

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0931
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 2 DP 604580, 22 Homestead Avenue COLLAROY NSW 2097
Proposed Development:	Construction of a Residential Care Facility
Zoning:	LEP - Land zoned SP1 Special Activities
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Salvation Army Of NSW Property Trust
Applicant:	The Salvation Army Nsw

Application lodged:	28/09/2015
Application Type:	Integrated
State Reporting Category:	Residential - Seniors Living
Notified:	16/10/2015 to 17/11/2015
Advertised:	17/10/2015
Submissions:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 13,394,458
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - Salvation Army Centre: Pittwater Road, Collaroy

SITE DESCRIPTION

Property Description:	Lot 2 DP 604580 , 22 Homestead Avenue COLLAROY NSW 2097
Detailed Site Description:	<p>The overall Salvation Army centre (the Centre) comprising Lot 1 DP572945, Lot 2 DP604580, Lot 100 DP806942 and Lot 2 DP787711, is located on the western side of Pittwater Road, has a total area of 14.64 hectares which includes a conference centre, sporting field, remnant bushland and the aged care sections of the Salvation Army development - "Elizabeth Jenkins Place", "Warringah Place" and "Trigg Village" in addition to ancillary internal roads and buildings. The development is contained within a "development area" of 5,424.9 sqm within Lot 2 DP604580.</p> <p>The centre is generally adjoined by the following:</p> <ul style="list-style-type: none"> • West - The site adjoins the Council owned Public Reserve (Collaroy Reserve) and residential properties (detached dwellings) in Scotney Place and Duncan Crescent. • South - The site is adjoins Collaroy Reserve and Charles Hayman Lane and residential areas (detached dwellings) generally in Jamieson Parade, Hay Street and Pittwater Road. • North – Partly, the site adjoins the rear of residential properties (detached dwellings) which have frontage to the southern side of Homestead Avenue and partly it adjoins the rear of residential properties (detached dwellings) which have frontage to the southern side of Alexander Street. • East – The site adjoins Pittwater Road. Opposite Pittwater Road are detached residential properties. Also, part of the site adjoins residential properties. <p>The site is within proximity of the following:</p> <ul style="list-style-type: none"> • 125 metres from Collaroy Commercial Centre • 200 metres from Collaroy Beach and ocean pool • 200 metres from Collaroy Cinema • 330 metres from Collaroy Beach Ex-Servicemen's Club • 500 metres to Long Reef Golf Club and tennis courts • 400 metres to Long Reef Beach <p>Adjacent development around the perimeter of the site is dominated by detached housing in a landscaped setting. A bushland reserve adjoins the western boundary that forms part of the headwaters for Collaroy Creek that flows across the southern part of the site.</p> <p>While the centre has frontage to Pittwater Road, no</p>

vehicular access is gained from that frontage and the primary pedestrian and vehicular access is from No.8 Homestead Avenue.

Map:



SITE HISTORY

Development Application No.DA2007/0433 was approved by Council on the 7 May 2009 for demolition of the existing 'Trigg Retirement Village', 'Elizabeth Jenkins Nursing Home' and Hostel and construction of an Aged Care Facility, Independent Living Units, Community Centre and associated carparking, new internal roads, landscaping and stormwater infrastructure. The proposal included a 102 bed residential aged care facility with 30 car spaces, 51 independent living units with 62 car spaces.

Development Application No.DA2009/1271 was approved by Council on the 14 January 2010 for the demolition of 14 of 22 buildings within the "Trigg Village" area ("Area 3") and the removal of 55 trees. This DA has been commenced and works completed in preparation for the progress of DA2007/0433.

Development Application No.DA2010/2047 for a independent living units for aged and disabled persons was approved by the Joint Regional Planning Panel on 20 April 2011.

Development Application No.2013/0886 for alterations and additions to aged and disabled persons development was approved by Council on 31 July 2013.

Development Application No.2014/0068 for alterations and additions to aged and disabled persons development was approved by Council on 24 January 2014.

