessment pertaining to a "Residential care facility" has been undertaken and is contained in **Appendix 14**

Chapter 4 – Miscellaneous

Chapter 4 contains a range of related issues, of particular relevance is the note that the subject is not located on environmentally sensitive land (as defined by Schedule 1 of the SEPP

(Seniors Housing), is not affected by amendments to other SEPPs, and the special provisions do not apply to this land.

Clause 55 pertains to residential care facilities and the need to have fire sprinkler systems. This is noted and will be addressed at construction certificate stage.

The proposed development is consistent with the provisions contained in Chapter 4 of the SEPP (Seniors Housing).

7.6 State Environmental Planning Policy (Infrastructure) 2007

The aim of the Infrastructure SEPP, is to provide a consistent planning regime for infrastructure and the provision of services across NSW.

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) *providing greater flexibility in the location of infrastructure and service facilities,*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Clause 104 of this Policy requires Council to refer this application to Roads and Maritime Services (RMS) if the following capacity threshold triggers in Column 2 of Schedule 3 of the Policy is exceeded:

- Apartment or Residential Flat Building with 300 or more dwellings;
- Apartment or Residential Flat Building with 75 or more dwellings if the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection); and
- Parking for 200 or more vehicles.

This proposal does not trigger the above criteria and therefore does not need to be referred.

With regards to requirements of Clause 104(2) (b) and Schedule 3 of the SEPP and a review of other clauses, the development does not trigger referral under this SEPP.

7.8 Warringah Local Environmental Plan 2011

Clause 1.3(1A) Warringah Local Environmental Plan 2011 (WLEP 2011), “Land to which Plan applies’ under the WLEP 2011 states that “...*this plan does not apply to the land identified on the Land Application Map as “Deferred Matter”*”. The Land Application Map identifies the subject property as “Deferred Matter”. Therefore, WLEP 2011 (and the current WDCP 2011) do not apply to this application.

7.9 Warringah Local Environment Plan 2000 (WLEP 2000)

The Warringah Local Environmental Plan 2000, WLEP 2000 applies to this proposed development. This WLEP 2000 provides the Locality Statements, as a key assessment criteria. The proposed development falls within the “Warringah Locality B2 Oxford Falls Valley” area.

Definition and Category of Development

The proposed development is defined under the WLEP 2000 Dictionary as ‘*Housing for Older People or People with Disabilities*’ which means

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

Development for the purposes of ‘Housing for Older People or People with Disabilities’ is classified as a Category 2 development under the B2 Oxford Falls Valley locality Statement of the WLEP 2000 which falls into the category of being a permissible use.

Category Two

“housing for older people or people with disabilities (on land described in paragraph (c) under the heading “Housing density” below)”

Prohibited

“Development for the purpose of the following is prohibited within this locality:

housing for older people or people with disabilities (other than on land described in paragraph (c) under the heading “Housing density” below)”

Therefore, for seniors housing to be permissible, it must be *“on land described in paragraph (c) under the heading “Housing density”* which is extracted below:

Housing density

The maximum housing density is 1 dwelling per 20 ha of site area, except:

(c) on land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purpose of “housing for older people or people with a disability” and the development complies with the minimum standards set out in clause 29.

With regard to the above the land adjoins a locality primarily used for urban purposes and in which a dwelling house is permissible for the following reasons:

The site adjoins 50 Barnes Road, which is zoned R2 Low Density Residential under the Warringah LEP 2011. Dwelling houses are permitted with consent on the land. A zoning map extract below shows the location of the adjoining R2 zoned land. (Please note that this comprises two LEP maps as the site is on the border of two of the WLEP 2011 Land Zoning Maps, hence the 'greyed' areas).

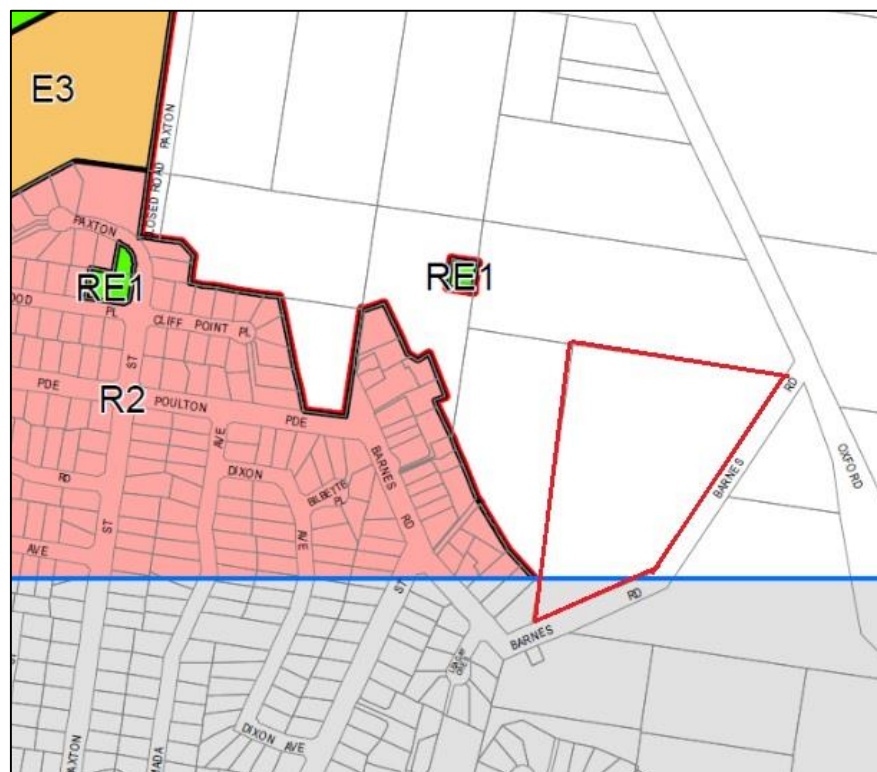


Figure 8 - WLEP 2011 Land Zoning Map Extracts: Source: WLEP 2011

The site is identified above and it adjoins the R2 zone. Therefore subject to the relevant provisions, the proposed use is permissible.

This approach regarding permissibility was applied to (DA2013/0575) and Council accepted the development as being defined as a Category two *"housing for older people or people with disabilities (on land described in paragraph (c) under the heading "Housing density" below")*.

Therefore the proposed use of the site for *"housing for older people or people with disabilities"* and specifically a *'residential care facility'* is a permissible use with Consent from Council.

Locality Desired Future Character Statement

Another key determining matter for consideration in the assessment of any DA under the WLEP, 2000 is the locality desired future character statement. Clause 12 of the WLEP prescribes that for any Category two development, before granting consent, the consent authority must be satisfied *"that the development is consistent with the desired future character described in the relevant Locality Statement"*.

Clause 12 identifies "What matters are considered before consent is granted?"

(1) *"Before granting consent for development the consent authority must be satisfied that the development is consistent with:*

(b) Category Two or Three, the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement, but nothing in a description of desired future character creates a prohibition on the carrying out of development."

Clause 12(3) (b) of WLEP 2000 requires that the consent authority must consider whether the development is consistent with the Desired Future Character described in the locality statement.

As such, the desired future character of the Oxford Falls Valley area is described in full below and will be assessed in detail thereafter under four separate paragraphs. The statement reads as follows;

Desired Future Character, Oxford Falls Valley Locality statement

"The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridge tops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or

the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained”.

Consideration of the proposed development against the Desired Future Character statement.

Statement:

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridge tops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway”.

Comment:

Within the broader context, the present character of the Oxford Falls Valley locality is characterised by large scale open allotments which have a semi-rural appearance. This semi-rural appearance is accentuated by the natural valleys of Middle Creek and the Garigal National Park. Within the local context, the site is situated within the more developed southern-most part of the locality which is characterised by a mix of residential, commercial and recreational development, all of which extend along the western side of Oxford Falls Road.

The site has been designed to ensure that there is no new development on ridge tops or places which disrupt the skyline. The proposed buildings are located to the south east of the site and are clustered around the existing dwelling and deliberately cascade down the hill towards Barnes Road to ensure that the visual impact is reduced.

The proposed development is consistent with the description of “*new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses* ”.

We interpret this as promoting two broad distinct development types, one being new detached style housing conforming with the specified densities and the other being low intensity, low impact uses. We conclude that the subject proposal is housing that falls within the first development type and therefore is not required to be low intensity, low impact. Nonetheless we will assess the impact profile of the proposal to confirm that it would meet that description in any case.

