

**Application No:** PLM2016/0121

**Meeting Date:** 13 December 2016

**Property Address:** Lot 8 in DP 737255, No. 169 Forest Way, Belrose

**Proposal:** Construction of an aged care facility

**Attendees for Council:** Anna Williams – Planning Assessment Manager  
Lashta Haidari – Senior Planner  
Dominic Chung – Senior Urban Designer  
Rezvan Saket – Traffic Engineer  
Sean Khoo – Specialist Development/Drainage Engineer  
Ben Fallowfield – Senior Environment Officer (Creeks)  
Bredan Smith – Environment Officer (Bushland)

**Attendees for applicant:** Jeff Mead – Town Planner  
Arni Nadarni – Architects  
Robert Puflett – Architects  
Frank Michienzi – Development Manager

---

**General Comments:**

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.

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

The development may be made pursuant to *State Environmental Planning Policy (Housing for seniors or People with Disability) 2004* (the SEPP) or the Warringah Local Environmental Plan 2000.

However, the Statement submitted as part of the Pre-Lodgement indicated that proposal will be made pursuant to the SEPP.

In this regard, the proposal will require a Site Compatibility Certificate (SCC) to be prepared prior to the lodgement of a Development Application (DA), pursuant to Clause 24 of the SEPP, as the site adjoins land zoned primarily for urban purposes.

Once an SCC has been issued by the Department, the remaining of the clauses within the SEPP is required to be address and compliance is required to be achieved.

If the application is made pursuant to WLEP 2000, then only certain clauses of the SEPP are relevant to the assessment of the Application. Any clauses within the SEPP which are prefaced for their operation with the words '*development application made pursuant to this chapter*' would not be relevant to the application (if lodged pursuant to WLEP 2000) as per the NSW Land and Environment Court decision of Talbot J on 31 May 2004, in *Mete v Warringah Council (2004 NSWLEC 273)*.

Therefore, any application is required to address the relevant clauses of the SEPP.

## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2000

‘The fundamentals’	
<b>Definition of proposed development:</b> (ref. WLEP 2000 Dictionary)	<b>Housing for older people or people with disabilities</b> 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.
<b>Locality:</b>	B2 Oxford Falls Valley
<b>Category of Development:</b>	Category 2

Desired Future Character
The Desired Future Character Statement (DFC) for this locality is as follows:  <i>“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 to the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.</i>

Desired Future Character
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><u>Comment</u>  The issue of DFC was discussed at length in the meeting. The proposal in terms of its setback, bulk and scale, massing and its potential impacts on the natural environment and access arrangement is found to be inconsistent with the DFC.</p> <p>Furthermore, due to the extent of associated works required to the surrounding natural environment as a result of the management of bushland as an APZ, it is considered that the development would have a high impact and would therefore be inconsistent with the definition of Low Impact development.</p> <p>The definition of low intensity, low impact uses (and the assessment of what constitutes such) can be found in the judgement of '<i>Vigor Master vs Warringah Shire Council 2008 NSWLEC 1128</i>'.</p> <p>As such, it is recommended that the development be designed to provide an outcome that is compatible and consistent with the surrounding detached style development, and a development that satisfies the test of a low impact and low intensity use as required by the DFC.</p>

Built Form Control Compliance Table			
Built Form Control	Permitted	Proposed	Comment
<b>Housing Density</b>	Refer to Clause 29 in the following table		
<b>Building Height</b> Overall	Refer to Clause 29 in the following table		
<b>Building Height</b> Natural ground to upper ceiling	7.2m	Up to 12m	<b>Does not comply</b> Given the scale and predominant building heights of development in the local area, the overall building height is to comply with the requirements of this control.
<b>Front Setback</b> Forest Way	20m (Forest Way) 10m (Childs Circuit)	12m to Forest Way.  6.8m to Childs Circuit	<b>Does not comply</b> The minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and be free of any structures, car parking or site facilities other than driveways, letterboxes and fences.  The development proposes

Built Form Control Compliance Table			
Built Form Control	Permitted	Proposed	Comment
			elements of the building within the front setback areas which are not supported. Given the bushland setting of the local area, compliance with the front setback built form control is to be achieved.
<b>Landscape Open Space</b>	Refer to Clause 29 in the following table		
<b>Rear Setback (National Park)</b>	20m	<20	Complies
<b>Side Setbacks</b> North	10m	5m	<b>Does not comply</b> The side setback area is to be landscaped and free of any structures, car parking or site facilities other than driveways and fences. The development proposes buildings within the side setback area which is not supported. Given the bushland setting of the local area, compliance with the side setback built form control is to be achieved.

