

PRE-LODGEMENT MEETING NOTES

Application No:	PLM2016/0044
Meeting Date:	12 May 2016
Property Address:	3 Martin Luther Place, ALLAMBIE HEIGHTS
Proposal:	Alterations and Additions to an Existing Residential Aged Care Facility and Self Contained Dwellings
Attendees for Council:	Steven Findlay – Development Assessment Manager Lashta Haidari – Senior Planner Rezvan Saket – Traffic Engineer
Attendees for applicant:	Claran Foley – Allambie Heights Village Claus Busseler – Architect Bensamin Black – Planner

DESCRIPTION OF PROPOSAL:

These Notes reflect discussions at the prelodgment meeting held on 12 May 2016 with respect to additions and alterations to a Residential Care Facility at 3 Martin Place, Allambie Heights.

These Notes reference a statement provided by Jackson Teece and the following plans:

- Drawing No. SK-A-0010,0011, 0012, and 0013

The proposal involves the additions and alterations to an existing Residential Care Facility, which comprises:

- Addition of a new building on the site;
- Additional floor levels on the existing two buildings on site;
- Internal and external modifications to existing buildings within the site.





STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The development will be made pursuant to *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004* (the 'Policy'). In this regard, the sections of the Policy that are found to be relevant to this proposal are addressed below.

Chapter 2 – Key Concepts

The proposal is subject to the following definitions under the Policy:

Definitions
<p>Seniors means:</p> <ul style="list-style-type: none">(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". <p>People with a Disability means "people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life".</p> <p>Seniors Housing means "residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <ul style="list-style-type: none">(a) a residential care facility, or(b) a hostel, or(c) a group of self-contained dwellings, or(d) a combination of these, <p>But does not include a hospital".</p> <p>A residential care facility is residential accommodation for seniors or people with a disability that includes:</p> <ul style="list-style-type: none">(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, <p>A self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.</p>

Part 2 – Site Related Requirements

All matters listed below are to be addressed in the Statement of Environmental Effects accompanying a Development Application:

Requirements



Requirements	
Provision	Comment
CI 26 - Location and access to facilities	<p>The development is to have access to:</p> <ul style="list-style-type: none">(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and(b) community services and recreation facilities, and(c) the practice of a general medical practitioner. <p>The above facilities are to be located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14 or</p> <ul style="list-style-type: none">(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time. <p>Or where there is a public transport service available to the residents who will occupy the proposed development:</p> <ul style="list-style-type: none">(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to above, and(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and(iv) The gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services). <p><u>Comment:</u> The proposal complies with the distance requirements to bus stops, in that bus stops are located along Allambie Road that are 400m from the site. However, a cross section of the footpath will be required to be submitted with the Development Application to ascertain compliant grades between the site and the nearest bus stops.</p>
CI 27 - Bush fire prone land	<p>The subject site is within a bushfire prone area and therefore a bushfire report demonstrating</p>



Requirements	
	compliance with the requirement of this clause is to be submitted with the application. The proposal constitutes Integrated Development pursuant to Section 91 of the EP&A Act 1979 as it is a " Special Fire Protection Purpose ". A fee of \$320.00 is applicable and a cheque is to be provided with the DA, being made out to the NSW Rural Fire Service (RFS).
CI 28 - Water and sewer	The development is to have access to Sydney Water's reticulated sewer system. Details demonstrating compliance with the requirement of this Clause are to be submitted with the application.
CI 29 - Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	Clause 24 does not apply to the proposal as the land is zoned for urban purposes, is not identified for 'Special Uses' nor is it used for the purposes of an existing registered club. Therefore, the criteria referred to in clause 25(5) (b) (i), (iii) and (v) is required to be addressed in the Statement of Environmental Effects.

Part 3 – Design Requirements

All matters in Part 3 (Division 1) of the SEEP are to be addressed in the Statement of Environmental Effects accompanying a Development Application.

Division 2 - Design Principles

The proposal is considered to be consistent with Clause 33 of the Policy in that the bulk and scale of the existing development remains largely unchanged. Notwithstanding, the Statement of Environmental Effects is to include an assessment against the character provisions of this clause.

Part 4 - Development Standards to be complied with

All matters discussed and listed below are to be addressed in the Statement of Environmental Effects accompanying a Development Application:

Clause 40 – Development Standards (General)

Pursuant to Clause 40(1) of the Policy, a consent authority must not consent to a development application made pursuant to Chapter 3 of the Policy unless the proposed development complies with the standards specified in the Clause.

The following table outlines compliance with standards specified in Clause 40 of the Policy.