'new detached style housing'

The proposed development is *"new"*, in that it currently does not exist. Four new buildings are proposed to be constructed and the existing residence refurbished. It is of a *"detached style"* in that it has the appearance (style) of detached dwellings. The overall proposed development comprises an existing detached residential house and five (5) new detached residential buildings. The entire built form comprises 5 buildings which are all characterised as being of a domestic style and scale, being two storeys with a hipped roof. This built form is typical of the surrounding residences. The materials and finishes are also domestic in quality and appearance. The fact that these buildings are physically connected by discretely designed enclosed walkways does not affect their description of detached *"style"* housing. If there was an intention of denying any form of physical attachment, the wording would have been *"detached housing"* rather than *"detached style housing"*. The proposed form, layout and design of the proposal is entirely consistent with this description.

The proposal is for *"housing"* as there are two forms of housing defined in the LEP 2000, which includes *"housing"* and *"housing for older people or people with disabilities"*. Whilst the former refers to dwellings, which is not relevant to this proposal, the latter defines the proposed residential care facility. It is clear that this type of housing is contemplated by the clause by its reference to the housing conforming to the *"housing density standard set out below."* As discussed below *"housing for older people or people with disabilities"* is specifically referred to in the *"housing density"* heading of the locality statement.

It is appropriate to conclude therefore that the RACF falls within the definition of 'new detached style housing'.

With reference to *'housing density standards'* under this heading, a maximum housing density of 1 dwelling/20ha is established, however there are exceptions to this which include *"housing for older people or people with disabilities"* for which *"there is no maximum housing density"* applicable to this proposal (as will be confirmed below).

As indicated above, since the proposed development falls into the category of *'new detached style housing conforming with the housing density standards'* it is unnecessary to consider whether it meets the separate description of *'low intensity, low impact uses.'* Notwithstanding, the proposed development would be consistent with this description, and a discussion of such is undertaken below.

'Low intensity low impact'

The definition of 'low intensity' and 'low impact' uses was established in the Land and Environment judgement *"Vigor Master Pty Ltd v Warringah Shire Council (2008) NSWLEC 1128"* as discussed below.

Interpretation of Intensity

"Intensity - is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore "low intensity" would constitute a development which has a low level of activities associated with it".

Size and scale

The proposed development is for the refitting of the existing residential building and the construction of four buildings to facilitate a change of use from a dwelling to a Residential Care Facility on a site of 33,853m². The site area that is proposed to be covered with buildings is 4,030m² (12 %). The remainder of the site, being 29,790m² (88%) of the site is proposed to be used for various outdoor recreational areas such as walking tracks, landscaped gardens and natural bushland. The site will be extensively landscaped and landscape treatments will include the construction of a stormwater basin with swales, rain garden and footpaths to the aforementioned outdoor recreational areas.

The development includes the provision of an on-site car parking area and internal access road which extends part-way along the southern boundary adjacent to the Barnes Road road reserve. The overall built form impact is 12% of the total site area with an FSR of 0.20: 1. This is exceptionally low, when compared to a typical residential dwelling, which is the built form to the south west of the site.

The proposed buildings step down with the slope of the site to comply with the relevant LEP height controls and are consistent in height with what would be expected in the locality.

Therefore, with respect to size and scale, the development is considered to be low intensity.

Extent of the activities associated with the proposal

Generally, the activities associated with the proposal are of a communal residential nature with the on-site facilities providing for the enjoyment and entertainment of the residents and their visitors.

The extent of activity may be gauged by the patronage and traffic generated by the development. The patronage will include at least 45 residents of the facility, a maximum of eight (8) staff members on-site at any one time, emergency vehicles (if and when required), delivery vehicles and visitors.

Parking for 30 vehicles (which includes the provision for a mini bus and an ambulance bay) is provided on the site.

Therefore, with respect to the extent of activities associated with the proposal, the development is considered to be low intensity.

In this regard, the development is considered to constitute a low intensity land use.

"Impact - is commonly used in planning assessment to identify the likely future consequences of proposed development in terms of its surroundings and can relate to

visual, noise, traffic, vegetation, streetscape privacy, solar access etc. Therefore 'low impact' would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality".

Based upon the scale and size of the development in terms of built form and the extent of the activities associated with an aged care use, the development is be considered to have a minor impact such that it would be unlikely to significantly change the amenity of the locality. A more detailed assessment of impact is assessed throughout this submission.

The Traffic Report which accompanies the application (refer to Traffic Report in Appendix 3) notes that, surveys undertaken by RMS found that housing for aged and disabled persons generates 0.1 to 0.2 vehicles per hour per dwelling during peak periods. The proposed development would generate some nine vehicles per hour two-way during peak hours. This is a low generation. Such a low generation would not have noticeable effects on the operation of the surrounding road network.

Therefore, the development is considered to be a low intensity and low impact land use. The development satisfies this element of the Desired Future Character statement.

Statement:

"The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged".

Comment:

The property currently accommodates areas of cleared bushland within the northern half of the site and a mix of bushland, landscaped lawn areas and a residence within the southern part of the site. This layout effectively forms an interface between the adjacent semi-rural areas to the north, east and south and the more urbanised residential areas to the west.

Therefore, in terms of the protection of natural landscape, the site has been largely left untouched. The refitting of the existing dwelling will not add to the visual impact of the development as no obvious increase in building height, size or scale of the building is proposed. The additional five buildings are grouped around the existing residence and present as domestic in bulk, height and scale. The five new buildings are terraced into the existing landform and are located in the south of the site which is adjacent to the existing residential areas. It therefore provides a transition from residential uses to open landscaped areas.

The materials and finishes proposed are to complement the peri urban quality of the area. The colours reflect the natural earthy tones of the environment. A copy of which is enclosed in Appendix 1.

Other works proposed as part of the development (specifically, the recreational and stormwater works) will also have minimal visual impact upon the current landscape character of the site.

The site is characterised by extensive landscaping which is clearly identified in the Flora and Fauna Report prepared by Travers Bushfire and Ecology Figure 2 of the report and the Landscaping Plans as enclosed in **Appendix 2**.

Statement:

"A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape".

Comment:

This part of the Desired Future Character statement is not applicable as the site is not located on or near to Forest Way or Wakehurst Parkway.

Statement:

"Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained".

Comment:

The development is not located within 40m of a waterway.

Housing Density

Built form, Housing Density states that

"c) on land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purpose of "housing for older people or people with a disability" and the development complies with the minimum standards set out in clause 29"

Built Form Controls (Development Standards)

Clause 29 of the WLEP 2000 provides controls to establish on what grounds an application for housing for older people or people with disabilities cannot be refused. In the case of the B2 locality, it is also relevant in terms of confirming the category and permissibility of the development.

The following table details compliance of the development against the various provisions of Clause 29:

Development Standard	Required	Proposed	Compliance
(a) Building Height	8.0m	8.0m	Yes
(b) Density and Scale	0.5:1	0.20:1 (6,830m ²)	Yes
(c) Landscaped Area	25m ² per residential care facility bed. Total required = 1125m ² .	88% of the site is unbuilt upon, which is 29,023m ² in extent of open space/landscaped area	Yes
(d) Parking	in the case of a hostel or residential care facility, at least 1 parking space for each 10 beds in the hostel or residential facility car and 1 parking space for each two persons to be employed in connection with the development) and on duty at any one time, and 1 parking space suitable for an ambulance, and 1 ambulance space and;	20 resident spaces (including 3 accessible car spaces) 4 x staff 1 x ambulance space	Yes
(e) Visitor Parking	In the case of development that comprises 8 or more dwellings or is situated on a clearway, visitor parking is required. Total (min) required = 28 spaces	5 visitor parking spaces are provided. Total provided = 30 spaces	Yes
(f) Deep Soil Area	(a) Site width (W) = 199.9m (b) Site length (L) = 225.5m	Total unbuilt area provided is 29,023m ²	Yes

	(c) W x 15% of L Total required = 6,756.6m ²	and the site is comfortably able to provide 6,657.6m ² .	
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The proposed development meets all of the above development controls.

