# SYDNEY NORTH PLANNING PANEL PEER REVIEW REPORT

Panel Reference	PPSSNH-367		
DA Number	DA2021/1912		
LGA	Northern Beaches		
Proposed Development Street Address	Alterations and additions to an existing building for a mixed-use development including seniors housing and boarding house and subdivision (stratum and strata)		
	2-4 Lakeside Crescent, 8 Palm Avenue and 389 Pittwater Road, North Manly 2100 Lot 1 DP 544341 Lot 46 DP 12578, Lot 47 DP 12578, Lot 48 DP 12578, Lot 45 DP 12578 and Lot 22 DP 865211		
Applicant/Owner	Link Wentworth Housing Limited Landcom		
Lodgement Date	21/10/2021		
Report Author	Consultant Town Planner		
Recommendation	Approval		

## 1. EXECUTIVE SUMMARY

A peer review of the Council report to the Panel in relation to DA2021/1912 has been undertaken, focussing on the reasons for refusal in that report and considering potential tsunami impact as requested by the Sydney North Planning Panel ("the Panel").

The reasons for refusal relate to the flood nature of the site and the response of the design to flood risk, the height, bulk and scale of the development and the provision for cross ventilation within the development.

The development is designed and can be managed in a way that appropriately minimises the risk of flooding and tsunami to residents on the site, subject to the residents sheltering in place during flood and tsunami events that impact the site, and in relation to the impact upon services during flood and tsunami evacuation if the recommended conditions are accepted by the applicant.

The concerns with the height, bulk and scale of the development have been addressed by the amended landscape plans and the clause 4.6 request to vary the height controls, adequately justifies the breach proposed.

The concerns with cross ventilation raised in the reasons for refusal are not considered to be substantiated.

Therefore, subject to the amended plans and the acceptance by the applicant of the recommended conditions (contained in Attachment A), the development would satisfy all jurisdictional requirements and merits approval.

# 2. BACKGROUND

A development assessment report was reported to the Panel in relation to DA2021/1912 which was recommended for refusal for the following reasons:

## 1. Flooding

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 5.21 Flood Planning of Warringah LEP 2011 and Clause E11 Flood Prone Land Warringah DCP 2011.

Council is not satisfied that the preconditions within Clause 5.21(2) (a), (c) and (d) WLEP have been met in order to grant consent.

The requirements of control B2, C6, E1 and E2 of Clause E11 Flood Prone Land of Warringah DCP 2011 have not been addressed to the satisfaction of Council.

### 2. Site Suitability

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not suitable for the proposed land use of housing for Seniors or People with a Disability due to the flood affectation of the land.

#### 3. Aims of Warringah LEP 2011

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.

#### 4. Clause 4.6 Variation Request for Building Height and Ceiling Height

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011 in relation to the request to vary Clause 4.3 Height of Buildings WLEP 2011 and Clause 40(4)(a) Ceiling Height SEPP HSPD. Council is not satisfied that the written request demonstrates that compliance is unreasonable and unnecessary in the circumstances of the case or there are sufficient environmental planning grounds as required by Clause 4.6 (3) and Clause 4.6(4)(a)(i).

Council is not satisfied the proposal will be in the public interest as the objectives of the development standard relating to building height have not been satisfied as required by Clause 4.6(4)(ii).

#### 5. Built form, bulk and scale

Pursuant to Section 4.15(1)(a)(i) and 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the built form controls with the following planning instruments, particularly due to the design of Level 2 façade adjoining the northern boundary:

- a) Warringah Local Environmental Plan 2011 Clause 4.3 Height of Buildings;
- b) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Clause 33 (c)(i) building setbacks to mitigate bulk and (iv) impacts of boundary walls on neighbours;
- c) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Clause 40(4)(a) Ceiling Height;
- d) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Clause 50 (b) Density and Scale;
- e) State Environmental Planning Policy 65 Design Quality of Residential Flat Development - Apartment Design Guidelines Control 2F Building Separation;
- f) State Environmental Planning Policy 65 Design Quality of Residential Flat Development - Schedule 1 Design Quality Principles - Principle 1 Context context and Neighbourhood Character and Principle 2 Built Form and Scale;
- g) Warringah Development Control Plan Clause B1 Wall Heights
- h) Warringah Development Control Plan Clause B3 Side Boundary Envelope

*i)* Warringah Development Control Plan Clause D9 Building Bulk

### 6. Cross Ventilation

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Control 4B Natural ventilation within the Apartment Design Guidelines as referenced within State Environmental Planning Policy 65 - Design Quality of Residential Flat Development.

#### 7. Public Interest

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest due to the built form non-compliances and inconsistencies with Council's Flood Planning Controls.

After consideration of the report and submissions made to the Panel, the Panel resolved to defer the determination of the matter to seek further information as follows:

The Panel noted the design and evolution of this substantial Crown project has been underway for several years with extensive consultation between Applicant, Council and community. However, several key issues remain unresolved as evidenced by the Council's suggested reasons for refusal and the Applicant's letter of response dated 5<sup>th</sup> April 2023.

The Panel also noted very little progress had been made in resolving the key issues over recent months and this despite the Panel's specific request in March 2023 that the parties meet to progress this Crown project.

Given the inability of the parties to make progress over recent months, the Panel decided to defer the determination and seek independent advice from an expert planner in relation to the application.

Consequently, both parties are asked to co-operate with a Panel appointed expert planner tasked with urgently giving such advice. The expert panner will provide such advice to the Panel as soon as possible (and may seek the Council's and Applicant's urgent input) which will include tsunami and flooding considerations.

The expert planner will have access to all documentation but will focus on the Council's Reasons for Refusal and the Applicant's Responses in their 5<sup>th</sup> April letter and any other matters considered relevant by the expert planner. The expert planner may confer with the Panel, the Applicant and the Council, and any relevant third parties such as the SES.

When the expert planner's advice has been received, the Panel may convene a further meeting to determine the matter, or alternatively, determine the application electronically.