Clause 29 On what grounds can applications for housing for older people or people with disabilities not be refused?			
Control	Permitted	Proposed	Comment
<b>(2)(a) Building Height</b>	8.0m	Up to 12m	<b>Does not comply</b> Given the scale and predominant building heights of development in the local area, the overall building height is to comply with the requirements of this clause.
<b>(2)(b) Density and Scale</b>	0.5:1 or less or 0.75:1 or less <b>Note:</b> 0.75:1 is only applicable for residential care facilities located within 400 metres walking distance of a public transport node (being a public transport facility such as bus stop that is serviced on a frequent and regular basis in daylight hours)	0:70:1	Complies

Clause 29 On what grounds can applications for housing for older people or people with disabilities not be refused?			
Control	Permitted	Proposed	Comment
(2)(c) Landscaped Area	25m <sup>2</sup> of landscaped area per hostel or residential care facility bed is to be provided)	Insufficient information provided	A full site plan was not provided which enabled assessment of the landscaped area. Notwithstanding, the provision of landscaped area is to be provided in accordance with the area requirements of this clause.
(2)(d) Parking	1 space/10 beds 1 space/2 staff 1 space/ambulance	20 spaces 13 spaces 1 space/ambulance	Information relating to staff numbers was not provided and compliance was not able to be determined. Notwithstanding, the provision of on-site car parking is to comply with this clause.
(2)(f) Landscaped Areas	3,135m <sup>2</sup> (Soil of a sufficient depth to support the growth of trees and shrubs on an area (preferably located at the rear of the site) of not less than the width of the site multiplied by 15% of the length of the site)	Insufficient information provided	A full site plan was not provided which enabled assessment of the landscaped area. Notwithstanding, the provision of soil of a sufficient depth to support the growth of trees and shrubs is to be provided in accordance with the area requirements of this clause.
(2)(g) Private Open Space for In-Fill Housing	N/A	N/A	N/A

Applicable General Principles of Development Control	
<b>Division 1 General</b>  <b>38 Glare and reflection</b> <b>40 Housing for older people or people with disabilities</b> <b>42 Construction sites</b>	<b>38 Glare and reflection</b> Development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.  <b>40 Housing for older people or people with disabilities</b> Development is to comply with the requirements of Clause 40 and Schedule 16.  <b>42 Construction Sites</b> Construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment. In particular: <ul style="list-style-type: none"> <li>adequate areas are to be allocated for the handling and storage of materials which are safe and do not interfere with pedestrian and traffic</li> </ul>

Applicable General Principles of Development Control	
	<p>movement,</p> <ul style="list-style-type: none"> <li>the timing, frequency, and routes of construction vehicle movements are to be safe and minimise impact on roads, pedestrian and traffic movement and surrounding residents,</li> <li>construction waste is to be minimised, legally handled, transported and disposed of,</li> <li>dedicated safe pedestrian access is, at all times, to be provided around the site, and</li> <li>Construction sites will be managed to ensure air and water borne pollutants such as noise, dust, odour and liquids and the like are minimised.</li> </ul>
<p><b>Division 2 Health and safety</b></p> <p><b>43 Noise</b> <b>44 Pollutants</b></p>	<p><b>43 Noise</b></p> <p>This clause requires that noise from combined operation of all mechanical plant and equipment must not generate levels that exceed the ambient background noise by more than 5dB (A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.</p> <p><i>A Noise Management Plan</i> is required at DA Stage to address noise from demolition, excavation and construction.</p> <p>Furthermore, Given the proximity of development to Forest Way, an Acoustic Report is to be prepared by a suitably qualified person and submitted with the Development Application which addresses Clause 102 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</p> <p><b>44 Pollutants</b></p> <p>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.</p>
<p><b>Division 3 Public domain</b></p> <p><b>50 Safety and security</b> <b>52 Development near parks, bushland reserves and other public open spaces</b> <b>53 Signs</b></p>	<p><b>50 Safety and security</b></p> <p>Development is to maintain and where possible enhance the safety and security of the locality.</p> <p>In particular:</p> <ul style="list-style-type: none"> <li>buildings are to overlook streets as well as public and communal places to allow casual surveillance,</li> <li>service areas and access ways are to be either</li> </ul>