General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of the LEP are applicable to the proposed development:

General Principle	Required	Proposed	Complies
CI 38 Glare & reflections	Clause 38 requires that development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality	The development will ensure that the reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%.	Yes
CI 39 Local retail	No	The site is not located within a Local Retail Centre.	N/A

The following table details compliance of the development against the access provisions of Clause 40 under the LEP2000:

Control	Required	Proposed	Compliance
Support Services	The site within 400m of a shopping centre or bus stop; or The development is serviced by a transport service that is located not more than 400m from the site and is available both to and from the development during daylight hours at least once per day from Monday to Friday (inclusive)	The following is a list of shopping centres in proximity to the site (note: with exception to the Frenchs Forest Road East Local Retail Centre, distances are via straight line only): 837m to the Frenchs Forest Road East Local Retail Centre. 2.0kms to Forestway Shopping Centre. 2.7kms to Warringah Mall. The following is a list of the nearest bus stops in proximity to the site: 539m to Paxton Street (north); 488m to Iris Street (west). Whilst well serviced by reasonably proximate facilities,	Yes

		<p>none is strictly within 400m of a shopping centre or bus stop. The requirement of the clause is however satisfied by the development being serviced by a dedicated private mini bus which will transport residents to and from local facilities</p>	
	<p>Reasonable access to home delivered meals, personal care and home nursing and assistance with housework</p>	<p>The following is a list of medical facilities in proximity to the site:</p> <ul style="list-style-type: none"> • 1.5kms to the proposed Northern Beaches Hospital on the corner of Warringah Road and Wakehurst Parkway. • 2.0kms to Forestway Medical Centre in the Forestway Shopping Centre <p>Residents will also have reasonable access to :</p> <p>Meals which are prepared on-site and served in-room or in the communal dining room;</p> <ul style="list-style-type: none"> • Personal care and on-site nursing; <p>The provision of a high care facility identified as "terminal units" within Building 2</p> <ul style="list-style-type: none"> • Assistance with housework as the facility includes its own cleaning and laundry staff. • 24 hour access to on-site medical and nursing staff . 	Yes
Wheelchair access	<p>(a) Site Gradient (i) if the whole of the site has a gradient of less than 1:10, 100% of the hostel or residential care facility beds and 100% of the dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road or an internal road or a driveway that is accessible to all residents, or</p>	<p>The whole of the site has a gradient of 8.5%, which equates to a gradient of 1:12, therefore (i) applies.</p> <p>The development provides for a continuous path of travel for 100% of wheelchair bound residents of the facility to the driveway and adjoining public road.</p>	Yes

	(ii) if the whole of the site does not have a gradient of less than 1:10, a percentage (which is not less than the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and which in this subparagraph is called <i>the specified minimum percentage</i>) of any hostel or residential care facility beds and the specified minimum percentage of any dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road or an internal road or a driveway that is accessible to all residents.		
	(b) Road Access At least 10% of any hostel or residential care facility beds and at least 10% of any dwellings which meet the requirements of paragraph (a) must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road	The development provides for a continuous path of travel for 100% of wheelchair bound residents of the facility to the driveway and adjoining public road.	Yes
	(c) Common Areas Access must be provided so that a person using a wheelchair can use common areas and common facilities associated with the development	The development includes level access paths to the nearby common areas located adjacent to the building and inclinator to the bowling greens and putt-putt course, which is located on the lower part of the site to the North-east. Accessibility to these areas has been designed to satisfy AS1428.1 and AS1428.2 as well as the DDA.	Yes
	(d) Adaptability 10% of any hostel or residential care facility beds and 10% of any dwellings which meet the requirements of paragraph (a) must also have, or be capable of being modified so that they have, wheelchair access by a	The accessibility of the site has been reviewed and the Access Report, enclosed in Appendix 8 confirms that the development will provide appropriate access for a Residential Aged Care Facility that complies with Parts D3, E3.6, F2.4 of the BCA and DDA Premises Standards.	Yes

	continuous path of travel (within the meaning of AS 1428) to all essential areas and facilities inside the hostel, residential care facility or dwellings, including a toilet, bathroom, Bedroom and a living area.		
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Further assessment is provided under Schedule 16 of the – ‘Principles and Standards for Housing for Older People or People with Disabilities’ later in this report.

Further assessment is provided regarding relevant and applicable controls for Housing for Older People or People with Disabilities as below.

Control	Required	Proposed	Compliance
CI 42 Construction Sites	Clause 42 requires that construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.	<p>The proposed RACF is substantially set back from the surrounding dwellings. Setbacks to the site boundary vary from 9.4m to 49m. Refer to Setback Plan in Appendix 1.</p> <p>Notwithstanding, the potential exists for the future demolition, Excavation and construction to impact upon surrounding locality to the in terms of traffic, noise, dust, parking, accessibility and sediment. It is proposed that these issues will be addressed via a Construction Management Plan, which is imposed as a Condition of Consent.</p>	Yes
CI 43 Noise	<p>Clause 43 requires that development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would Be unreasonable to the occupants.</p> <p>In particular, noise from the combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise level by more than 5 dB (A) when measured in accordance with the Environment</p>	<p>The development includes the provision of five new buildings and 45 beds to be used for the purposes of a Residential Care Facility.</p> <p>Notwithstanding, the development includes new outdoor landscaped areas which are located a sufficient distance (i.e.: a minimum of 60m) from the neighbouring residential zone to the west. It is not envisaged that these areas will produce noise which will have an adverse impact upon neighbouring properties.</p>	Yes

	Protection Authority's Industrial Noise Policy at the receiving boundary of residential and other noise-sensitive land uses, and .development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise, and waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10 pm and 6 am	It is also noted that the development includes a new car parking area. However a landscaped screen is proposed between the western side of the car park and the property boundary. The loading dock is screened from the properties to the west as it is significantly below the natural ground level of those properties with no line of sight to the dwellings due to retaining walls which will contribute to the mitigation of noise.	
CI 44 Pollutants	Clause 44 requires that no development is to be carried out which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the use from existing or likely future development on other land in the locality), would result in the emission of atmospheric (including odours), liquid or other pollutants which would unreasonably diminish the amenity of adjacent properties, the locality or waterways.	The proposed use is domestic in character and scale. It is not anticipated that there will be increase in potential pollutants associated with the proposal. Measures to manage any potential pollutants however, are addressed in the Operational Management Plan.	Yes
CI 48 Potentially Contaminated Land	Clause 48 requires that: (1) The consent authority must not consent to the carrying out of development on land unless: <input type="checkbox"/> it has considered whether the land is contaminated, and <input type="checkbox"/> if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is	Detailed studies have been undertaken and are referenced in Appendix 12. Council assessed this issue in the previously approved DA2013/0575, which was lodged on the 15 May 2013 and concluded that " <i>Council records indicate that the site has been used for residential purposes for a significant period of time. It is therefore considered that the site poses no risk of contamination and as</i>	Yes

	<p>proposed to be carried out, and</p> <p><input type="checkbox"/> if the land requires remediation to be made suitable for the development proposed to be carried out, it is satisfied that the land will be remediated before the development is carried out</p> <p>2) Consent for development on any of the following land must not be granted unless the consent authority has considered a preliminary investigation of the land concerned prepared in accordance with the contaminated land planning guidelines under section 145C of the Act:</p> <p>a. land that is specified in a preliminary investigation order under the Contaminated Land Management Act 1997</p> <p>b. land on which development referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out</p> <p>c. any land, to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purpose of a hospital</p> <p>d. any land in relation to which there is no knowledge (or incomplete knowledge) as to whether development referred to in Table 1 to the contaminated land planning guidelines has been carried out</p> <p>e. any land on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	<p><i>such no further consideration is required”.</i></p>	
CI 50 Safety & Security	Clause 50 requires that development is to	The development consists of a Residential Care Facility and a	Yes