Standard	Required	Proposed	Compliance
Site size	1000m ² (minimum)	In excess of 1000m ²	Complies
Site frontage	20m (minimum)	In excess of 20m	Complies



Standard	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	The plans indicate that the development will comply with the overall height.	Complies

Part 7 - Development Standards that cannot be used as Grounds to Refuse Consent

All matters discussed and listed below are to be addressed in the Statement of Environmental Effects accompanying a Development Application:

Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities

A consent authority must not refuse consent to a development application for the carrying out of development for the purpose of a residential care facility on any of the following grounds:

Standard	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	The plans indicate that the development will comply with the overall height.	Complies
Density & Scale	The density and scale of the buildings when expressed as a floor space ratio is 1:1 or less	<p>The proposal provides a combination of a residential care facility (RCF) and self-contained dwellings (SCD). In this regards, the FSR for the RCF component of the development is to achieve 1:1 or less.</p> <p>There was insufficient information submitted to accurately calculate the FSR and breakdown between the two different uses.</p> <p>Council has reviewed its records and no offer no good comparison to assist with a DA whereby the RCF and the SCD have been separately assessed with respect to FSR.</p> <p>It is recommended that you divide the site up into two (Best-Fit Approach, however it is acknowledged that this may be problematic), one</p>	Compliance is required to be achieved.



Standard	Required	Proposed	Compliance
		being the RCF and the other being the SCD and determine the FSR for each. If the FSR exceeds the minimum requirement. The application you are required to provide a SEPP 1 objection addressing the requirements of this Clause.	
Landscaped Area	Minimum of 25% landscaped area per residential care facility bed is provided	Insufficient details are provided to demonstrate complies. A break down on the two different uses on the site is required to be achieved	Complies is required to be achieved.
Parking	1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) parking space suitable for an ambulance.	Insufficient details were provided to determine compliance with the requirement of this clause. Note: Council will not support the additional parking spaces and the entry cover as it encroaches on Council's Road Reserve.	Complies is required to be achieved.

Clause 48 - Standards that cannot be used to refuse development consent for Self-Contained Dwellings

A consent authority must not refuse consent to a development application for the carrying out of development for the purpose of a Self-contained dwelling (SCD) on any of the following grounds:

Standard	Required	Proposed	Compliance
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	The plans indicate that the development will comply with the overall height.	Complies
Density & Scale	The density and scale of the buildings when expressed as a floor space ratio is 0:5:1 or less	The proposal provides a combination of a residential care facility (RCF) and self-contained dwellings (SCD). In this regards, the FSR for the SCD component of the development is to achieve 0:5:1 or less. There was insufficient information submitted to accurately calculate the FSR	Complies is required to be achieved.



Standard	Required	Proposed	Compliance
		and breakdown between the two different uses. If the floor space ratio exceeds the minimum requirement. The application is required to provide a SEPP 1 objection addressing the requirement of this Clause.	
Landscaped Area	A minimum of 30% of the area of the site is to be landscaped	Insufficient details are provided to demonstrate complies. A break down on the two different uses on the site is required to be achieved	Complies is required to be achieved.
Deep soil zones	15% of the area of the site	Insufficient details are provided to demonstrate complies.	Complies is required to be achieved.
Solar access	70% of living roll and private open space is to a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	Insufficient details are provided to demonstrate complies.	Complies is required to be achieved.
Private Open space	15 square metres of private open space per dwelling	Insufficient details are provided to demonstrate complies.	Complies is required to be achieved.
Parking	0.5 space for each bedroom	Insufficient details were provided to determine compliance with the requirement of this clause. Note: Council will not support the additional parking spaces and the entry cover as it encroaches on Council's Road Reserve.	Complies is required to be achieved.

Chapter 4 – Miscellaneous

Clause 55 requires development for a residential care facility to include a fire sprinkler system. Details demonstrating compliance with the requirement of this clause is to be submitted with the application.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

All matters discussed and listed under below are to be complied with and addressed in the Statement of Environmental Effects accompanying a Development Application.

The fundamentals



The fundamentals	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Seniors Housing means a building or place that is: (a) a residential care facility, or (b) a hostel within the meaning of clause 12 of <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> , or (c) a group of self-contained dwellings, or (d) a combination of any of the buildings or places referred to in paragraphs (a) - (c), and that is, or is intended to be, used permanently for: (e) seniors or people who have a disability, or (f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	Permissible under SEPP (HSPD) 2004

Objectives of the Zone
<ul style="list-style-type: none"><i>To provide for the housing needs of the community within a low density residential environment.</i><i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i><i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i>
<p>The proposal is considered to satisfy the above Objectives for the following reasons:</p> <ul style="list-style-type: none"><i>To provide for the housing needs of the community within a low density residential environment.</i> <u>Comment:</u> The proposal alterations and additions to an existing residential care facility will provide for the housing needs of the community. The scale of the development is considered to complement the low density environment of the area given the existing situation on site.<i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i> <u>Comment:</u> The expansion of the residential care facility is considered to enable other land uses that provide facilities or services to meet the day to day needs of residents.<i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i> <u>Comment:</u> The plans submitted for the pre-lodgement meeting did not provide sufficient details in this regard. Accordingly, the proposed development is required to provide a landscaped character, which will ensure the proposed development is consistent with the requirements of this objective.