Applicable General Principles of Development Control	
	<p>secured or allow casual surveillance,</p> <ul style="list-style-type: none"> <li>• there is to be adequate lighting of entrances and pedestrian areas,</li> <li>• after hours land use activities are to be located along primary pedestrian routes,</li> <li>• public toilets, telephones and other public facilities are to be located so as to have direct access and to be clearly visible from well trafficked public spaces, and</li> <li>• entrances to buildings are to be from public streets wherever possible.</li> </ul> <p><b>52 Development near parks, bushland reserves and other public open spaces</b></p> <p>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"> <li>• where appropriate, housing is to front public open spaces,</li> <li>• public access to public open spaces is to be maximised,</li> <li>• buildings are to be located to provide an outlook to public open spaces, without appearing to privatise that space,</li> <li>• development is to provide a visual transition between open space and buildings including avoiding abutting public open spaces with back fences,</li> <li>• views to and from public open spaces are to be protected, and</li> <li>• buffers for bushfire protection are to be provided on private land and not on public land.</li> </ul> <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>See separate comments from Natural Environment Unit (Biodiversity) later in these Notes.</p>
<p><b>Division 4 Site planning and building design</b></p> <p><b>54 Provision and location of utility services</b></p> <p><b>56 Retaining distinctive environmental features on sites</b></p> <p><b>57 Development on sloping land</b></p> <p><b>58 Protection of existing flora</b></p> <p><b>60 Watercourses and aquatic habitat</b></p> <p><b>61 Views</b></p> <p><b>62 Access to sunlight</b></p> <p><b>65 Privacy</b></p> <p><b>66 Building bulk</b></p>	<p><b>54 Provision and location of utility services</b></p> <p>Utility services must be provided to the site of the development, including provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.</p> <p>Utility services including service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets. Where possible, underground utility services are to be provided in a common trench.</p> <p>The development must be connected to Sydney Water's sewerage system.</p>

Applicable General Principles of Development Control	
<p><b>67 Roofs</b></p> <p><b>68 Conservation of energy and water</b></p> <p><b>69 Accessibility—premises available to the public</b></p> <p><b>70 Site facilities</b></p>	<p><b>56 Retaining distinctive environmental features on sites</b></p> <p>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 sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.</p> <p>See separate comments from Natural Environment Unit (Biodiversity) later in these Notes.</p> <p><b>57 Development on sloping land</b></p> <p>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.</p> <p>In particular:</p> <ul style="list-style-type: none"> <li>• the amount of fill is not to exceed more than 1 metre in depth, and</li> <li>• fill is not to spread beyond the footprint of the building, and</li> <li>• excavation of the landform is to be minimised.</li> </ul> <p>A Geotechnical Report will be required to be prepared by a suitably qualified person and submitted with a Development Application. The report is to provide an analysis of how the development will respond to the geotechnical nature of the site. The report is to include recommendations as to the safe construction methodology of the development having regard to the protection of surrounding development and public assets.</p> <p><b>58 Protection of existing flora</b></p> <p>Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.</p> <p>See separate comments from Natural Environment Unit (Biodiversity) later in these Notes.</p> <p><b>60 Watercourses and aquatic habitat</b></p> <p>Development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.</p> <p><b>61 Views</b></p>



Applicable General Principles of Development Control	
	<p>Development is to allow for the reasonable sharing of views.</p> <p><b>62 Access to sunlight</b></p> <p>The development is not to unreasonably reduce sunlight to surrounding properties (particularly to the south and east). Shadow diagrams, certified by the architect, are to be provided which show the extent of shadow cast by the proposed development at 9.00am, Noon and 3.00pm on 21 June.</p> <p><b>65 Privacy</b></p> <p>Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.</p> <p>In particular:</p> <ul style="list-style-type: none"><li>the windows of the development 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.</li></ul> <p>The development, as presented at the meeting, provides a satisfactory level of privacy within the building footprint. However, careful consideration is to be given to the potential overlooking into the neighbouring sites.</p> <p><b>66 Building bulk</b></p> <p>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.</p> <p>In particular:</p> <ul style="list-style-type: none"><li>side and rear setbacks are to be progressively increased as wall height increases,</li><li>large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief, and</li><li>appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works.</li></ul> <p>The proposed built form is considered to be inconsistent with the requirements of the DFC in that it does not respond to detached style dwellings nor is it considered to be low impact/low intensity.</p> <p><b>67 Roofs</b></p> <p>Roofs are to complement the local skyline. Lift overruns and other mechanical equipment is not to</p>