	maintain and where possible enhance the safety and security of the locality.	Crime Prevention through Environmental Design (CPTED) has been undertaken in Section 8.2.2 below under "Crime Prevention through Environmental Design".	
CI 52 Development Near Parks, Bushland Reserves & other public Open Spaces	<p>Clause 52 requires development adjacent to parks, bushland reserves and other public open spaces, including land reserved for public open space, is to complement the landscape character and public use and enjoyment of that land.</p> <p>In particular:</p> <ul style="list-style-type: none"> . where appropriate, housing is to front public open spaces, . public access to public open spaces is to be maximised, . buildings are to be located to provide an outlook to public open spaces, without appearing to privatise that space, . development is to provide a visual transition between open space and buildings including avoiding abutting public open spaces with back fences, . views to and from public open spaces are to be protected, and . buffers for bushfire protection are to be provided on private land and not on public land. <p>If public open space or land reserved for public open space contains bushland, development on that land is not to threaten the protection or preservation of the bushland.</p>	<p>With exception to the road reserves which abut the site, the site is a privately owned property which is surrounded by private properties. The closest public open space is the Garigal National Park which is located approximately 1.2km to the north of the site, and any development on the subject does not impact on the National Park.</p> <p>Notwithstanding, the site is characterised by extensive landscaping. In addition the Flora and Fauna Assessment Report dated August 2014 prepared by Travers Bushfire and Ecology, states that there are a total of two hundred and seventy six (276) flora species, (157 native, 119 exotic), observed within the study area.</p> <p>Of those trees, the Figure 3 in the Flora and Fauna Assessment indicates that 120 trees will be required to be removed.</p> <p>This is not considered to be excessive such that it would disrupt the visual transition between open space and buildings. Overall the total built upon area is only 12% of the total site, resulting in 88% of the site maintained in its natural state.</p>	Yes
CI 54 Provision and Location of Utility Services	Clause 54 requires that utility services must be provided to the site of the development,	The proposed development will be fully serviced by water, gas, telecommunications, electricity, sewerage and drainage.	Yes

	including provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.	<p>A Stormwater Concept Plan has been prepared by JMD Development Consultants. The investigation determined that the development as proposed will result in a small increase in the peak stormwater runoff flows and stormwater pollutant loads due to an increase in the area of impervious surfaces. It is proposed that the increase in stormwater runoff from the site will be addressed by the construction of a small detention basin in the north-east corner of the site.</p> <p>Further, with regard to water and sewer, a notice was received from Sydney Water in December 2012 which states that the development can be serviced by the existing infrastructure with respect to water and sewer. Sewer would need to be pumped to Barnes Rd by private pump station. Water may need to be augmented by onsite tanks and/or pumps depending on the flow rate and pressure available in the street.</p> <p>Power is available to the site and any augmentation required will be carried out by the developer at their cost.</p>	
CI 56 Retaining Unique Environmental Features on Site	<p>Clause 56 requires that development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land.</p> <p>In particular, development is to be designed to incorporate or be</p>	<p>The natural landform to the north of the site, including rocky outcrops in the east and the watercourse that traverses the mid lines of the site and are untouched by the proposed development.</p> <p>Care has been taken to protect the areas of natural beauty and the proposed buildings have been concentrated around the existing dwelling.</p>	Yes

	sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.	The areas of natural beauty and any high points will continue to be visible from the surrounding areas.	
CI 57 Development on Sloping Land	<p>Clause 57 requires that On sloping land, the height and bulk of development, particularly on the downhill side, is to be minimised and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the amount of fill is not to exceed more than 1 metre in depth, and <input type="checkbox"/> fill is not to spread beyond the footprint of the building, and <input type="checkbox"/> excavation of the landform is to be minimised. <p>The geotechnical stability of sloping land to support development is to be demonstrated. Consent must not be granted for development involving the erection of a structure, including additions to an existing structure, on land identified as being potentially subject to landslip on the Landslip Hazard Map unless the consent authority has considered a report from a suitably qualified engineer as to the geotechnical stability of the land to support such development and an assessment of stormwater prepared by a suitably qualified hydraulic engineer.</p>	<p>The site generally slope downwards from the south-western corner to the north-eastern corner by 27m over a distance of 280m. This represents a slope of 9.6% which is considered to be gradual.</p> <p>The estimated amount of excavation for external works including hard areas (that is roads, car parks and patios) and soft areas (landscape, lawns and planter beds) is a total of approximately 5900 cubic metres. Please note that most of the terraced gardens and the access driveway along the south east side of the site, and the northern strip, to the front of buildings 4 and 5 have been built up with fill material. Therefore the fill volume required will absorb most of the estimated excavated material (assuming the sandstone shales and clays can be crushed and graded for this purpose). Further details will be provided at Construction Certificate stage.</p> <p>Details of cut and fill are noted and will be demonstrated on the Construction Certificate drawings.</p> <p>The site is not identified as being subject to Landslip.</p>	Yes
CI 58 Protection of Existing Flora	Clause 58 requires that development is to be sited and designed to minimise the impact on	The application is accompanied by a detailed 'Flora and	Yes

	remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.	<p>Fauna Assessment' dated August 2014 as prepared by Travers Bushfire & Ecology.</p> <p>The report recommends the construction of a cross site corridor to improve east west connectivity. The revegetation area is 24m wide and has a length of approximately 130m (representing an area of just over 0.3ha). This area is currently cleared of native vegetation and would require a revegetation strategy for its management. Further, a core riparian buffer of 10m has been applied to the Middle Creek tributary that drains across the north eastern corner of the subject site and it is recommended that a managed 10m vegetated buffer will be applied on top of the core riparian buffer for additional protection.</p> <p>There is minimal removal of flora and the existing flora is largely undisturbed given the extent of the site and the consolidation of the built form in the south eastern corner of the site.</p>	
CI 59 Koala Habitat Protection	<p>Clause 59 <i>applies to parcels of land, being all adjacent or adjoining land held in the same ownership, that are:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>greater than 1 hectare in area, and</i> <input type="checkbox"/> <i>potential koala habitat.</i> <p><i>Before granting consent to development on land to which this clause applies, the consent authority, on information obtained from a person with appropriate qualifications and experience in biological science and fauna survey and management, must be satisfied as to whether or</i></p>	<p>The site has a total area of 33,853m².and therefore is subject to the provisions of this clause and Schedule 11 under WLEP 2000</p> <p>(Schedule 11 includes a list of feed tree species). Note: as per Clause 5 of WLEP 2000, SEPP 44 does not apply due to the inclusion of Clause 59 as a General Principle of Development Control) and Schedule 11.</p> <p>The Flora and Fauna Assessment found that, there is no koala population on the site.</p>	Yes

	<i>not the land is core koala habitat.</i>		
CI 60 Watercourses & Aquatic Habitats	<p>Clause 60 requires that <i>development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.</i></p> <p><i>(Note. Development within 40 metres of a watercourse requires a permit pursuant to the Rivers and Foreshores Improvement Act 1948, from the Department of Land and Water Conservation.)</i></p>	<p>The development is not within 40 metres of a natural watercourse and the OSD basin is also greater than 40m from the nearest watercourse.</p> <p>The nearest structure to the watercourse is Building 5 which is approximately 110 metres and the new road which is approximately 90 metres distant from the stream.</p>	Yes
CI 61 Views	<p>Clause 61 requires that development is to allow for the reasonable sharing of views.</p>	<p>The development does not have any adverse impact on view sharing. The proposal complies with the overall Building Height Built Form Control.</p> <p>Additionally, given the location of the site within a landscaped setting and the part single storey scale of the development, it is considered that the development will not have any significant adverse impact on view sharing.</p> <p>The buildings are terraced down the slope therefore they nestle into their landform reducing visual impact and potential view impacts.</p> <p>The proposal is consistent with the Planning Principle – <i>Tenacity v Warringah Council.</i></p> <p>Refer to photomontages in Appendix 1.</p>	Yes
CI 62 Access to Sunlight	<p>Clause 62 'Access to Sunlight' under WLEP 2000 requires that <i>"development is not to unreasonably reduce sunlight to surrounding properties.</i></p> <p><i>In the case of housing:</i></p> <p><input type="checkbox"/> <i>sunlight, to at least 50% of the principal private open</i></p>	<p>The development consists of six buildings in total.</p> <p>In this context, the development will not unreasonably reduce sunlight access to surrounding properties, as shadowing falls within the existing site. Refer to Architectural Plans in Appendix 1 for shadow diagrams and</p>	Yes