Pre-Lodgement Meeting No.2015/0076 for the Aged Care Facility (submitted for DA2015/0931) was held on 29 July 2015. The proposal is consistent with these notes with the exception that the Multi-purpose hall has been excluded and only a "maintenance" shed proposed instead.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the following works:

1. Demolition of three maintenance sheds, a workshop, retaining wall and volleyball court.
2. Construction of a two storey Residential Care Facility (RCF) comprising:
 - 50 bedrooms (with ensuite) and storage within two floors
 - Basement carparking area for 32 cars (including two accessible spaces) and ambulance parking
 - Communal dining room, living room, sunroom/chapel, sitting room, multi-purpose room and TV room allocated within the RCF
 - Staff room, offices and reception
 - Covered walkway connection to the "EJP" RCF
 - Garbage room, store room and plant equipment room.
3. Construction of a new maintenance shed.
4. Internal road works comprising:
 - Removal of the internal road that turns south off the end of Homestad Avenue
 - Extend the existing internal road that services the EJP building to connect to the new basement carpark
 - Pedestrian access link to the new RCF building.
5. Landscaping works for bushfire protection zone, selected tree removal and replacement planting, internal fencing for courtyard and garden enclosure, paving and ancillary works
6. Drainage connections and ancillary site works.
7. Internal directional/identification signage (1m x 1.35) displaying the words "Pacific Lodge Aged Care".

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p>

Section 79C 'Matters for Consideration'	Comments
	<p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Ronald Harry Hammond	12 Homestead Avenue COLLAROY NSW 2097
Mr Ian Edwin Ballard Mrs Kerry Anne Ballard	9 / 10 Avon Road DEE WHY NSW 2099

The following issues were raised in the submissions and each have been addressed below:

- Construction Parking
- Traffic Volumes
- Dilapidation

The matters raised within the submissions are addressed as follows:

- *Concern that during construction work parking in Homestead Avenue is taken up by tradesmen vehicles and off-street parking should be made available inside the site during construction.*

Comment:

The site is large enough to cater for most off-street parking and there are three internal roads leading to the location where the RCF is to be built. Therefore, a condition is included for the preparation of a construction management plan to ensure adequate parking for construction vehicles and tradesmen's vehicles is provided within the site during construction in order to avoid parking problems within Homestead Avenue.

- *Concern that the traffic volumes created by the new RCF will further increase traffic on Homestead Avenue and alternative access should be provided that does not rely on Homestead Avenue.*

Comment:

The RCF will generate a relatively low traffic volume as the facility is not for independent aged care living. Traffic generation is mostly made up by service vehicles (e.g. laundry, food/beverage etc.), staff (including medical), and visitors. The parking area is linked to the existing driveway for the EJP Building and is also linked by a covered pedestrian access. Council's Traffic Engineer has raised no objection to the applicants traffic impact assessment provided by *Traffix*, dated 22 September 2015. The options for alternative access would require complex changes to other available vehicle access points to get to the building facility. In addition, the adjacent roads of Eastbank Avenue and Charles Hayman Lane do not have signalised intersections with Pittwater Road making access more difficult. Other access roads to the south of the proposed RCF site would require the construction of a creek crossing point and increase difficulty of construction unnecessarily even though the building will be linked to the EJP Building anyway. Therefore, this issue has been addressed by Council's Traffic Engineers and the submitted traffic study and no unreasonable traffic impacts will be created by the proposal. This issue does not warrant refusal of the application.

- *Concern that heavy traffic by trucks and other construction vehicles may cause dilapidation risks to adjacent buildings along Homestead Avenue*

Comment:

The proposal will require heavy excavation for the basement area and therefore generate substantial traffic for heavy vehicles during construction past properties in Homestead Avenue. This issue is addressed by conditions but is limited to those residences closest to the excavation area. It is noted that substantial works and heavy traffic has been previously undertaken for the EJP Building and there is also significant ongoing, daily, heavy traffic along Pittwater Road. Therefore, ground vibration generated by the proposed works is unlikely to be more significant than that already experienced in the surrounding street. This issue does not warrant refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objection to the proposal subject to conditions to address the Building Code of Australia and accessibility compliance.
Development Engineers	<p>Based on Council's records, the stormwater network servicing this property is privately owned and therefore Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130 does not apply to the above stormwater network. Appropriate conditions relating to the diversion of this pipeline is included this referral response.</p> <p>Development Engineers have reviewed the proposal and raise no objections to the proposal subject to the conditions.</p>
Landscape Officer	<p>The Arborist's report and Landscape Plans submitted with the application have been reviewed.</p> <p>No objections to approval subject to conditions as recommended.</p>
Natural Environment (Biodiversity)	<p>A number of trees have been Conditioned to be retained: Trees 17, 18 and 31 as they form part of the Vegetation Community Bangalay Slopes Forest and Wildlife Corridor or have not been adequately justified for removal of otherwise healthy and stable trees.</p> <p>Tree 21 Angophora costata has also be conditioned to be retained and incorporated into the landscape plan. It is noted that the Project Arborist has assessed as "developing" some defects, however, this is a future concern, if at all, for a tree that currently is viable, stable and healthy. Remediation pruning and other remediation methods are permitted. If a serious decline is notice during or after the development, a separate application can be made to Council.</p> <p>The above trees and all other trees (excluding Tree 15) listed as "Trees Retained" in Drawing "Tree Retention and Removal Plan" are to be retained and protected to Australian Standards AS 4970—2009, prior to the commencement of any onsite building works or commencement of vegetation clearance/modification.</p> <p>Tree 15 - Eucalyptus scoparia - can be removed at the owner's/applicant's discretion as it is a tree listed in Appendix 5 of Warringah DCP "Species suitable for removal without consent".</p> <p>Other conditions include the control of noxious and environmental weeds in the area listed as "native shrub planting to enhance wild Life</p>

Internal Referral Body	Comments
	<p>Corridor".</p> <p>No objection to approval subject to conditions.</p>
<p>Natural Environment (Riparian Lands/Creeks)</p>	<p>The edge of the landscape component of the development is approximately 35 metres from Collaroy Creek , a "group C" Creek. The proposed building is approximately 55 metres from the creek centreline. Although Collaroy Creek is in an average condition the riparian vegetation is classified as Bangalay Slopes Forest which is considered significant in Warringah as it represents less than 10% of the original extent. A freshwater wetland EEC exists approx. 150m west of the site however will not be impacted by the proposed development. Immediately downstream of the site, the creek is then piped before flowing to Collaroy Beach.</p> <p>Group C (NOTE: generally of low to moderate ecological value with moderate to highly developed catchments - 15-50% existing connected impervious area (e.g. Bantry Bay, Carroll, Frenchs, Middle, South, Manly, Dee Why, Greendale, Brookvale and Burnt Bridge Creek Catchments).</p> <p>Onsite detention, rainwater tanks and water quality devices proposed to achieve the water quality requirements within the Northern Beaches Stormwater Management Plan.</p> <p>No objection to approval subject to conditions.</p>
<p>Strategic Planning - Urban Design</p>	<p>No objection to approval and no conditions or comments.</p>
<p>Traffic Engineer</p>	<p>The proposal is for the construction of a 50 bed aged care facility within the existing Salvation Army Lands. It is proposed that access to the facility will be provided with the addition of a an extension to the existing driveway from Homestead Avenue to the proposed basement parking and separate ambulance bay for the new facility. Parking is to be provided for 33 vehicles within the basement parking. The parking provision is acceptable.</p> <ul style="list-style-type: none"> It is considered that a mirror should be placed at the entrance to the basement car parking area as the swept path diagram indicates that a vehicle turning in to the car park area would potentially conflict with a vehicle exiting the disabled parking space (#32). The access driveway from the existing car park area will need to be of sufficient width to comply with AS2890.1, taking in to account any additional width required should there be a barrier or kerb greater than 150mm and for the intersection of the access drive and the parking aisle to have sufficient width to allow vehicles to pass during the turn movement. <p>No objection to approval subject to conditions to address traffic and parking matters.</p>

Internal Referral Body	Comments
Waste Officer	Waste has no issues with the proposal. The facility will utilise a private waste service therefore no conditions are recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Integrated Development - NSW Rural Fire Service – head office	The NSW Rural Fire Service (RFS) has assessed the proposal pursuant to Section 100B of the Rural Fires Act 1997. A referral response, dated 21 December 2015, has been provided with the RFS "Fire Safety Authority", including comments and conditions. The RFS conditions are included with the recommended conditions of consent.
Department of Primary Industries Water (40m from a watercourse)	The proposal was referred to the Department of Primary Industries - Water (formerly NSW Office of Water) due the development works being in proximity to riparian land along Collaroy Creek. The Department of Primary Industries provided a referral response on 20 November 2015 with General Terms of Approval (GTA). The GTA's are included with the recommended conditions provided with this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 19 - Bushland in Urban Areas

The SEPP is not applicable as the bushland is not zoned or reserved for public open space.