Principal Development Standards:			
Standard	Permitted	Proposed	Comment
Height of Buildings:	8.5m	8m	Complies

Part 5 Miscellaneous Provisions	
Provision	Comment
5.9 Preservation of trees or vegetation	The site is not identified as accommodating prescribed vegetation.
5.10 Heritage conservation	The subject site is in the vicinity of heritage. The SEE is to address the requirement of this Clause.

Part 6 Relevant Additional Local Provisions	
Provision	Comment
Development on Sloping Land	The subject site falls under Area A which is defined by slopes of less than 5°. No preliminary geotech report is required.

Relevant Schedules
There are no relevant schedules applicable to the proposed development.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

All matters discussed and listed under below are to be complied with and addressed in the Statement of Environmental Effects accompanying a Development Application.

Note: A SEPP Development Standard will prevail if there is any inconsistency with a comparable WDCP Built Form Control.

Warringah Development Control Plan			
Part B: Built Form Controls			
Control	Requirement	Proposed	Comment
Side Boundary Envelope	4m x 45° at the side boundary	Greater than 4m x 45°	Complies
Side Boundary Setbacks	0.9m	Greater than 0.9m to both sides	Complies
Front Boundary Setbacks	6.5m	There appears to be existing buildings located within the front setback, any modification to the existing buildings are required to address the objectives of this control.	No
Rear Boundary Setbacks	6.0m	There are existing buildings located within the rear setback that are	No



Warringah Development Control Plan			
		proposed to be modified. The applicant is required to demonstrate that the proposal will be consistent with the objectives of the control.	
Part C: Siting Factors			
Control		Comment	
C2. Traffic, Access and Safety		<p>Vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimize traffic hazards, queuing traffic and pedestrian conflicts, on public roads.</p> <p>A traffic report prepared by a suitably qualified person is required to be submitted with the Development Application which addresses the requirements of Clause C2.</p> <p>In the preparation of this, you are encouraged to liaise with Council's Traffic Engineer to discuss and resolve any traffic related matters prior to the lodging of a Development Application.</p> <p>Note: Council will not support the additional parking spaces and the entry cover as it encroaches on Council's Road Reserve.</p>	
C3. Parking Facilities		This requirement is addressed under the area addressing the SEPP.	
C4. Stormwater		<p>A Concept Drainage Plan detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification"</p> <p>You are advised to liaise with Council's Development Engineering section (Paul David on 9942 2111) to identify and resolve any stormwater drainage matters prior to the lodging of a Development Application.</p>	
C5. Erosion and Sedimentation		An "Erosion and Sedimentation Plan" is to be provided to be submitted with any Development Application.	
C7. Excavation and Landfill		Any excavation or landfill works which may be required will need to comply with the requirements of this clause. Therefore, any foreseeable excavation or landfill will be required to be addressed in the Statement of Environmental Effects accompanying the Development Application.	
C8. Demolition and Construction		A Construction Management Plan (CMP) is to be submitted with any development application.	
C9. Waste Management		Site facilities including garbage and recycling bin enclosures are to be adequate and convenient for the needs of users and are to have minimal	



Warringah Development Control Plan	
	visual impact from public places. A Waste Management Plan is to be submitted with the lodgement of the development application, which demonstrates compliance with the requirement of this Clause.
Part D: Design	
Control	Comment
D1. Landscaped Open Space and Bushland Setting	This requirement is addressed under the SEPP.
D3. Noise	Noise on site from any plant or mechanical equipment must be adequately managed so that it does not exceed 5dba above ambient background noise when measured from the nearest property boundary.
D6. Access to Sunlight	The Development Application is to be accompanied by shadow diagrams for 9.00am, Noon and 3.00pm on 21 June to ensure that the development does not cause unreasonable overshadowing to neighbouring properties. Shadow diagrams including the shadow impact on any elevations of adjoining buildings must be submitted with any development application.
D7. Views	The development is to allow for the reasonable sharing of views. The Statement of Environmental Effect (SEE) is to address the requirement of this Clause.
D8. Privacy	The Statement of Environmental Effects is to address the Objectives and Requirements of this Control.
D9. Building Bulk	The proposal is required to address this control within the architectural plans and the Statement of Environmental Effects.
D10. Building Colours and Materials	A detailed schedule of materials and finishes (sample board or photographic quality samples on A3 size presentation) is to be submitted with the application. The schedule of colours and materials should be consistent with this control
D11. Roofs	The development, as proposed, is considered to satisfy the objectives and requirements of this control. However, the proposal is required to address this control within the Statement of Environmental Effects.
D12. Glare and Reflection	A detailed schedule of materials and finishes (sample board or photographic quality samples on A3 size presentation) is to be submitted with the application. The schedule of colours and materials should be consistent with this control.
D14. Site Facilities	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.