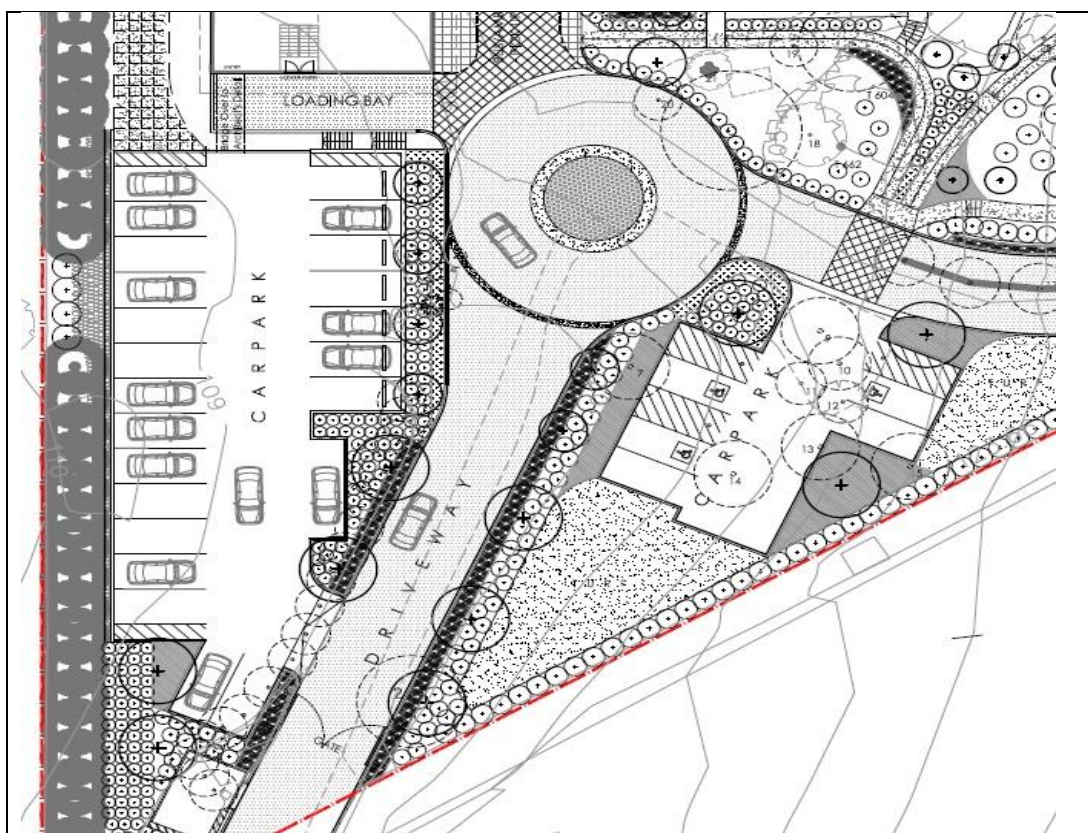
	<p><i>spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21, and</i></p> <p><input type="checkbox"/> <i>where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%".</i></p>	<p>setback diagram which illustrates distance to neighbouring sites.</p>	
<p>CI 63 Landscaped Open Space</p>	<p>Clause 63 requires that "landscaped open space is to be of such dimensions and slope and of such characteristics that it will:</p> <p><input type="checkbox"/> <i>enable the establishment of appropriate plantings to maintain and enhance the streetscape and the desired future character of the locality, and</i></p> <p><input type="checkbox"/> <i>enable the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale, and</i></p> <p><input type="checkbox"/> <i>enhance privacy between dwellings, and</i></p> <p><input type="checkbox"/> <i>accommodate appropriate outdoor recreational needs and suit the anticipated requirements of dwelling occupants, and</i></p> <p><input type="checkbox"/> <i>provide space for service functions, including clothes drying, and</i></p> <p><input type="checkbox"/> <i>facilitate water management including onsite detention and the infiltration of stormwater, and</i></p> <p><input type="checkbox"/> <i>incorporate the establishment of any plant species nominated in the relevant Locality Statement, and</i></p> <p><input type="checkbox"/> <i>enable the establishment of indigenous vegetation and habitat for native fauna, and</i></p>	<p>The development includes landscaped area of 24619m² area (72.6%). (Landscaped open space is space within the property boundary and does not include the road reserve or adjoining allotment).</p> <p>This provision will enable the retention of significant natural features and the establishment of appropriate plantings to maintain and enhance the desired future character of the locality. The existing building is setback 30m from the access driveway and will not be especially visible from Barnes Road.</p> <p>The proposed buildings are of a scale and density commensurate with the building height, bulk and scale of the surrounding area, being 'domestic' in character.</p> <p>The site has been designed to accommodate appropriate outdoor recreational needs for the residents including putt, walks through the site.</p> <p>Laundry facilities are provided within the RACF and there is an on-site detention system. Details of which are provided in Appendix 11.</p> <p>Details of the plant species to be planted on the site are contained within the Landscape Plan in Appendix 2.</p>	<p>Yes</p>

	<input type="checkbox"/> <i>conserve significant features of the site".</i>		
CI 64 Private open space	<i>Apartment style housing (excluding town houses and villa homes)</i> <i>10m 2 with minimum dimensions of 2.5 metres</i>	Not applicable	
CI 65 Privacy	Clause 65 requires that <i>"development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings. In particular:</i> <input type="checkbox"/> <i>the windows of one dwelling are to be located so they do not provide direct and close views (i.e. from less than 9 metres away) into the windows of other dwellings, and</i> <input type="checkbox"/> <i>planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment".</i>	The development is located sufficient distance from other residential properties such that it will not result in any unreasonable direct overlooking into habitable rooms and principal private open spaces. No additional architectural privacy treatments are considered to be required. Refer to Appendix 1 for a setback diagram. The setbacks on site from the buildings to the boundary of the site vary from approximately 9m to 50m. The distances are greater when measured to the neighbouring buildings.	Yes
CI 66 Building bulk	Clause 66 requires that <i>"buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, unless the applicable Locality Statement provides otherwise. In particular:</i> <input type="checkbox"/> <i>side and rear setbacks are to be progressively increased as wall height increases,</i> <input type="checkbox"/> <i>large areas of continuous wall planes are to be avoided by varying building setbacks and</i>	The scale of the building is considered to be sufficient to avoid a dominant appearance and any adverse visual impact upon the roadway or surrounding space. The setbacks proposed are considered to be sufficient for the scale of the buildings. Refer to Appendix 1 for the setback diagram. The built form has been broken down into a series of separate smaller domestic forms within a landscaped setting. Refer to Architectural Plans and photomontages in Appendix 1.	Yes

	<p><i>using appropriate techniques to provide visual relief, and</i></p> <p><input type="checkbox"/> <i>appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works”.</i></p>		
CI 67 Roofs	<p><i>Clause 67 requires that “roofs are to complement the local skyline. Lift overruns and other mechanical equipment is not to detract from the appearance of roofs”.</i></p>	<p>The development includes a pitched roof which is consistent with other traditional pitched roof forms in the area.</p>	Yes
CI 68 Conservation of Energy and Water	<p>CL 68 requires a “development to make the most efficient use of energy and water. <i>In particular:</i></p> <p><input type="checkbox"/> <i>the orientation, layout and landscaping of buildings and works and their sites are to make the best use of natural ventilation, daylight and solar energy,</i></p> <p><input type="checkbox"/> <i>site layout and structures are to allow reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties,</i></p> <p><input type="checkbox"/> <i>buildings are to minimise winter heat loss and summer heat gain,</i></p> <p><input type="checkbox"/> <i>landscape design is to assist in the conservation of energy and water,</i></p> <p><input type="checkbox"/> <i>reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks,</i></p> <p><input type="checkbox"/> <i>subdivision of land must be generally in accordance with the guidelines set out in the document published by the former</i></p>	<p>The development includes a stormwater detention basin in the north-eastern corner of the property. The Stormwater Concept Plan prepared by JMD Development Consultants indicates that the detention basin will address the increase of stormwater runoff as a result of the development.</p> <p>Additionally, the development includes bio retention basins (rain gardens) which are designed to treat stormwater runoff from landscaped areas. In terms of the re-use of rainwater, the Stormwater Concept Plan states that a 150kL (minimum) stormwater collection tank will be incorporated into the development. The Plan states (see page 8 of the Plan) that “<i>the tank will be reticulated back through the development for re-use in toilet flushing and laundry use”.</i></p>	Yes