The following scope of works was issued and this report responds to the scope of work as requested.

- 1. Review the DA documentation and Council's assessment report, including reasons for refusal.
- 2. Initially meet with the Panel to discuss the scope of advice required.
- 3. Prepare a key issues paper within 2-3 weeks, addressing the key considerations of assessment.
- 4. Prepare a review report of the Council's reasons for refusal (and the reasoning behind those taking into account the Applicant's position) and advice on any other matter material to the DA that has not been addressed by either party.
  - With recommendations on whether matters are:
    - threshold issues (i.e. back to the drawing board);
    - o require amendment(s) to the proposal; or
    - can be conditioned
  - Provide this report within 4-6 weeks.
- 5. In the event that the DA can be supported, Council will be responsible for drafting conditions of consent under the direction of the Panel (in consultation and approval with the Crown).
- 6. If required, discuss the application with Council and/or the Applicant.

# 3. REVIEW OF REASONS FOR REFUSAL

# Reason 1: Flooding

The Site is identified as being flood prone and as such the provisions of Clause 5.21 of Warringah Local Environmental Plan 2011 (WLEP) is applicable and it is a threshold issue which much be satisfactorily addressed to allow consent to be granted to the application.

# Agreed Matters Between Council and Applicant

## Site Flooding Characteristics

The flooding characteristics of the Site which are agreed between the Council and Applicant experts are:

 The Site is affected by the 1% AEP event which would result in a flood level of RL 3.14 – 3.16 (with a 5% AEP tailwater) and a flood depth of 0.7-1.0m. In such an event the flood velocity would be 0-0.5m/s. The Site is identified as part Low and Transitional with High Hazard areas adjoining Lakeside Crescent (2005 NSW Floodplain Development Manual), with a categorization of H1-H2 and H3-H4 (2022 DPE Flood Risk Management Guide) in the 1% AEP event.

- During the PMF event the Site would have in a flood level of RL 5.72 5.74 and a flood depth of >1.5m. In such an event the flood velocity would be 0-0.5m/s. The Site is identified as High Hazard (2005 NSW Floodplain Development Manual), with a categorization of H5 (2022 DPE Flood Risk Management Guide) in a PMF event.
- The Flood Planning Level (FPL) for the Site is RL 3.66 AHD.

It is noted that the categorization under 2022 DPE Flood Risk Management Guide has the following explanation:

- H1 Generally safe.
- H2 Unsafe for small vehicles (up to 500mm deep).
- H3 Unsafe for vehicles, children, elderly (up to 1.2m deep).
- H4 Unsafe for people and vehicles (up to 2m deep).
- H5 Unsafe for people an vehicles. All buildings vulnerable to structural damage. Some less robust building types vulnerable to failure.

It is further noted that the peer review report prepared by Rhelm on behalf of Council indicated that the flood planning level at this location for the 1% AEP event (under ocean dominant flooding, with 0.9m sea level rise due to climate change) would be closer to RL 4 AHD than the adopted RL 3.66 AHD, with a flood level of RL 3.5 AHD. The level identified in this peer review has not been adopted by Council as its position.

The 2018 Manly Lagoon Flood Risk Management Study and Plan maps the property as being located in a "Low Flood Island" for both the 1% AEP and PMF event.

It is further noted that subsequent to the preparation of the Flood Emergency Response Plan (FERP) by the applicant in May 2022 the Department issued a draft Shelter-in-Place Guideline (see Attachment B) which Council's engineer indicated was a matter that should be considered, particularly in relation to the suggested maximum 6 hour time limit for shelter-in-place (SIP).

## Flood Impacts

The flood impacts of the development and upon the development which are generally agreed between the Council and Applicant experts are:

#### During a 1% AEP (with a 5% AEP tailwater) event

• By virtue of the proposed flood mitigations measures, including no openings below the FPL in the building walls other than entrance doors, flood doors or flood barriers at entrances and flood walls incorporated into the landscape, the proposed ground level (boarding house) would not flood in events up to the flood planning level (3.66m AHD). Council added a qualification to this agreed position that this assumes the flood doors operate appropriately during such an event.

- Characterized by an initial surge of 200mm then a more gradual rise after approximately 2 hours and 40 minutes, with the peak flooding occurring approximately 6 hours and 40 minutes after the start of the storm burst. This characterization applies to flooding from storm burst only and there are other potential scenarios and timing for rise of flood waters.
- Shelter in place (SIP) is likely the preferred option in case of this event (noting that there is dispute whether the reference to "preferred" is appropriate or whether SIP is the only appropriate response).
- Adequate area is provided on the first floor to accommodate residents of the ground floor to shelter in place.
- No detrimental impact upon flood storage or surrounding properties due to the development is likely.

It is further noted that based on the peer review report prepared by Rhelm flood level of RL 3.5 AHD, the ground floor would not flood, with the flood mitigation devices approximately 140mm above the predicted flood level.

#### During a PMF event

- The proposed ground level (boarding house) would flood to a depth of 2.76m (ie close to the ceiling).
- The first floor would be 240mm above the PMF flood level.
- Characterized by an initial surge of 220mm 500mm, with the peak flooding occurring approximately 1 hour and 55 minutes after the start of the storm burst. In flood producing storms, the start of rain typically precedes the start of the storm burst.
- Evacuation by small vehicles becomes unsafe 13 minutes from storm burst.
- Evacuation on foot is likely to be unsafe.
- Shelter in place is the appropriate option in case of this event
- No detrimental impact upon flood storage or surrounding properties due to the development is likely.

#### Matters Not Agreed Between Council and Applicant

#### Length of Time for Evacuation and to SIP

The length of time before evacuation becomes unsafe and the length of time SIP would occur for are not agreed by the experts, with Council raising concerns with the information provided by the applicant focusing on one type of flood producing weather event. In response the applicant has provided a new assessment of safety of evacuation of pedestrians, which also considers the draft Shelter-in-Place Guideline, and is attached as Attachment C to this report.