SEPP 44 - Koala Habitat Protection

The following assessment of the variation to the State Environmental Planning Policy No 44—Koala Habitat Protection development standard is assessed taking into consideration the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46.

- The site contains a wide area of remnant bushland however the land does not contain any known koala populations or sustainable areas of core koala habitat, and the proposed works are in a

cleared areas below the main oval and does not affect any potential koala habitat in environment protection zones. Therefore, no further consideration of the SEPP is required.

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential and recreational purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential and recreational land use.

SEPP (Housing for Seniors or People with a Disability) 2004

The development application has been lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) as the development is for a Residential Care Facility.

*A **residential care facility** is residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.*

Chapter 1 – Preliminary

The aims of the Policy are set out in Clause 2 and are as follows;

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

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

Comment: The proposal will provide a new facility to supplement the supply and diversity of HSPD in the area. The new facility is designed to be high quality and increase the diversity of HSPD by the provision of an RCF building to cater for those with special accessibility needs or dependant care requirements. The new RCF is close to the EJP building and utilises the existing driveway access, and is therefore able to link to that building and make efficient use of infrastructure available for access, water, sewerage and pedestrian links. The proposal is a two storey design to integrate with other buildings on the site. The floor layout provides a safe and secure environment with landscaped outlooks and outdoor areas for amenity. Service docks and parking are provided for the facility and basement parking. The accommodation is designed to be of a high quality with ensuite bedrooms, and dining, living rooms, lounge, staff and reception plus ancillary facilities.

Chapter 2 – Key Concepts

Comment: The proposal satisfies the key concepts for a *Residential Care Facility*, in that it has a dining room and facilities for serving meals and provides cleaning services. The RCF has 24 hour full time nursing and personal care

staff (15 full time during the morning period, 8 full time during the afternoon period, and 3 full time for the evening period.)

Chapter 3 – Development for seniors housing

Chapter 3 of SEPP HSPD contains a number of development standards applicable to development applications made pursuant to SEPP HSPD. Clause 18 of SEPP HSPD outlines the restrictions on the occupation of seniors housing and requires a condition to be included in the consent if the application is approved to restrict the kinds of people which can occupy the development. If the application is approved the required condition would need to be included in the consent. The following is an assessment of the proposal against the requirements of Chapter 3 of SEPP (HSPD).

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	The site is in close proximity to Collaroy commercial area that is 150m to the north along Pittwater Road and has access via a footpath and signalised road crossing. Accessible bus transport is also available for connection to Dee Why, Mona Vale and Manly along Pittwater Road for medical services and other shops, banking and commercial services.	Complies
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	Public transport bus services (bus shelter) is in front of the site 255 metres from the new RCF building. This also provides access for staff and visitors to the site.	Complies
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	A Bushfire Safety Report No.150938 (dated 8 September 2015) was prepared for the proposal by an accredited bushfire consultant. The proposal was referred to the NSW Rural Fire Service and a fire safety authority has been provided in accordance with Section 100B of the Rural Fires Act 1997. The Rural Fire Service has no objection to the proposal subject to conditions.	Complies
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage	The site has suitable access to reticulated water and sewerage. A "Section 73 Certificate" will be required (as addressed by conditions) from Sydney Water to meet water and sewerage connection requirements.	Complies