Applicable General Principles of Development Control	
	<p>detract from the appearance of roofs.</p> <p><b>68 Conservation of energy and water</b>  Development is to make the most efficient use of energy and water.  In particular:</p> <ul style="list-style-type: none"> <li>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,</li> <li>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,</li> <li>buildings are to minimise winter heat loss and summer heat gain,</li> <li>landscape design is to assist in the conservation of energy and water,</li> <li>reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.</li> </ul> <p><b>69 Accessibility—premises available to the public</b>  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 <i>Disability Discrimination Act 1992</i> of the Commonwealth and with <i>Australian Standard AS 1428.2—1992, Design for access and mobility—Enhanced and additional requirements—Buildings and facilities</i>.</p> <p><b>70 Site facilities</b>  Site facilities including garbage and recycling bin enclosures are to be adequate and convenient for the needs of users and are to have minimal visual impact from public places.  In particular:</p> <ul style="list-style-type: none"> <li>waste and recycling bin enclosures are to be adequate in size, durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection</li> </ul>
<p><b>Division 5 Traffic, access and car parking</b></p> <p><b>71 Parking facilities (visual impact)</b>  <b>72 Traffic access and safety</b>  <b>73 On-site loading and unloading</b>  <b>75 Design of car parking areas</b></p>	<p><b>72 Traffic access and safety</b>  Vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimise:</p> <ul style="list-style-type: none"> <li>traffic hazards, and</li> <li>vehicles queuing on public roads, and</li> <li>the number of crossing places to a street, and</li> <li>traffic and pedestrian conflict, and</li> </ul>

Applicable General Principles of Development Control	
	<ul style="list-style-type: none"> <li>• interference with public transport facilities.</li> </ul> <p>The proposed access off Childs Circuit is not supported. The impacts on the surrounding residential area would be unsatisfactory and this arrangement cannot be considered to be 'low impact'. See separate comments from the Traffic Engineer later in these Notes.</p> <p><b>73 On-site loading and unloading</b> 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 service vehicles may enter and leave in a forward direction.</p> <p><b>75 Design of car parking areas</b> Car parking is to:</p> <ul style="list-style-type: none"> <li>• avoid the use of mechanical car stacking devices, and</li> <li>• not be readily apparent from public spaces, and</li> <li>• provide safe and convenient pedestrian and traffic movement, and</li> <li>• include adequate provision for manoeuvring and convenient access to individual spaces, and</li> <li>• where possible, enable vehicles to enter and leave the site in a forward direction, and</li> <li>• incorporate unobstructed access to visitor parking spaces, and</li> <li>• be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant spaces, and</li> <li>• provide on-site detention of stormwater, where appropriate, and</li> <li>• make reasonable provision for the car parking needs of people with physical disabilities.</li> </ul> <p>See separate comments from the Traffic Engineer later in these Notes.</p>
<p><b>Division 6 Soil and water management</b></p> <p><b>76 Management of stormwater</b> <b>77 Landfill</b> <b>78 Erosion and sedimentation</b></p>	<p><b>76 Management of stormwater</b></p> <p>See separate comments from Development Engineering and Natural Environment Unit (Riparian) later in these Notes.</p> <p><b>77 Landfill</b> Landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties. In particular:</p> <ul style="list-style-type: none"> <li>• only uncontaminated fill is to be used, and</li> <li>• the form, bulk, scale, and location of landfill are</li> </ul>