In summary, the new assessment provides the following information which has been provided based on three locations/scenarios as follows:

- (i) Based on the centreline of Lakeside Crescent in the vicinity of the low point (L4)
- (ii) Based on the level of the footpath in Lakeside Crescent in the vicinity of the low point (L4 Footpath)
- (iii) Based on the level of the footpath in Lakeside Crescent in the vicinity of the low point but under conditions where the footpath has been raised to provide a rising path from the corner of Palm Avenue to Pittwater Road (ie. raising the current footpath level at this location by 0.22 m) (L4 Footpath Raised)

Based on the criterion for pedestrian stability, the periods of time that conditions would be unsafe for children and adults are given in the following table, which differentiates between the time from the start of storm burst until it is unsafe to evacuate on foot and the time for SIP. It is noted this is for a storm burst event and does not cover all weather events that may lead to flooding.

	Duration (mins) it is Unsafe for:					
	Children Adults		Children	Adults		
Location	1%.	AEP	PMF			
L4 Road	415	210	370	310		
	6 hrs 55 mins	3 hrs 30 mins	6 hrs 10 mins	5 hrs 10 mins		
L4 Footpath	405	195	365	285		
	6 hrs 45 mins	3 hrs 15 mins	6 hrs 5 mins	4 hrs 45 mins		
L4 Footpath Raised	350	135	350	270		
	5 hrs 50 mins	2 hrs 15 mins	5 hrs 50 mins	4 hrs 30mins		

#### Table 1 Available Warning Time and Periods of Isolation

	Elapsed Time from Start of Storm Burst until Unsafe Conditions Reached (mins):					
	Children	Adults	Children	Adults		
Location	1%	AEP	PMF			
L4 Road	205	310	15	35		
	3 hrs 25 mins	5 hrs 10 mins	15 mins	35 mins		
L4 Footpath	210	315	25	35		
	3 hrs 30 mins	5 hrs 15 mins	25 mins	35 mins		
L4 Footpath						
Raised	240	340	20	45		
	4 hrs	5 hrs 40 mins	20 mins	35 mins		

<u>*Comment:*</u> Evacuation in a 1% AEP event would potentially be possible, but only if residents were given sufficient warning and followed instructions to evacuate. The ability for residents to understand the nature of weather events and the potential for flooding is a critical matter in determining whether evacuation is a safe option.

It is noted that the Flood Warning and Emergency Response Strategies report of 2018 indicates that "a review of flood fatalities in Australia has found that the large majority (76%) of fatalities occurred not in the home, but outside when people have entered flood waters". This appears to indicate that unless the evacuation was managed by an experienced person onsite, it would be more appropriate to SIP for this event.

Notwithstanding the disagreement between the experts, it is clear that evacuation time for the PMF is very short and in my opinion, evacuation in such an event would to be too high risk and that SIP would be the only acceptable option.

The length of time for SIP for adults is below the 6 hours suggested in the draft Shelter-in-Place Guideline, for this type of event, however adults with mobility issues may require SIP for lengths of time more similar to that of children which would be in excess of the 6 hour period, other than if the footpath was raised.

In my opinion, evacuation in any flood event affecting the site would be inappropriate given the potential age and nature of residents and site conditions. In order to ensure all residents on the site do not panic respond appropriately to the risk, it is recommended that a minimum of 2 appropriately trained Flood Wardens live on the ground floor of the site. It is also recommended that any strata subdivision of the upper levels of the property must require a by-law requiring residents to comply with the Flood Emergency Response Plan (FERP) at all times and follow instructions of the Flood Wardens where such instructions are consistent with the FERP. The training of the Flood Wardens, and ongoing retraining, is to be funded by the operator of the boarding house which is to be a community housing provider or government body. Should the applicant not agree to such conditions (see Attachment A), the site is not considered suitable in relation to the ground level boarding house.

It is further recommended that the layout and fitout of the SIP facility be upgraded given the potential length of time required to shelter in place to include the following:

- A kitchenette providing a sink, microwave and hotplate (electric)
- Sufficient cupboard storage for emergency supplies (blankets, towels, first aid kit and utensils for preparing basic food and drinks)
- A TV and radio (with battery backup) for access to information in an emergency
- Power outlets for charging of mobile phones and the like.

Further, to assist in SIP occurring, the facility should be provided with photovoltaic panels on the roof, connected to back-up storage to provide for basic lighting and facilities to be used in case of disruption to electricity supply during SIP.

Should the applicant not agree to such conditions (see Attachment A), the site is not considered suitable in relation to the ground level boarding house.

#### Potential for Failure of Flood Mitigation Measures

Council is concerned that the flood doors may fail in a flood event or be blocked due to unexpected behavior of residents which would impact the safety of residents.

The applicant has indicated the risk of failure is reduced given the property is to be managed by a community housing provider which provides a higher level of assurance the doors will be appropriately maintained. The applicant has also indicated it is proposed to have Flood Wardens onsite whose responsibility is to ensure flood doors are not blocked (see FERP at Attachment D). The applicant further indicates that damage to the flood doors by floating debris is limited by the fact the doors open outward and by appropriate measures to be design for "vulnerable" doors to prevent floating debris damaging doors. Finally, the applicant has indicated that were the doors to fail due to lack of maintenance of seals or the like, the ground level would flood but at a slower rate, allowing residents to escape to the first floor.

<u>*Comment:*</u> The risk of failure of the flood doors appears to largely relate to the level of maintenance of the doors and the knowledge of the residents of the actions to take in the event of a flood, along with the appropriate design to protect the doors from debris damage.

Accordingly a condition of consent is recommended requiring the proposed design to be amended, under the instruction of a suitably experienced and qualified flood engineer to ensure all flood protection doors and equipment are appropriately located behind physical barriers that would prevent foreseeable damage in a flood due to floating debris.

It is also recommended that the operators of the boarding house be required to ensure regular inspection and maintenance of all flood safety devices in accordance with the recommendation of the manufacturer. Such inspection is not to be left to the responsibility of the Flood Wardens.