Warringah Development Control Plan	
D18. Accessibility	An Access Report will be required to be submitted with the Development Application, addressing the requirement of the SEPP and DDA Act.
D21. Provision and Location of Utility Services	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.
D22. Conservation of Energy and Water	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.
Part E: The Natural Environment	
Control	Comment
E6. Retaining unique environmental features	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.
E7. Development on land adjoining public open space	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.

DEVELOPMENT CONTRIBUTIONS PLAN 2012 (Section 94A)
<p>The Warringah Section 94A Development Contributions Plan will apply to the proposed development unless it is demonstrated that the development is consistent with one (or more) of the following exempt criteria:</p> <ol style="list-style-type: none">1. development applications and complying development applications whose total development cost is less than \$100,001;2. applications lodged under Section 96 of the <i>EP&A Act 1979</i> to modify condition/s of an existing consent;3. development applications and complying development applications for public purposes as proposed by:<ol style="list-style-type: none">a) Council, that involve the use of land classified as Community or Operational under the <i>Local Government Act 1993</i> or as Crown Land under the <i>Crown Lands Act 1989</i>;b) Government agencies;c) Public utility providers.4. Development which complies with the Ministerial direction under Section 94E dated 10th November 2006 and includes development:<ol style="list-style-type: none">a) For the purpose of disabled access;b) For the sole purpose of affordable housing;c) For the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building;d) For the sole purpose of the adaptive reuse of an item of environmental heritage; ore) Other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.



DEVELOPMENT CONTRIBUTIONS PLAN 2012 (Section 94A)

Your attention is also drawn to Clause 7 – “*How is the total development cost determined?*” of the Plan.

Please contact Council's Strategic Planning, should you have any queries about the requirements of this plan.

Other Relevant Environmental Planning Instruments/Council Policies

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

In this regard, the lodgement of the development application will be referred to Ausgrid for comments.

Council Policies:

You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au:

- Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140
- Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130
- Common vehicular access to multiple properties: LAP-PL 310

Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
- All information as required on the Development Application form checklist
- Site Analysis
- Site Survey (prepared by a registered Surveyor)
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - All relevant sections of WLEP 2011,
 - Other relevant Environmental Planning Instruments (i.e.: SEPP 55, SEPP Infrastructure, SEPP Housing for Seniors or People with Disability)
- Geo-technical report
- Access Report
- Building Code of Australia (BCA) Report
- Traffic and Parking Report
- Erosion and Sediment Control Plan



Required Documentation

- Construction/Site Management Plan
- Sample Board of External Finishes
- Bushfire Report
- Integrated Development fee (RFS Cheque for \$320) plus Integrated Dev Processing Fee for Council of \$140
- Landscape Plan (which also includes a separate plan showing the shaded location and numerical calculation of the landscaped open space and deep soil zones)

Concluding Comments

These Notes are in response to a pre-lodgement meeting held on 12 May 2016 for Additions and Alterations to an existing senior's housing development.

Plans referred to in the meeting were prepared by Jackson Teece, dated 13 April 2016

These notes have identified a number of issues that are of critical and needs to be addressed prior to the lodgement of any Development Application:

- The additional parking spaces and the new entry cover that encroaches into Council's Road Reserve need to be deleted from the application.
- Full compliance with the parking requirement in accordance with the SEPP is required to be provided within the boundaries of the site, having regard to the two different uses on the site (being residential care facility & self contained dwellings)
- The proposal is required to address and provide details on how the proposal will comply with different requirement of the SEPP (Clause 48 & 50) with regards to the FSR, landscape open space and car parking.

In conclusion, the documentation submitted with the development application should demonstrate compliance with all relevant planning controls and take into consideration the advice provided by Council in these Minutes.

The proposal should not proceed to lodgement of a Development Application until the issues raised in these notes have been satisfactorily addressed.

Other Matters

• Requirement to Submit Correct, Clear and Accurate Information at Lodgement

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

• Privacy and Personal Information

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.



Other Matters

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online. www.warringah.nsw.gov.au

- **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au