Applicable General Principles of Development Control	
	<p>to be controlled to ensure there will be no adverse impacts on adjoining or surrounding properties, and</p> <ul style="list-style-type: none"> <li>the integrity of the physical environment is to be preserved by ensuring the geotechnical stability of the work, and</li> <li>the landfill is not to create siltation or pollution of waterways and drainage lines, or degrade or destroy the landscape, landforms or bushlands, and</li> <li>where filling to create a building platform is proposed, all fill is to be contained within the footprint of the building, and</li> <li>rehabilitation and revegetation techniques are to be applied to the fill to maintain and enhance visual and scenic quality, and</li> <li>landfill is not to create airborne pollution.</li> </ul> <p><b>78 Erosion and sedimentation</b></p> <p>Development is to be sited and designed, and related construction work carried out, so as to minimise the potential for soil erosion.</p> <p>Where some degree of soil erosion and sedimentation is likely to occur, it is to be managed at the source to prevent any reduction in water quality downstream of the development site.</p> <p>In this case, a soil and water management plan which ensures minimum soil erosion and maintenance of downstream water quality that has been prepared in accordance with the Council's <i>"Specification for Erosion and Sediment Control"</i> and <i>"Design and Specification Manuals for Engineering Works"</i> is to be considered by the Council before consent for the relevant development is granted. The plan is to outline practices proposed to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters.</p> <p>See separate comments from Natural Environment Unit (Riparian) later in these Notes.</p>
<p><b>Division 7 Heritage</b></p> <p><b>83 Development of known or potential archaeological sites</b></p>	<p><b>83 Development of known or potential archaeological sites</b></p> <p>As the majority of the site is bushland, there may be evidence of Aboriginal habitation. In order to ascertain this Aboriginal Heritage Assessment will be required to be prepared by a suitably qualified person and submitted with a Development Application.</p>

Schedules
<p>The following Schedules in WLEP 2000 are to be addressed in the Statement of Environmental Effects accompanying a Development Application:</p> <ul style="list-style-type: none"> <li><b>Schedule 8 – Site Analysis;</b></li> <li><b>Schedule 5 – State Policies;</b></li> <li><b>Schedule 6 - Preservation of Bushland;</b></li> <li><b>Schedule 15 – Statement of Environmental Effects; and</b></li> </ul>

Schedules	
<ul style="list-style-type: none"> <li>Schedule 16 – Principles and Standards for Housing for Older People or People with Disabilities</li> </ul>	
Referral Body Comments	
Development Engineering	<p><u>Stormwater quantity</u></p> <p>No details are provided with respect to the stormwater drainage disposal from the development. Options available with respect to stormwater drainage proposal are as follows</p> <p>Option A – Stormwater discharge to Forest Way. Stormwater discharge to the kerb and gutter system in Forest Way may be permitted subject to approval from Roads Maritime Services (RMS) as RMS is the Roads Authority for Forest way. Onsite stormwater detention facility may be required to control the stormwater flow rate to Forest Way.</p> <p>Option B - Onsite stormwater disposal. Stormwater is to be discharged on site, via a level spreader or an alternative device that does not result in scouring of vegetation/bushland downstream of the device. The pre-developed site discharge (PSD) is to be calculated using a fraction impervious area of 0% i.e. the state of nature condition for all design storms up to and including the 1 in 100 year storm event. The applicant's consultant is to use the 'Drains' hydraulic model to design the system and provide the calculations with the submission to Council. The OSD tank is to be located in an open area that will permit 24 hour access.</p> <p>Stormwater drainage plans based on one of the above options must be submitted with the Development Application. Written concurrence (in principal) from the relevant state authority based on the point of discharge must be submitted with the Development Application for Option A. All requirements of the relevant state authority must be complied with.</p>
Natural Environment Unit (Riparian & Water Management )	<p>The site is located at the headwaters of Oxford Creek, a sub-catchment of the Narrabeen Lagoon Catchment. According to the <a href="#">Warringah Creek Management Study 2004</a>, Oxford Creek is a Group B catchment which is characterised has having some degradation in the upper catchments, but high ecological value downstream; generally 10-15% connected impervious area.</p> <p>Council's Waterway and Riparian Land mapping shows the presence of a watercourse in the north-eastern corner of the property in addition to a Coastal</p>