The Flood Wardens would be responsible of ensuring appropriate behaviour of residents in the event of a flood affecting the site.

Should the applicant not agree to such conditions (see Attachment A), the site is not considered suitable in relation to the ground level boarding house.

#### Difficulty of Mobility Challenged Residents Reaching Shelter

Council has raised concern that the provision of boarding house rooms for persons with mobility disabilities on the ground level raises unacceptable risks to those persons reaching the shelter on the first floor as the lift may not work and the suggested stair lift may not have access to electricity.

The applicant has indicated that the chair lift can be battery operated which would overcome the problem when combined with priority being given to the relocation of the most mobility challenged residents first. The applicant has also undertaken not to permit residents within the community housing component of the accommodation to occupy the site where their physical disability would prevent them independently accessing the SIP (see Attachment G).

<u>Comment:</u> The risk of the inability of residents to access the SIP in a flood event could be reasonably mitigated by providing a battery backup for the chair lift and as a final back-up including a condition of consent in relation to the type of occupant permitted on the ground floor.

#### Difficulty Evacuating in the Case of a Medical Emergency

Council is concerned that evacuating residents in the event of a medical emergency occurring during SIP would be difficult.

The applicant has indicated the external staircase provides an appropriate method for evacuation of residents from the upper levels or those using the SIP and that the external stair could be reached either by car or boat dependent upon the flood level.

<u>Comment:</u> The likelihood of the need for medical evacuation from the site is relatively low due to the likely infrequency of the flood events, safety of the SIP and relatively short periods of SIP. The likelihood of the need for medical evacuation would be further reduced if the Flood Wardens had access to appropriate first aid supplies and were appropriately trained to give emergency care. In the event the Flood Warden could not manage the medical episode, evacuation could readily be managed, particularly given the relatively close proximity of the site to land that is not flood effected.

#### Suitability of the Site for Occupation by "Vulnerable" Residents

Council has raised concerns with the suitability of the Site for occupation by "vulnerable" residents, in particular the occupants of the senior's housing component of the development.

The applicant has indicated that all of the measures discussed in this report make the proposed use appropriate for the Site notwithstanding its flood hazard.

<u>*Comment:*</u> In order to determine whether the Site is suitable, an assessment against Clause 5.21 of WLEP is necessary.

Clause 5.21 of WLEP is detailed as follows, with an assessment of the proposed development provided in relation to the clause.

#### 5.21 Flood planning

- (1) The objectives of this clause are as follows—
  - (a) to minimise the flood risk to life and property associated with the use of land,

- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
  - (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
  - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—

**Considering Flooding in Land Use Planning Guideline** means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

*flood planning area* has the same meaning as it has in the Floodplain Development Manual.

*Floodplain Development Manual* means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

The Applicant's and Council's experts are in agreement that the development satisfies Clause 5.21(2)(b) and (e) having regard to the matters considered in relation to Clause 5.21(3).

No agreement has been reached between the Applicant's and Council's experts that the development is compatible with the flood function and behaviour on the land (Clause 5.21(2)(a)). Council's expert (and the Rhelm review) have raised concerns about the suitability of the use due to the intensification of residential occupants on the site and that the residents are of a vulnerable nature.

No agreement has been reached between the Applicant's and Council's experts that the development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and that it incorporates appropriate measures to manage risk to life in the event of a flood (Clause 5.21(2)(c) and (d)).

In considering the provisions of Clause 5.21 that are not agreed, consideration has also been given to the following advice from the applicant in relation to the likelihood of a flood occurring and the measures proposed to protect residents in the event of flooding.

The likelihood of different flood types (of which only the flooding at or above the 1% AEP event are relevant to the site), based on the 2005 NSW Floodplain Development Manual is shown in the following table which considers the likelihood of events occurring in a 70 year period.

Event AEP		At least once in 70	At least twice in 70	
(%)	1 in X	years	years	
10.0%	10	99.9%	100.0%	
5.0%	20	97.2%	87.1%	
2.0%	50	75.7%	41.0%	
1.0%	100	50.5%	15.5%	
0.5%	200	29.6%	4.8%	
0.2%	500	13.1%	0.9%	
0.1%	1,000	6.8%	0.2%	
0.00001%	10,000,000	0.0007%	0.000000024%	

#### Table 1 Probability of experiencing the Given Flood once or twice in a 70-year Period

<u>Comment:</u> Therefore, the likelihood of a 1% AEP event occurring during the life span of the proposed residential development at least once would be relatively high.

The likelihood of a PMF event occurring during the life span of the proposed residential development at least once would be extremely low.

In the case of either event, it is agreed that the upper level residents would be safe if they were in their dwellings and the ground level residents would be safe if the flood doors operated according to their design (for the 1% AEP event) or they were to used the SIP facility (for the PMF event or where the flood doors did not operate according to their design).

Given the extent of area that would need to be evacuated in the 1% and PMF flood, services such as the SES would be challenged with ensuring residents in lower lying areas and those without a SIP were safely evacuated. As such, the development would unreasonably increase the burden upon such organisations unless the SIP option was utilized for any flooding on the site.

Given residents who were not necessarily familiar with flood behaviour could react in ways which would endanger their or other resident's lives, reliance upon the SIP option would only appropriately mitigate the risk to a reasonable level if the following were to occur:

- The approval for residential occupation of the site of the ground floor was limited such it must be managed by a community housing provider or government body
- A condition requiring the use of the ground floor not be strata subdivided
- The approval be conditional upon a minimum of two Flood Wardens trained and supported by the operator of the boarding house living onsite and being responsible for flood response and conducting emergency flood response drills at random times every six months. The Flood Wardens would also require an appropriate level of first aid training to assist residents through any required SIP event.
- The SIP was redesigned to provide cupboards for first aid supplies and appropriate supplies such as towels and blankets and a kitchenette. The SIP should also be equipped with a TV and radio for communication in the event of an emergency.
- The development be provided with solar generation and battery storage capable of supporting the internal lighting, kitchenette and chair lift from the ground floor to the first floor, with a back up battery supply, at minimum.