	<i>Sustainable Energy Development Authority under the title Solar Access for Lots: Guidelines for Residential Subdivision, copies of which are available at the offices of the Council".</i>		
CI 69 Accessibility – Public and Semi-Public Buildings	Clause 69 requires that <i>"the siting, design and construction of premises available to the public are to ensure an accessible continuous path of travel, so that all people can enter and use the premises. Such access is to comply with the requirements of the Disability Discrimination Act 1992 of the Commonwealth and with Australian Standard AS 1428.2—1992, Design for access and mobility—Enhanced and additional requirements—Buildings and facilities"</i> .	The Development Application includes an Accessibility Report which has reviewed the plans and will provide appropriate access for a Residential Aged Care Facility that complies with Parts D3, E3.6, F2.4 of the BCA and DDA Premises Standards.	Yes
CI 70 Site facilities	Clause 70 requires that <i>"site facilities including garbage and recycling bin enclosures, mailboxes and clothes drying facilities are to be adequate and convenient for the needs of users and are to have minimal visual impact from public places"</i> .	The development provides for all required site facilities which may be situated such that they are convenient to the needs of users and have minimal visual impact from public places. A garbage room is provided within Building 2 which accommodates 34 x 240 litres bins which will be collected by a private contractor. Further, all medical waste will be collected by a specialist contractor.	Yes
CI 71 Parking facilities (visual impact)	Clause 71 requires that <i>"parking facilities (including garages) are to be sited and designed so as not to dominate the street frontage or other public spaces"</i> .	The open car parking area does not dominate or detract from the streetscape given its relative concealment by the proposed adjoining landscaping along the driveway access.	Yes
CI 72 Traffic access & safety	Clause 72 requires that <i>"vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimise: □ traffic hazards, and</i>	The site is accessed via a variable width driveway (Between 4.0m and 5.5m in width) which connects via a single crossover to the sealed section of Barnes Road at the south western edge of the site. The width of the	Yes

	<ul style="list-style-type: none"> <input type="checkbox"/> vehicles queuing on public roads, and <input type="checkbox"/> the number of crossing places to a street, and <input type="checkbox"/> traffic and pedestrian conflict, and <input type="checkbox"/> interference with public transport facilities. <p>Where practical, vehicle access</p>	driveway provides sufficient sightlines along the roadway to ensure safety.	
CI 73 On-site Loading and Unloading	Clause 73 requires that “facilities for the loading and unloading of service, delivery and emergency vehicles are to be appropriate to the size and nature of the development. On-site facilities are to be screened from public view and designed so that vehicles may enter and leave in a forward direction”.	The turning area is screened from public view and will enable vehicles to leave the property in forward gear.	Yes
CI 74 Provision of Carparking	Clause 75 requires that the design of car parking areas is to be provided in accordance with the most recent “Guide to Traffic Generating Developments” (NSW Roads and Traffic Authority).	<p>The design of the car park and driveway will enable safe and convenient pedestrian and traffic movement. Vehicles will be able to enter, drop off residents and goods at the front door and leave the site in a forward direction.</p> <p>A total number of 30 car parking bays are provided. The car spaces are discreetly located on either side of the access entrance. This allows for landscaping along the western boundary and along the eastern edge of the internal driveway which will conceal the car park from public view, as indicated in the sketch below.</p>	Yes



<p>CI 76 Management of Stormwater</p>	<p>Clause 76 requires that stormwater runoff from development is to discharge to a Council drainage system approved by the Council for the purpose and is to have minimal impact on any receiving stormwater infrastructure, watercourse, Stream, lagoon, lake, waterway or the like. Water quality control measures are to be provided in accordance with the Northern Beaches Stormwater Management Plan.</p>	<p>The development includes a stormwater detention basin in the north-eastern corner of the Property.</p> <p>The Stormwater Concept Plan dated August 2014 as prepared by JMD Development Consultants indicates that the detention basin will address the increase of stormwater flow off as a result of the development.</p> <p>Additionally, the development includes bio retention basins (rain gardens) which are Designed to treat stormwater runoff from landscaped areas.</p>	<p>Yes</p>
<p>CI 78 Erosion & Sedimentation</p>	<p>Clause 78 requires that development is to be</p>	<p>The proposed development will comply with any erosion and sedimentation requirements</p>	<p>Yes</p>

	sited and designed, and related construction work carried out, so as to minimise the potential for soil erosion.	and will be addressed at CC stage.	
CI 79 Heritage Control	<p>Clause 79 requires that <i>“development is to:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>conserve the environmental heritage and cultural significance of Warringah, and</i> <input type="checkbox"/> <i>conserve existing significant fabric, settings, relics and views associated with the heritage significance of heritage items and heritage conservation areas, and</i> <input type="checkbox"/> <i>not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings, and</i> <input type="checkbox"/> <i>ensure that archaeological sites and places of Aboriginal significance are conserved, and</i> <input type="checkbox"/> <i>ensure that the heritage conservation areas throughout Warringah retain their heritage significance”.</i> 	<p>Warringah Council’s Assessment Report for DA 2013/0575 dated the 15 May, noted that the site was referred to the NSW Aboriginal Heritage Office on 21 May 2013 pursuant to the provisions of Clause 80 of the Warringah Local Environment Plan 2000 as the site may contain or may be within the vicinity of an Aboriginal place or place of Aboriginal cultural significance. The NSW Aboriginal Heritage Office advises that:</p> <p><i>“No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p>	Yes

Other relevant WLEP 2000 Clauses

Schedule 8 - Site analysis

Clause 22(2) (a) of WLEP 2000 requires that the consent authority must consider a Site Analysis prepared in accordance with the criteria listed in Schedule 8. It is considered that the submitted Site Analysis within the Architectural Plans, Appendix 1 adequately addresses how the development responds to its surrounds and the locality.

Schedule 17 – Car parking provision

The provision of car parking is addressed under Clause 29 of the WLEP 2000 and in Section 7.9 above.

7.10 Warringah Development Control Plan 2000

The only applicable instrument is the Warringah Development Control Plan 2000 (Notification).

8 ENVIRONMENTAL IMPACT ASSESSMENT

8.1 Overview

Section 79C (1) of the Environmental Planning and Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. These matters are addressed below.

These matters for consideration are addressed below.

Section	Comment
Section 79(1)(a)(i) Environmental planning instruments	Consideration of all environmental planning instruments relevant to the subject site is discussed in Section 7 above.
Section 79C(1)(a)(ii) Draft environmental planning instruments	Not applicable.
Section 79C(1)(a)(iii) Any development control plan	Consideration of development control plans relevant to the subject site has been discussed in Section 7 above.
Section 79C(1)(a)(iia) Any planning agreement	Not applicable.
Section 79C(1)(a)(iv) Matters prescribed by the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter may be addressed via a condition of consent should this application be approved.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter may be addressed via a condition of consent should this application be approved.</p>
Section 79C(1)(b) Likely impacts of that development, including environmental, social and economic impacts	Discussed in Section 8.2 below.
Section 79C(1)(c) Suitability of the Site	Discussed in Section 8.3 below.
Section 79C(1)(d) Submissions	Consent authority will need to consider any submissions received in response to the public exhibition of the proposed development. Discussed in Section 8.4 below.

Section 79C(1)(e) Public Interest	Discussed further below in Section 8.5.
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8.2 Environmental Assessment Section 79C (1) (b) ‘Likely Impacts’

The relevant considerations under Section 79C (1) (b) “Likely Impacts are addressed in the following sections of this report.

8.2.1 Environmental Impacts (Natural)

There are a number of environmental issues that pertain to the site including the following.

Natural Hazards

The site is not classified as flood prone, subject to mine subsidence or other significant hazard that would prevent the use of the site for the proposed development.

Flora & Fauna

The Flora and Fauna Study undertaken by Travers Bushfire and Ecology, (**Appendix 3**) describes flora and fauna conditions on and affecting the site (as summarised in section 4.3.1 above).

Consideration of these flora and fauna species within Section 4 of the Travers report concludes that the proposed development would not have a significant impact, and as such referral to the Department of Environment should not be required.

The report recommends the construction of a cross site corridor to improve east west connectivity. The revegetation area is 24m wide and has a length of approximately 130m (representing an area of just over 0.3ha). This area is currently cleared of native vegetation and would require a revegetation strategy for its management. Further, a core riparian buffer of 10m has been applied to the Middle Creek tributary that drains across the north eastern corner of the subject site and it is recommended that a managed 10m vegetated buffer will be applied on top of the core riparian buffer for additional protection.

The report concludes that the proposed development is unlikely to result in a significant impact on any threatened species, populations or EECs or their habitats. As such, no further assessments are considered to be required under the *Environmental Planning and Assessment 1979*, the *Threatened Species Conservation Act 1995 (TSC Act)*, the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* or the *Fisheries Management (FM) Act*.

Bushfire

The site is Bushfire prone as described in section 4.3.2 above.

The Bushfire Protection Assessment Report undertaken by Travers Bushfire and Ecology, (Appendix 4) notes that a Residential Care Facility is a type of development regarded by the Rural Fire Service (RFS) as a special fire protection purpose development (SFPP). As such additional objectives are to be considered. These include the need to:

1. Provide for the special characteristics and needs of occupants. Occupants of SFPP developments may not be able to assist in protecting the property and are more likely to be adversely affected by smoke or heat while being evacuated.
2. SFPP developments are highly dependent on suitable emergency evacuation arrangements, which require greater separation from bushfire threats. During emergencies, the risk to fire fighters and other emergency services personnel can be high through prolonged exposure, where door-to-door warnings are being given and exposure to the bushfire is imminent.