Referral Body Comments	
	<p>Upland Swamp, an Endangered Ecological Community (EEC) under the <i>Threatened Species Act 1994</i> (NSW) and <i>Environmental Protection and Biodiversity Conservation 1999</i> (Cmwth).</p> <p>There are a number of potential impacts on the EEC that are associated with the development that could lead to the degradation of the community. These include:</p> <ul style="list-style-type: none"> <li>• alterations to natural hydrology due to sites increased imperviousness, concentration of flows, interruption of groundwater movements etc.</li> <li>• decrease of water quality due to increased sediments and nutrients from stormwater</li> <li>• changes to the structure and composition of community due to edge effects, weed intrusion, changes to micro-climate.</li> </ul> <p>The development must, as a priority, ensure the protection of this EEC and should reconsider the proximity of structures nearing the swamp that may lead to impacts as described above.</p> <p><b>Submission Requirements</b></p> <p><b>1. Waterway Impact Statement</b></p> <p>Council's <a href="#">Protection of Waterways and Riparian Land Policy</a> applies to the development and a <a href="#">Waterway Impact Statement</a> will be required to be submitted with the DA and demonstrate no impact on the EEC. The Waterway Impact Statement shall be prepared by a suitably qualified person and shall refer to the requirements of the Warringah Local Environment Plan 2000, specifically clauses:</p> <ul style="list-style-type: none"> <li>• 56 – Retaining distinctive environmental features on sites</li> <li>• 60 – Watercourses and aquatic habitat</li> <li>• 76 – Management of stormwater</li> <li>• 78 – Erosion and sedimentation</li> </ul> <p>As the development is likely to be undertaken within 40m a watercourse, the activity is considered an Integrated Development and a referral to the NSW Department of Primary Industries – Water is required.</p> <p><b>2. Water Management Plan</b></p> <p>The applicant is required to the provide a Water</p>

Referral Body Comments	
	<p>Management Plan containing the following information:</p> <ul style="list-style-type: none"> <li>Proposed development – Describe the proposed development at the site, including site boundaries, proposed land uses,</li> <li>Catchment analysis plan – clearly showing the surface type (roof, road, landscape, forest etc.) and the total areas. This must be consistent with the land use nodes within the MUSIC Model.</li> <li>Water conservation – Demonstrate how the potable water conservation targets in section 7.1 of the <a href="#">Water Management Policy</a>. For residential developments this maybe in the form of a BASIX Certificate. Rainwater reuse is strongly recommended to be incorporated into the development which will also have a positive impact on water quality.</li> <li>Stormwater quality objectives – Demonstrate how Stormwater Quality Objectives in Table 3, Section 8.1 of the <a href="#">Water Management Policy</a> will be met, including the location, size and configuration of stormwater treatment measures proposed for the development.</li> <li>MUSIC model - prepared in accordance with the draft <a href="#">NSW MUSIC Modelling Guidelines</a> unless alternative modelling parameters are justified on the basis of local studies. Details of the modelling of those elements, parameters and assumptions used. All MUSIC data files must be provided to Council. Two models are required to be submitted – the existing site, and the proposed development. The modelling should demonstrate a neutral or beneficial effect over the existing scenario.</li> <li>Integration with the urban design – Identify how the treatment measures will integrate with the development layout and the surrounding area.</li> </ul> <p><b>3. Soil and Water Management Plan</b></p> <p>Submission of a Soil and Water Management Plan prepared in accordance with the requirements of Section 8.3 of the <a href="#">Water Management Policy</a> and <a href="#">Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004)</a>.</p>
Natural Environment Unit (Biodiversity)	<p>Council's Natural Environment – Biodiversity section considers that the environmental impacts associated proposed aged care facility including the required asset protection zone are substantial. A large proportion of the</p>