If the above (including the recommended conditions) are agreed by the applicant, the proposed accommodation on the site would be appropriately design, located and managed in the event of a flood:

- to manage risk to life in the event of a flood;
- resulting in the site being compatible with the flood function and behaviour of the land; and

 would not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing flood evacuation routes for the surrounding area.

Accordingly, the proposal would satisfy the requirements of Clause 5.21 of WLEP subject to the recommended conditions.

#### Reason 2: Site Suitability

This reason for refusal is wholly related to flooding and has been addressed in the response to Reason 1. Given the conclusions in relation to Reason 1 the site is considered suitable for the proposal subject to the applicant agreeing to the recommended conditions (see Attachment A).

#### Reason 3: Aims of WLEP

The reason for refusal and assessment report do not identify which of the aims of WLEP are not satisfied by the proposal, however, based on the concerns raised throughout the report the following objectives appear to be those of concern.

- (d) in relation to residential development, to-
  - *(i)* protect and enhance the residential use and amenity of existing residential environments, and
  - (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
  - (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,
- (f) in relation to environmental quality, to-
  - (i) achieve development outcomes of quality urban design, and
  - (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and
  - (iii) achieve land use relationships that promote the efficient use of infrastructure, and
  - *(iv)* ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and
  - (v) protect, conserve and manage biodiversity and the natural environment, and
  - (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,

The proposal will provide for additional affordable housing and housing designed for seniors and people with disabilities, satisfying objective (d)(iii).

The design of the alterations and additions are compatible with the character of the area, protect the residential amenity of the area and provide an appropriate urban design outcome for the site as is discussed in relation to Reason 5 later in this report, satisfying objectives (d)(i & ii) and (f)(i & iv).

The reuse and adaptation of the existing building on the site demonstrates appropriate efficient and sustainable use of the energy expended in the existing materials onsite and the use of photovoltaic panels and other measures assist in providing sustainable energy options for the site, satisfying objective (f)(ii).

The intensification of the use of the site for residential accommodation promotes the efficient use of existing supporting infrastructure in the area, satisfying objective (f)(iii).

The site contains limited biodiversity and natural environment features, however the retention of native trees and provision of appropriate native landscaping will satisfy objective (f)(v).

Subject to the recommendations of this report, the proposal will satisfactorily manage the flood risks of the site and Council's original report raised no concerns with addressing any other environmental constraints of the site, satisfying objective (f)(vi).

#### Reason 4: Clause 4.6

#### Height Control WLEP

Clause 4.3 of WLEP provides a maximum building height for the site of 8.5m. The proposed development has a maximum building height of:

Top of plant	12.06m (breach 3.56m)
Top of roof of second floor	9.86m-10.41m (breach 1.36m-1.91m)

It is noted that the existing building has a non-compliant height, in part, of 10m, with heights of RL 12.65 – RL 12.68.

A clause 4.6 variation request addressing the above height breaches has been provided. The request appropriately identifies that the proposal satisfies the objectives of clause 4.3 of WLEP as follows.

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

The clause 4.6 request, in part, indicates:

The roof form and architectural treatment of the additional floorspace at Level 3 has been designed to reflect the existing built form. The roof top plant has been located to minimise view lines from external to the site and within the site. The plant is required to be located at roof level as a result of the flood affection of the site and the constraints of the existing built form.

.....

The additional floorspace which is incorporated at the upper level has been proposed with ceiling levels and proposed roof to be marginally above the existing parapet, thereby reducing the apparent height of the additional floorspace. It is noted that the flood affectation of the site supports the provision of the floorspace within the existing footprint The extent of the height variation for the substantive form of the building will be largely consistent with that of the existing built form. The renewal and reuse of the existing building which will make an ongoing positive contribution to the character of the area.

This assessment is concurred with, it being noted that to be compatible with the height and scale of surrounding and nearby development does not require "sameness". Objective (a) is therefore satisfied by the development.

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

The clause 4.6 request, in part indicates:

The higher building form is responsive to the site context and will continue to be setback significantly from the western boundaries ensuring that there are no unacceptable adverse solar or privacy impacts. The design has also been informed with the design of the approved 3 lots along Pittwater Road to ensure that there would be no unacceptable amenity impacts to future residential development on those properties. The existing trees and enhanced boundary plantings will provide a landscape screen to the adjoining approved residential subdivision.

This assessment is concurred with and the breach of the control does not result in unacceptable impact upon views. Visual bulk is not detrimentally impacted in relation to adjoining dwellings due to the separation of the portions of the building breaching the height control from existing dwellings. Objective (b) is therefore satisfied by the development.

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

The impact of the breach in height is mitigated by the existing and proposed landscaping. Objective (c) is therefore satisfied by the development.

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

The clause 4.6 request, in part, indicates:

With the exception of the roof top plant all additional floorspace is largely contained within the building envelope established by the existing building. The additional floor space proposed is contained at the same floor level as the existing 3 rd level of the building marginally above the existing parapet of the building. The adaptive reuse of the building has been undertaken to minimise the overall height to that or less than that of the existing building. The rooftop plant has been located to minimise view lines and so ameliorate the visual impact. The adaptive reuse of the existing building and the location of the site will ensure no impacts from overshadowing of public places such as parks and reserves or community facilities.

The proposed development will not have a negative visual impact on the surrounding locality when viewed from any public place, and presents as an improvement of the built form's visual presentation to the streetscape through being a sensitively designed adaptive re-use project that is compatible with the surrounding residential character of the site.

This assessment is concurred with and the visual impact from the public domain is appropriately managed by appropriate design, location of the plant and landscape setting (existing and proposed). Objective (d) is therefore satisfied by the development.