The assessment found that bushfire can potentially affect the proposed development from the existing tall heath / short heath vegetation located to the north west and the forest vegetation associated with the creek line in the north-east and also within the adjoining residential land to the south.

The key criteria for bushfire assessment is the *Planning for bush fire protection (PBP) 2006* document prepared by the RFS. The report reviews the development in terms of these requirements and concludes that the proposed development can achieve compliance through the following actions:

- The application of APZs in accordance with *PBP*, with the provision of an 88B easement within Barnes Road reserve;
- On-site safety through the implementation of an emergency incident and evacuation plan in accordance with the NSW Rural Fire Service evacuation planning guidelines; and
- Compliance with the access provisions of *PBP*.

Therefore the bushfire risk posed to the development can be effectively mitigated if the above measures are implemented and the full recommendations of the report considered.

Waterways

Waterways conditions are described in section 4.3.3 above.

The Waterways Impact Study by Travers Bushfire and Ecology, (Appendix 4) discusses potential impacts of the development on the three watercourses as follows;

- 1) The natural watercourse to the south will not be impacted by the proposal in any direct or indirect manner.
- 2) The ephemeral stormwater channel. The road entry to the site for the proposal will be

modified at this location and the stormwater drainage will be redirected along Barnes Road into the development landscape where the water will be treated. Therefore, the proposal will restore natural drainage in the upper reaches of Drainage Line 2.

3) Middle Creek Tributary will not be directly or indirectly impact by the proposal and improvement works are proposed.

The report concludes that there will be no likely direct or indirect impacts on the identified natural and modified waterways that are located within or in close proximity to the site.

It further notes that a riparian plan of management or any key commitments to maintaining the riparian habitats and water quality are not required as the proposal will not cause any adverse or altered impacts onto any of the nearby surrounding watercourse.

Soils/Contamination

The previous Development Assessment Report by Warringah Council DA2013/0575, which was lodged on the 15 May 2013 stated that, *"Council records indicate that the site has been used for residential purposes for a significant period of time. It is therefore considered that the site poses no risk of contamination and as such no further consideration is required"*.

Notwithstanding a Geotechnical Report has been undertaken by GeoEnviro Consultancy, Preliminary Comments and Assessment on Contamination and Geotechnical Issues, January 2004. A copy of which is enclosed in **Appendix 13**. This report is a preliminary assessment of the proposed development site and is based on a desktop study, site inspection, subsurface investigation and laboratory testing.

Soil Stability

A further report has been prepared on the SGeoEnviro Consultancy, Stability Assessment. Oxford Falls Retirement Resort. Lots 1110, 1336, 1108, 1113, 80, 1111 and 20, Oxford Falls Road, Oxford Falls, September 2004

This report provides advice on the present and long-term stability of the site following development. The slope stability assessment for the three regions comprising the site have a moderate or low risk. A number of recommendations have been proposed for Region 1 (bearing moderate risk) to incorporate a good hillside construction practice.

These include:

- All footings should be founded on stable sandstone bedrock.
- The proposed building structure should include articulation joints along the walls to accommodate some movements
- All excavation in excess of 1.2 m should be retained by engineered designed retaining wall
- All unretained cut and fill should be battered and batter slopes should be adopted.
- All stormwater run-off from uphill should be diverted away from pool and tank footings

- A qualified engineer should supervise all works.

The reports conclude that if recommendations as outlined above are incorporated into the design of the proposal any concerns may be mitigated.

Environmental Sustainable Development Principles

The ecologically sustainable design (ESD) philosophy of the project is to achieve a high level of sustainable design, specifically in the areas of water, energy and transport.

Water

The ESD principles pertaining to water include greater water efficiency and a reduction on the reliance on mains potable water. Measures include, the efficient use of fixtures and fittings, complemented by rainwater harvesting. A bio retention basin (rain garden) will be used to collect and treat all runoff from landscaped areas around the proposed development. Further, a proposed stormwater collection tank will be incorporated into the proposed development. The water collected in this tank will be reticulated back through the development for re-use in toilet flushing and laundry use.

These features are critical in achieving operational water targets and reducing on going utility costs. The added benefit of the collecting rainwater is the reduction in stormwater flow, improving run off management, biodiversity protection and water quality protection.

Energy

Energy efficient features include an energy efficient façade system which incorporates external sun shading and high performance double glazing. Air conditioning services within the building have also been designed to strike a balance between energy efficiency and maximising the quality of the indoor environment. This has been achieved by designing the HVAC services which turn down or shut off when spaces are not in use, or switch modes and supply fresh air through natural or low energy delivery methods when outside conditions are favourable.

Transport

A community bus is available to transport residents from the retirement centre to various amenities and facilities in the local area. This reduces the number of individual vehicles travelling in the area and limits impacts such as environmental pollution and congestion.

8.2.2 Environmental Impacts (Built Environment)

Context and Setting

The context and setting of the proposed development has been fully discussed in Chapter 7.9, Desired Future Character.

Streetscape

The site technically does not front onto a street, it is setback off an accessway.

Building height, bulk and scale

Building height, bulk and scale have been fully discussed in Clause 6. 6 and in 7.9 above and concluded to be appropriate for the site and within its surrounding context.

Overshadowing

Any overshadowing associated with the proposed development falls entirely within the existing site. Given the generous side boundaries there is no overshadowing and loss of sunlight to neighbouring sites. Refer to Architectural Plans in **Appendix 1**.

Privacy

Given the large site area and generous side setbacks there will be minimal direct overlooking associated with the new buildings onto surrounding dwellings.

South east elevation

The south east elevation is the view from the unmade Barnes Road. The road is below the proposed buildings however it is a heavily treed area and there will be virtually no overlooking.

North east elevation

The north eastern elevation is the view that may be glimpsed when travelling in a northerly direction along Oxford Falls Road. Given the distance from the buildings to the road and the speed at which vehicles are travelling there will be a negligible visual impact from the road.

North western elevation

The north western elevation is the view from rear yards of the neighbouring residential suburb. The slope descends away steeply from the residential dwellings and the boundary of the site is screened by existing trees. Given the slope, distance and existing screening there is unlikely to be any privacy or visual impacts associated with the RACF. Refer to Photomontages enclosed in *Appendix 1*.

Acoustics

All windows to proposed bedrooms and living areas will be double-glazed and the buildings will consist of insulated masonry construction to ensure the proposed development is appropriately acoustically attenuated. These design features will allow for an appropriate level of acoustic amenity for occupants of the proposed buildings. In addition, the loading dock area is screened from the properties to the west as it is significantly below the natural ground level of those properties with no line of sight to the dwellings due to retaining walls. Note, all plant areas are located to mitigate any visual impacts on neighbouring dwellings.

Building Form

The building form has been designed to provide the required internal functionality and amenity and to respond to its immediate context. The building has several elements linked together:

A driveway and entrance building is accessed directly off Barnes Road. The access driveway provides a sense of arrival and a transition into a tranquil environment. The access is bordered by landscaping on both the western and eastern edges to soften and beautify the entrance.

The entrance building is comprised of a portion of the existing building and a new wing. This generally appears as single storey. This is the point of arrival and a meeting place for residents, providing a number of communal facilities, for example a café, games rooms, hairdressers etc.

The new wing includes Building 2 identified as such on the Architectural Plans. The existing building and Building 2 are seamlessly linked together, and identify as the heart of the community.

The buildings are all linked by a central covered walkway. Each building is characterised by a large verandah/terrace which are orientated in a northerly direction taking advantage of the rolling open hills and uncluttered outlook.

Facades

The facades respond to the semi-rural setting, with a palette of materials typical of the area. These materials draw reference from the “country” feel of the area and neighbouring residences. The new facades will be light and have a domestic residential quality.

The main material is a mid-dark tone face brick, which generally covers the ground floor level and extends to the underside of the upper floor windows. Sandstone has been incorporated to reference the semi-rural setting and provide a contrast in terms of light and dark shades. In addition the buildings are clad with a corrugated iron vender, providing a rustic feel to the buildings. The combination of materials provides greater articulation and architectural interest to the buildings.

Roof Form

The main roof over the RACF is visually expressed as a large hipped structure. The roof heights vary and step down in response to the natural topography of the site.