Referral Body Comments	
	<p>property is currently represented by native vegetation that is in varying condition. The threatened plant species, <i>Microtis angussi</i> has recently been identified on site in the area mapped by Council and provided to Molino Stewart 26 September 2016. Further potential habitat for this species exists in the top half of the site and the species can only be detected during the growing season. <i>Microtis angussii</i> is currently subject to taxonomic uncertainty and further consultation with the Sydney Royal Botanic Gardens – Plant Herbarium is recommended. Relevant contact details available upon request.</p> <p>Potential habitat of several threatened species is considered to occur on the site. Native vegetation located east of the former tennis court has been identified as the Coastal Upland Swamp Endangered Ecological Community as listed under NSW and Commonwealth legislation. It is understood that vegetation surrounding the swamp would be cleared for bushfire asset protection zones. Council considers that the ongoing persistence of the local occurrence of this community to be unlikely given the impacts of the proposal associated with indirect impacts including changes in hydrology. On this basis, a Species Impact Statement may be required for the proposal.</p> <p>It is noted that no draft flora and fauna assessment was provided for Council's review as part of the pre-lodgement meeting.</p> <p><u>Requirements</u></p> <p>The following requirements are based on the plans submitted for the pre-lodgement meeting.</p> <p>The applicant should prepare and submit a Flora and Fauna Assessment in accordance with Councils guidelines (see online <a href="http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/native-vegetation/guidelines-preparing-flora-and-fauna-assessment-report-april-2014.pdf">http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/native-vegetation/guidelines-preparing-flora-and-fauna-assessment-report-april-2014.pdf</a>) to assess the impact of the proposal on flora, native vegetation, fauna and fauna habitats.</p> <p>The report must include:</p> <ol style="list-style-type: none"> <li>1. Detailed survey and targeting threatened species using appropriate methods and during the optimum season for detection. An Assessment of Significance (Seven Part Test) for all threatened species/ecological communities as listed under the NSW Threatened Species Conservation Act 1995 (TSC Act) for which the site is known or potential habitat. This will include (but is not limited to); <ul style="list-style-type: none"> <li>• <i>Cercatus nanus</i> Eastern Pygmy Possum</li> <li>• <i>Isodon obesulus obesulus</i> Southern Brown Bandicoot – It is recommended that additional camera surveys are undertaken to accurately determine species.</li> </ul> </li> </ol>



Referral Body Comments	
	<ul style="list-style-type: none"> <li>• <i>Calyptorhynchus lathami</i> Glossy Black-cockatoo</li> <li>• <i>Varanus rosenbergi</i> Heath Monitor/Rosenberg's Goanna</li> <li>• <i>Pimelea curviflora</i> var. <i>curviflora</i></li> <li>• <i>Tetratheca glandulosa</i></li> <li>• <i>Grevillea caleyi</i> (nearby records)</li> <li>• <i>Microtis angussi</i> (observed on site)</li> <li>• <i>Heleioporus australiacus</i> - Giant Burrowing Frog</li> <li>• <i>Pseudophryne australis</i> - Red Crowned Toadlet (high likelihood of occurrence - survey must be conducted during or immediately following heavy rain to detect this species)</li> </ul> <ol style="list-style-type: none"> <li>2. Specific consideration of the biodiversity related Warringah LEP Clauses and Schedules, including Clauses 56, 58 and Schedule 5 (this can also be addressed in the Statement of Environmental Effects). Given the extent of vegetation on the site and the level of disturbance that would be required for the development, the assessment should consider preparation of a Biodiversity Management plan to mitigate impacts pre-clearing, during clearing and post construction. See guidelines for preparing a biodiversity management plan online - <a href="http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/native-vegetation/guideline-preparing-biodiversity-mtg-plan-april-2014.pdf">http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/native-vegetation/guideline-preparing-biodiversity-mtg-plan-april-2014.pdf</a></li> <li>3. Consideration of whether the development is likely to have a significant impact on matters of national environmental significance (NES) under the Commonwealth Environment Protection and Biodiversity Conservation Act 1995 (EPBC Act).</li> <li>4. A detailed assessment of the specific indirect impacts (such as downstream impacts) associated with the development.</li> </ol>
<b>Traffic Engineering</b>	<p>As discussed at the meeting, the preference is the provision of access to and from the site from Forest Way. The proposed access off Childs Circuit was not supported in the previous Pre-lodgement Meeting (please see PLM 2015/0121) on planning grounds due to adverse impact on the surrounding residential area.</p> <p>A traffic report is to be provided addressing the implication of traffic on surrounding road network and parking provision in compliance with the relevant guideline (SEPP or DCP). Also, the traffic report is to address the location and design of the driveway to provide a safe vehicular ingress and egress with adequate sight distance when exiting the driveway.</p> <p>The provision of on-site service vehicle area is required for the proposal. In this regard the car park is</p>