The clause 4.6 request appropriately identifies that the breach of the height control is supported by sufficient environmental planning grounds to justify the contravention of the control as follows:

- The form and footprint of the existing building effectively dictates the height of the proposed development.
- The notable architectural value of the existing building which will be reinvigorated for future residents.
- The opportunity provided for the adaptive reuse of the former Health service building to provide for affordable housing incorporating housing choice and environmental sustainability.
- Waste minimisation achieved by the adaptive reuse of the existing building.
- Flood affectation of the site limits additional floorspace at ground level balanced with the benefits of additional floor space above the flood planning level. The existing footprint provides for generous setbacks and landscaped areas.
- Substantial public benefit in the provision of affordable housing to meet the critical shortage of housing for women over the age of 55. In addition, the design of the building addresses and accommodates the security and privacy often required for victims of domestic violence.
- The extent of the building which will exceed the maximum height of building is either existing or largely within the existing building envelope. The minor increases of the substantive form of the building are equivalent to the existing parapet of the building and the setbacks to adjoining development are maintained within the existing footprint. The additional height will not impact adjoining properties by way of view loss or overshadowing.

- The development enables the delivery of an economically viable mixed use development comprising boarding house and seniors living unit including additional floor space from that of the existing building by a Community Housing Provider.
- The new roof form will enable an improved response to the management of roof water and its disposal over the existing parapet and box gutters. Supporting the reuse and maintenance of the building, identified for its notable architecture that has been a part of the character of the area, and contributed to the wellbeing of the community, for decades.
- The exceedance is a response to a considered design approach that is site responsive and comprises an adaptive re-use of the existing building that maximises the inherent strengths of the site while modernising the built form to ensure compliance the ARH SEPP and Seniors Housing SEPP to result in a liveable and sustainable development.
- The existing building form allows for the concentration of floorspace at the at the eastern end of the site, away from existing residences to the west. Furthermore, as indicated at Figure 8 over the page, the position and orientation of the site ensures that there will be no additional shadow impacts to the living areas or private open space of surrounding properties, while the use of screening, orientation to the street and generous setbacks will ensure that privacy impacts can be mitigated.
- The overall height of the building as proposed is minimal from that of the existing building with all substantive height of the additions being at or below that of the existing building. The adaptive reuse will provide upgrading and introduce residential qualities to the existing building which was previously more commercial in it appearance and relationship with the adjacent residential areas.

Therefore, the clause 4.6 request appropriately establishes that the breach of the height control under WLEP can be supported as compliance with the control is unnecessary or unreasonable in the circumstances of the case, with the development complying with the objectives of the control, and that there are sufficient environmental planning grounds to justify the breach. Accordingly, the breach of the height control under clause 4.3 of WLEP is supported.

#### Height Control SEPP (Seniors)

Clause 40 of SEPP (Seniors) provides a maximum building height (measured to the ceiling on the topmost floor) of 8m and a maximum number of storeys adjacent to the boundary of the site of two. The proposed development has a maximum building height of 9.86m-10.41m, less the thickness of the roof (approximately 200mm at its thinnest), resulting in a breach of the control by up to approximately 2m, though the majority of the breach is less than 2m due to the slope of the roof and the drop ceiling proposed for much of the upper floor. A three storey form is proposed, though only the north-western component of the building is located close to a proposed boundary (not the existing boundary) of the site.

Whilst the applicant is of the view that the breach of the standard does not require a clause 4.6 variation request, one addressing the above height breaches has been provided for abundant caution.

The applicant has assumed objectives for the control as there are none detailed in SEPP (Seniors) in relation to the control. The assumed objectives include the objectives of the height control in the WLEP (the compliance with which have been addressed above) and the notation contained within the control which identifies:

The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape

In justifying compliance with this notation the clause 4.6 indicates the following:

The proposed development is an adaptive reuse of the existing development. The additional portion of the third storey has been located within the roof space and behind the parapet seeking to minimise the appearance of the building to the height and envelope of the existing building whilst making use of the space within the low profile roof form proposed to replace the existing box gutters. The proposed development will not result in an "abrupt change in the scale of development" as the existing building determines the scale of development in the streetscape. No increase in the overall height that will be perceived in the streetscape is proposed with the built form being located behind the existing parapet and beneath the height of the existing building with the exception of the plant.

This assessment is concurred with and the design minimizes the bulk of the additions, which in conjunction with the separation to existing lower dwellings and the likely future elevated (due to flooding) two storey dwellings of the adjoining approved lots, the scale change in the streetscape will not be abrupt. The assessment against the objectives of the WLEP height control, as assumed objectives for the SEPP (Seniors) control is reasonable and is as for the above cl. 4.6 request, being supported for the same reasons. Accordingly, the cl. 4.6 variation request to the height controls under SEPP (Seniors) has justified compliance with the control as being unnecessary or unreasonable as it satisfies the assumed objectives of the control.

The clause 4.6 request appropriately identifies that the breach of the height control under SEPP (Seniors) is supported by sufficient environmental planning grounds to justify the contravention of the control in the same manner as for the previous cl. 4.6 request, which is supported for the same reasons.

Therefore, the clause 4.6 request appropriately establishes that the breach of the height control under SEPP (Seniors) can be supported as compliance with the control is unnecessary or unreasonable in the circumstances of the case, with the development complying with the assumed objectives of the control, and that there are sufficient environmental planning grounds to justify the breach. Accordingly, the breach of the control is supported.

It is noted that the clause 4.6 variation request submitted in relation to maximum room size under SEPP (Affordable Rental Housing) was not raised as a reason for refusal. Whilst the clause 4.6 request is included in Attachment H (due to a minor change in the request related to the description of the address to reference the approved subdivision), it is not reconsidered in this report as the I concur with the original assessment.

## Reason 5: Building Form, Bulk and Scale

Council's concerns in relation to building form, bulk and scale were restricted to the relationship between the proposed additional floor of the development and the adjoining approved three lot subdivision fronting Pittwater Road, in particular in relation to visual bulk.