Access

Accompanying the application is a statement prepared by Access Building Solutions which confirms that the proposal complies, or is capable of complying with the relevant requirements for access for people with disabilities. Refer to **Appendix 8** for a copy of this statement.

Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

The safety and security of all residents and staff (including the perception of safety and security that the facility will provide) is of paramount importance to the amenity of the facility.

The 4 principles which guide CPTED are noted in the table below:

Principles	Objectives	Response
Surveillance	<i>The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.</i>	All common areas of the RACF will be surveyed by CCTV cameras. In addition the areas surrounding the buildings will be well lit and landscaped. Further, there is only 1 entrance and exit point into the site, this will ensure that visitors to the RACF are easily identified.
Access control.	<i>Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.</i>	The existing perimeter fencing with landscaping will be retained. The existing fencing aids in achieving an appropriate level of access control and establishes territorial reinforcement of the facility;
Territorial reinforcement	<i>Well-used places reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it. Well-used places reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it</i>	Buildings have been clustered together to enhance security and a sense of community. Building siting in this respect supports passive surveillance of the surrounding open spaces; The proposed landscaping on the site ensures an appropriate level of landscaped relief is achieved on the site whilst not compromising the provision of clear sightlines within the site; No "dead-end" areas are evident on-site as a result of the proposed works, minimising the opportunity for entrapment; Entrances to the site and the proposed buildings are open, easily identified and accessible,

		<p>also minimising the potential for entrapment;</p> <p>All pathways will be safe and secure, particularly for night use by staff.</p>
Space Management	<p><i>Ensures that space is appropriately utilised and well cared for. Strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</i></p>	<p>In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting is to be provided in accordance with the relevant Australian Standards to all common areas and accessways. Such lighting should be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets.</p> <p>Landscaping design and lighting will be co-ordinated together to ensure they collaboratively provide a safe place, particularly during the evenings;</p> <p>Adequate directory signage is to be provided within the development to identify facilities, entry / exit points and direct movement within the development;</p> <p>All medical stores will be locked with access restricted to nominated personnel / staff of the facility.</p>

Table 6: Crime Prevention through Environmental Design

Heritage

The site is not mapped as comprising a Heritage item or as being within a heritage conservation area.

Traffic and Transport

The Traffic Report prepared Colston Budd Hunt and Kafes Pty Ltd in Appendix 6 notes that surveys undertaken by RMS found that housing for aged and disabled persons generates 0.1 to 0.2 vehicles per hour per dwelling during peak periods. The proposed development would generate some nine vehicles per hour two-way during peak hours. This is a low generation. Such a low generation would not have noticeable effects on the operation of the surrounding

road network.

The total number of car parking spaces to be provide is 30 car parking spaces which is consistent with the requirements as discussed above.

Infrastructure Provision

A Stormwater Concept Plan has been prepared by JMD Development Consultants and is enclosed in **Appendix 11**. The investigation concluded that the development will result in a small increase in the peak stormwater runoff flows and stormwater pollutant loads due to an increase in the area of impervious surfaces. These concerns will be mitigated by the following measures;

- The installation of a 150kL(min) rain water tank collecting roof water flows with stored water being reused for toilet flushing and laundry purposes, and
- The construction of a small detention basin in the north-east corner of the site incorporating a minimum of 350m² of filter media (0.5m deep) with an extended detention depth above the filter media of 200mm.

Building Code of Australia (BCA)

The proposed development has been designed in accordance with all the relevant controls of the BCA . The RACF is catergorised as a 9c Aged Care Facility. A BCA assessment has been completed in Appendix 7. The report reviews the proposal in terms of fire resistance, emergency egress, and access for people with a disability, sanitary, acoustic, natural lighting and ventilation criteria. The report concludes that the proposal is able to meet the applicable requirements of the Building Code of Australia.

Construction Management

The extent of site works and the general construction activities may have the potential to generate levels of noise or vibration that could, without mitigating measures, impact upon the amenity of the locality.

It is recognised however that these impacts are able to be managed and mitigated through the implementation of appropriate measures for the various phases of site and construction works.

A Construction Management Plan ("CMP") will be prepared by the appointed contractor, once the terms of any approval granted by Council are known.

Adherence to this CMP during demolition and construction works will aid in mitigating any temporary potential impact on the natural environment.

It is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

The objectives of CMP are typically to:

- Minimise inconvenience to the public and adjoining properties during the constructions stages;
- Maintain effective communication with the developer and the community;
- Maintain a safe working environment; and
- Ensure the requirements of relevant approvals, licenses codes or standards are met.

To implement such objectives, a CMP will usually address the following matters:

- An overall construction management framework;
- Construction traffic management;
- Construction zones;
- Pedestrian management;
- Hoardings;
- Dust management;
- Hours of work;
- Materials handling;
- Waste Management and recycling;
- Construction program; and
- Specific matters nominated within the consent notice.

Some dust is anticipated during demolition and construction works. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. This matter will be addressed as part of the Construction Management Plan.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

8.2.3 Social and Economic Impacts

Social

Throughout this report and with reference to the Hill PDA report enclosed in **Appendix 9** there is quantitative evidence to support the need for the provision of aged care facilities. At a strategic level there is an acknowledgement and commitment from Warringah Council (in terms of their Social Plan, 2010 and the Draft Warringah Housing Strategy) and the Department of Planning (Metropolitan Plan 2030) to provide suitable accommodation for this sector of the community.

This proposed RACF is an ideal built form which will provide essential facilities and within a social environment that ensures that individuals are supported and cared for within a community.

Economic

Employment will be generated during the construction and operational phases of the project, therefore resulting in a positive economic impact. There approximate number of construction related jobs is 30 -40 at any one time and the full time staff positions related to the RACF are eight. In addition there will be gardening and maintenance positions required on an on going basis.

8.3 Section 79C (1) (c) Suitability of the Site

The suitability of the site for a residential care facility has been established by previous approval for a seniors living development on the site (DA 371/2010). The increased capacity of the current proposal does not alter this principle, given the large site area and the concentration of the main facilities in a part of the site that is not subject to any identified constraints or hazards, as described earlier in this SEE.

8.4 Section 79(1) (d) - Submissions

The consent authority will need to consider any submissions received in response to the public exhibition of the proposed development.

8.5 Section 79(1) (e) - Public Interest

Pursuant to *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is “*whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development*”.

According to the Australian Bureau of Statistics website, people aged 55 and above made up 25.6 % (2011) of the population” in Warringah. There is an increasing ageing population in Warringah consistent with trends throughout Australia. An article in the Manly Daily on the 9 May 2014 states that the demand for Senior Living accommodation is outstripping supply in the northern beaches. The Hill PDA report entitled, “Oxford Falls Seniors Living Management Appraisal”, June 2014 states there, “*is a current level of undersupply of around 3,300 beds based on the target rate of 7.9% of persons over the age of 65. This is expected to deteriorate further with the growth and ageing of the population. Assuming all 1,038 places that are proposed are realised by 2021 there would still be a need for a further 4,289 places. With only 45 places proposed, the planned Oxford Falls development will provide only a minor contribution to addressing this demand*”. (page 38)

This Statement, and the accompanying plans and technical reports demonstrate the public advantages of providing a new, quality, residential care development in appropriate location. No public disadvantages have been identified as it has been demonstrated that any environmental or other impacts associated with the development are minimal and/or can be adequately managed.

It is considered that the social impacts of the proposed development will be positive within the context of an identified ageing population within the region and the demand for high quality aged care facilities such as those proposed.

Furthermore, the proposal meets the aims, objectives and controls set out in the prevailing planning instruments. It is not expected that the proposed development will create any significant impacts on the surrounding area. It is therefore considered that the proposed development will have an overall public benefit and its approval is in the public interest.

9 CONCLUSION

In view of information and analysis outlined within the various plans, reports and documents accompanying this application we are satisfied that this proposal has properly responded to all relevant matters for consideration within section 79C of the Environmental Planning and Assessment Act, and the accompanying Regulation. The proposed development is for;

- Demolition of a portion of the existing house;
- Site clearance and removal of trees;
- Construction of a RACF (comprising 45 apartments)
- Site improvement and drainage works.
- Landscaping works across the site;
- Construction of internal roads; and
- On grade car parking spaces for 30 vehicles;

The proposal will deliver essential social benefits to the local community. In the absence of any unreasonable environmental or other impacts, is in the public interest and consistent with the objects of the Act to *"promote the social and economic welfare of the community"*.

We recommend approval of the subject application.