Referral Body Comments	
	<p>to be designed to accommodate the largest service vehicles expecting to be used in compliance with AS2890.2:2002. All vehicles are to enter and exit the driveway in forward direction.</p> <p>Car parking and driveway design is to be in compliance with Australian Standards AS2890.1:2004.</p>
Urban Designer	<ol style="list-style-type: none"> <li>1. Proposal to comply with 8m/2 storey building height requirements and SEPP requirement of buildings located in the rear 25% area of the site to be one storey in height.</li> <li>2. Proposal to provide minimum landscape requirement. Surface parking proposed should be integrated harmoniously into a landscaped setting interspaced between softscape to minimise impact on neighbouring properties.</li> <li>3. Proposal to be contextually fitting to 2 storey surrounding residential detached houses. Basement car park structure should not protrude above existing ground line by more than 1 metre in height.</li> <li>4. Building setback distance from Forest Way boundary of 20m to provide adequate buffer.</li> <li>5. Building setback distance from side boundaries of 10m to provide adequate buffer to neighbouring properties.</li> <li>6. Shadow diagrams to be submitted for shadow impact to surrounding residential area.</li> <li>7. More details to be provided for full compliance of the SEPP.</li> </ol>

Other Relevant Environmental Planning Instruments / Council Policies
<p>You are advised of the following (but not limited to all) Council's policies available at <a href="http://www.northernbeaches.nsw.gov.au">www.northernbeaches.nsw.gov.au</a>:</p> <ul style="list-style-type: none"> <li>• <a href="#">Applications for Development - Policy for the handling of unclear, non conforming, insufficient and Amended applications: PDS-POL 140</a></li> <li>• <a href="#">Stormwater drainage for low level properties PDS-POL 135</a></li> <li>• <a href="#">Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130</a></li> <li>• <a href="#">Common vehicular access to multiple properties: LAP-PL 310</a></li> <li>• <a href="#">Vehicle access to all roadside development: LAP-PL 315</a></li> </ul>

#### **Required Documentation for a compliant Development Application**

- 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 (prepared in accordance with Schedule 8 of WLEP 2000)
- Site Survey (prepared by a registered Surveyor)
- Statement of Environmental Effects addressing:
  - Section 79C of EPA Act 1979,
  - all relevant sections of WLEP 2000, including demonstrating consistency with the locality's Desired Future Character Statement, Built Form Controls and General Principles of Development Control;
  - and other relevant Environmental Planning Instruments.
- Geo-technical Report;
- Phase 1 Site Contamination Report;
- Bushfire Report;
- Flora and Fauna Assessment;
- Biodiversity Management Plan;
- Soil and Water Management Plan;
- Aboriginal Heritage Assessment;
- Access Report;
- Building Code of Australia report;
- Fire Safety Report;
- Access Report;
- Acoustic Report;
- Traffic and Parking Report;
- Arborist Report;
- Crime Prevention Through Environmental Design (CPTED) assessment;
- Sediment and Erosion Control Plan;
- Sample Board of External Finishes;
- Model of proposed development;
- Shadow diagrams;
- Landscape Plan;
- Waste Management Plan;
- Stormwater Management Plans; and
- Signage Plan (if proposed).

A Development Application for the proposal will be classified as Integrated Development and a separate cheque will be required to be provided to the value of \$320 and made out to the NSW Rural Fire Service and NSW Department of Primary Industries – Water. In addition, a separate cheque to the value of \$140 is to be made out to Northern Beaches Council to cover administration costs.

#### **Concluding Comments**

These notes address the discussions at the pre-lodgement meeting held on 13 December 2016 for the construction of an aged care facility at 169 Forest Way, Belrose.

Reference is made to the following plans as prepared by Thmoson Adsett and dated 18 November 2016:

The proposed development is Category 2 development under WLEP 2000 and must be consistent with the Desired Future Character of the B2 Oxford Falls Valley locality. In this regard, the development, in its

### Concluding Comments

current form, does not satisfy the requirement of the DFC that the built form reflects the surrounding "detached style housing" and be of a "low impact and low intensity use". Therefore, the proposal is not considered to pass the test of consistency.

Based upon the above comments you are advised that the proposal, as presented at the meeting, is not supported and to satisfactorily address the matters raised in these minutes prior to lodging a development application.

### Other Matters

- **Requirement to Submit Correct, Clear and Accurate Information at Lodgement**

You are advised, that if an application Unclear, Non-Conforming, 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 – your 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.

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.northernbeaches.nsw.gov.au](http://www.northernbeaches.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.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)