Council's report and discussions with Council raised no concerns with the building bulk, form and scale as viewed from the public domain. I concur with Council's assessment that the design is compatible with the surrounding development as viewed from the public domain, noting that compatibility does not require "sameness".

Council's report and discussions with Council raised no concerns with the building bulk, form and scale as viewed from the existing adjoining residential properties. Whilst I generally concur with this assessment, I have raised a concern with the visibility of the roof top plant from the adjoining residential properties with the applicant. In response, the applicant has amended the plans (see Attachment I), as requested, to relocate the plant centrally on the roof of the north-eastern wing of the building where it will not be visible from the adjoining existing residential properties or the public domain.

I concur with the concern of Council in relation to the building form, bulk and scale as viewed from the new three allotments. As the allotments have already been approved under a separate development consent and the building on the approved allotment already exists, there is no option to increase the setback between the existing building and the approved adjoining lots. Accordingly, the only options to reduce the visual bulk of the proposal are to increase either the setback of the upper floor or improve the landscape screening proposed to mitigate the visual bulk.

After discussions with the applicant and consideration of the height of the canopy of the existing trees to be retained on the site, the applicant has improved the landscape screening of the existing two levels of the building, which are not significantly screened by the existing trees onsite. The bulk of the proposed additional level will be "softened" by the canopy of the existing trees. As can be seen by the following montages within the amended landscape plans (see Attachment J) of the proposed and existing landscaping to be retained (the building shown is the existing building and does not show the proposed additional floor), the result will be an appropriate mitigation of the bulk and scale impacts of the development as viewed from the three new allotments.



Coastal Banksia's with an understorey of native tufted grasses and shrubs ensure the building is shielded from the proposed properties.

The coastal banksia's (Ban int) and cheese trees (Gio fer) sit within the openings left by the large native eucalyptus trees to create a continous line of medium and large size canopy trees that help obscure sightlines into the building.

## Reason 6: Cross Ventilation

The development provides 16 of 24 dwellings on the upper two floors (noting there is no requirement for cross ventilation for boarding house rooms), equating to 66.7% of dwellings which satisfies the requirement of 60%. It is noted that two of the units which have cross ventilation (2.05 and 2.06) achieve it through use of an operable clerestory window, however the clerestory windows are not notated on the plans, being only shown in selected elevation and section plans. Accordingly, a condition of consent confirming their provision is recommended.

#### Reason 7: Public Interest

Council's concerns in relation to public interest relate to flooding, the breach of the height control and the bulk and scale of the proposed development. Each of these have previously been addressed within the report. The public benefit of the provision of additional affordable housing in the locality outweighs the concerns in relation to height, bulk and scale which are appropriately mitigated and flooding, the risks of which is appropriately minimised.

## 4. TSUNAMI RISK

The updated FERP (see Attachment D) now includes an assessment of tsunami risk to the site and a detailed emergency plan for response to a tsunami.

Suburb	Swansea	Manly	Kumell	Cronulla	Wollonong	Pt Kembla	Merimbula	Pambula
Postcode	2281	2095	2231	2230	2500	2505	2548	2549
Stage 2 Site	LMQ	MLY	BBY	BBY	WPK	WPK	MBA	MBA
Continental Slope (100m to 5m depth)	0.005482	0.008218	0.010428	0.010428	0.006547	0.006547	0.004614	0.004614
Total Cadastral Lots below 5mMSL	1798	781	977	340	613	97	320	26
ARI (yrs)			Tau-DAT	Wave Height (	@ 100m water (	depth (m)		
200	0.40	0.37	0.39	0.39	0.32	0.32	0.32	0.32
500	0.64	0.50	0.57	0.57	0.59	0.59	0.57	0.57
1000	0.88	0.76	0.81	0.81	0.83	0.83	0.70	0.70
2000	1.08	1.03	1.12	1.12	1.02	1.02	0.99	0.99
5000	1.55	1.38	1.49	1.49	1.51	1.51	1.48	1.48
10000	1.85	1.74	1.94	1.94	1.91	1.91	1.97	1.97
ARI (yrs)			Estimate	d Wave Height	t (m) @ 5m Wa	ter depth		
200	1.62	1.14	1.02	1.02	1.18	1.18	1.51	1.51
500	2.48	1.49	1.41	1.41	2.00	2.00	2.52	2.52
1000	3.32	2.15	1.91	1.91	2.73	2.73	3.05	3.05
2000	4.03	2.84	2.57	2.57	3.33	3.33	4.23	4.23
5000	5.69	3.74	3.35	3.35	4.84	4.84	6.22	6.22
10000	6.75	4.66	4.31	4.31	6.07	6.07	8.21	8.21
ARI (yrs)		Estimated Wav	e Crest Level	(mMSL) @ 5m	Water depth (	≈ mean run-up	height mMSL	)
200	2.72	2.24	2.12	2.12	2.28	2.28	2.61	2.61
500	3.58	2.59	2.51	2.51	3.10	3.10	3.62	3.62
1000	4.42	3.25	3.01	3.01	3.83	3.83	4.15	4.15
2000	5.13	3.94	3.67	3.67	4.43	4.43	5.33	5.33
5000	6.79	4.84	4.45	4.45	5.94	5.94	7.32	7.32
10000	7.85	5.76	5.41	5.41	7.17	7.17	9.31	9.31
ARI (yrs)		Esti	imated % of Pr	operties below	v 5mMSL Affec	ted by Inunda	tion	
200	54%	45%	42%	42%	46%	46%	52%	52%
500	72%	52%	50%	50%	62%	62%	72%	72%
1000	88%	65%	60%	60%	77%	77%	83%	83%
2000	103%	79%	73%	73%	89%	89%	107%	107%
5000	136%	97%	89%	89%	119%	119%	146%	146%
10000	157%	115%	108%	108%	143%	143%	186%	186%
ARI (yrs)			Estin	nated Lots Affe	ected by Inund	ation		
200	1268	245	289	132	196	31	122	9
500	1671	283	343	157	266	42	170	13
1000	2063	356	412	188	329	52	195	15
2000	2391	431	502	229	381	60	250	19
5000	3168	529	609	278	510	81	343	27
10000	3664	630	740	338	615	97	437	34

Table 3 Tsunami Vulnerability Calculations (after Table E.1, Cardno, 2013)

The risk of tsunami and potential depth of inundation has been calculated based on a number of tsunami scenarios at 5 locations along the east coast of NSW in 2013 tsunami modeling by Cardno. The preceding table is taken from the NSW Tsunami Inundation Modelling and Risk Assessment prepared by Cardno for the NSW Office of Environment and Heritage and the NSW State Emergency Service and includes an assessment of Manly (relevant figures outlined in red).

The likely frequency of events is indicated in the first column of the table and the estimated water depth (which equates to AHD) is shown in the third column. Accordingly, in a 200 ARI event, the likely water depth would be RL 2.24 AHD, which is 740mm below the proposed ground floor level. The ground floor level is likely to be exceeded in an event between the 500 and 1,000 ARI event.

The proposed flood door protection system would operate to effectively protect the ground floor level (as with an 1% AEP flood event) up to a tsunami event of between 1,000 and 2,000 years.

The proposed first floor level of RL 5.98 AHD is 220mm higher than the estimated 10,000 ARI event for tsunami, roughly equating to the PMF level for the site.

The same system of use of Flood Wardens to respond to the risk and inform residents on the site is proposed for response to a tsunami which is reasonable given the above levels and risk and the efficacy of the warning system for tsunami which is a national system

## 5. CONCLUSION

Having regard to the above assessment, the development is designed, and can be managed, in a way that appropriately minimises the risk of flooding and tsunami to residents on the site and in relation to the impact upon services during flood and tsunami evacuation subject to the recommended conditions being accepted by the applicant.

The concerns with the height, bulk and scale of the development have been addressed within the report and the clause 4.6 request to vary the height controls reasonably justifies the breach proposed.

The concerns with cross ventilation are not considered to be substantiated.

Therefore, subject to the amended plans and the acceptance by the applicant of the recommended conditions, the development would satisfy all jurisdictional requirements and merits approval.

# ATTACHMENT A – RECOMMENDED SPECIAL CONDITIONS

# Prior to Commencement of Work

- 1. Prior to the commencement of work, amended plans/additional information shall be prepared/provided, and a copy submitted to Council, showing the following:
  - a) Photovoltaic panels on the roof, connected to battery storage to provide for basic lighting and facilities to be used in case of disruption to electricity supply during occupation of the SIP facility.
  - b) The SIP facility shall be amended to include:
    - i. A kitchenette providing a sink, microwave and hotplate (electric);
    - ii. Sufficient cupboard storage for emergency supplies (blankets, towels, first aid kit and utensils for preparing basic food and drinks);
    - iii. A TV and radio (with battery backup) for access to information in an emergency;
    - iv. Power outlets for charging of mobile phones and the like; and
    - v. The WC being provided with storage capacity suitable to cater for SIP events where the sewerage system fails to function.
  - c) The design shall be amended, under the instruction of a suitably experienced and qualified flood engineer, to ensure all flood protection doors and equipment are appropriately located behind physical barriers that would prevent foreseeable damage in a flood due to floating debris.
  - d) A chair lift for the stairs from the ground to the first floor provided with a battery backup in the case of power failure.
  - e) Units 2.05 and 2.06 on the second floor being provided with a clerestory windows as shown, but not notated, on the elevation and section plans.

## **Operational Conditions**

- 2. The boarding house component of the development shall only be operated by a Community Housing Provider or Government Department and shall at no time be strata subdivided.
- 3. The choice of residents for occupation of the ground floor boarding house must be consistent with the letter from Link Housing dated 11 January 2023 updated 13 July 2023 included in the approved documents of Condition 1.
- 4. Any strata subdivision of the upper levels of the property must require a by-law requiring residents to comply with the approved Flood and Tsunami Emergency Response Plan (FERP) at all times and follow instructions of the Flood Wardens where such instructions are consistent with the FERP, unless otherwise instructed by the SES or Police. The By-law shall not be removed without the written approval of Council.
- 5. A minimum of two appropriately trained Flood Wardens shall live in the ground floor boarding house. The operator of the boarding house shall ensure the Flood Wardens are appropriately trained, and provided with ongoing retraining, in relation to response to flood and tsunami events in accordance with the approved Flood and Tsunami Emergency Response Plan and have appropriate first aid training and fund that training.

- 6. The boarding house manager (not the Flood Wardens) is to be responsible for regular inspection and maintenance of all equipment and plant necessary for an appropriate flood or tsunami response on the site in accordance with the specifications of the manufacturer, including, but not limited to the flood doors, photovoltaic panels and backup storage, the stair lift and backup battery and the provision of first aid and other supplies in the shelter in place facility.
- 7. The Flood Wardens shall conduct emergency flood/tsunami response drills at random times every six months.

# ATTACHMENT B - DRAFT SHELTER-IN-PLACE GUIDELINE

ATTACHMENT C – STANTEC PEDESTRIAN SAFETY ASSESSMENT (3 JULY 2023)

ATTACHMENT D – FLOOD AND TSUNAMI EMERGENCY RESPONSE PLAN (13 JULY 2023)

# ATTACHMENT E – MANAMENT PLAN FOR BOARDING HOUSE (13 JULY 2023)

# ATTACHMENT F – LETTER FROM LINK WENTWORTH (13 JULY 2023)

# ATTACHMENT G – LETTER FROM LINK WENTWORTH (11 JANUARY 2023 UPDATED 13 JULY 2023)

# ATTACHMENT H – AMENDED CL. 4.6 REQUESTS

# ATTACHMENT I – AMENDED ARCHITECTURAL PLANS (17 JULY 2023)

# ATTACHMENT J – AMENDED LANDSCAPE PLANS (13 JULY 2023)

# ATTACHMENT K – ORIGINAL ASSESSMENT REPORT TO PANEL