Development Criteria			
Clause	Requirement	Proposal	Complies
	infrastructure.		
29	<p>Consideration must be given to whether the proposal is compatible with the surrounding land uses having regard to the following criteria specified in Clauses 25(5)(b)(i), 25(5)(b)(iii), and 25(5)(b)(v):</p> <p>i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development</p> <p>iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision,</p> <p>v) the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p>	<p>The proposal is within a site zoned SP1 Special Uses that specifically allows for the development of the site by the Salvation Army for the type of development being proposed that is consistent with the wider use of the Salvation Army Centre at Collaroy. The building is in a location that minimises visual impact and retains the major natural attractions of the property, including the riparian areas, remnant bushland, recreational open spaces and existing infrastructure.</p> <p>The new RCF building will have interconnecting covered access to the EJP Building to provide efficient use of existing facilities. No additional arrangements are proposed to augment public infrastructure. The application is exempt from Section 94A Contributions.</p> <p>The bulk, scale and built form of the building is similar to the visual appearance of the adjacent buildings in the south-eastern area of the site that are used for assisted aged care accommodation. The built form is consistent with the SEPP requirements and will not have an adverse impact on the character of the area.</p> <p>The new RCF includes the following facilities for residents:</p> <ul style="list-style-type: none"> • Dining room, living room, sunroom/chapel, sitting room, multi-purpose room and TV room spread across both levels; • Two lifts (one servicing each wing); • Private landscaped courtyards; • The laundry room and kitchen located within EJP RCF to the east will service the new RCF. All laundry services and the preparation of resident meals will be undertaken in the adjoining facility which will be connected via a new covered walkway. Both the laundry room and kitchen are capable of servicing the additional beds. <p>Care and wellbeing services offered to the residents include:</p> <ul style="list-style-type: none"> • Personal and clinical care; • Spiritual and cultural care; • Leisure and social activities; • Access to other allied health professionals and GPs; • 24/7 professional care; 	Complies

Development Criteria			
Clause	Requirement	Proposal	Complies
		<ul style="list-style-type: none"> Regular activities and outings. 	
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	Refer to the submitted plan DA101 Issue E and Section 3.1 - Site analysis, within the Statement of Environmental Effects	Complies

Clause 31 Design of in-fill self-care housing - Not applicable

Clause 32 Design of residential development In accordance with Clause 32 of SEPP HSPD a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 2.

The following table outlines compliance with the principles set out in Division 2, Part 3 of SEPP HSPD.

Control	Requirement	Proposed	Compliance
CL33 Neighbourhood amenity and streetscape	a. Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area.	The subject development is contained within Lot 2 DP604580, is located on the western side of Pittwater Road, has a total area of 10.34 hectares, which includes a conference centre, sporting field, remnant bushland and part of the aged care sections of the Salvation Army development - "Elizabeth Jenkins Place" (EJP), in addition to ancillary internal roads and buildings. The development is contained with a "development area" of 5,424.9 sqm which include landscaped areas around the proposed building. The desirable element of the site include the natural bushland backdrop with broad open spaces within the site in a coastal location, bordered by Collaroy Creek on the southern side. The property has good road access to Pittwater Road and a moderate slope. The land is surrounded by low density residential development in a landscaped setting.	Complies
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage	The Salvation Army site contains a heritage item "Jenkins Family Grave" (Item – General - I15, WLEP 2011) which is located approximately	Complies

Control	Requirement	Proposed	Compliance
	<p>items that re identified in a local environmental plan.</p> <p>c. Maintain reasonable neighbour amenity and appropriate residential character by;</p> <p>(i) providing building setbacks to reduce bulk and overshadowing</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,</p> <p>(iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.</p>	<p>150m to the west of the development area, and will not be adversely affected.</p> <p>The building has reasonable setbacks to the boundary with surrounding low density residential land with the adjacent R2 Low Density Residential Zone. The building is not readily visible from Pittwater Road or Homestead Avenue due to adjacent development and surrounding landscaped spaces.</p> <p>The proposed building has an appropriate design for the use and has articulated wall planes with sufficient variation in the built form to reduce bulk and ensure no overshadowing of adjacent land.</p> <p>The building form relates to the adjacent EJP Building and allows a landscaped outlook for most rooms. The basement area provides convenient parking for staff and visitors and utilises the slope of the land to ensure the building appears as only two storey when viewed from the surrounding urban area.</p> <p>The building is setback a reasonable distance from the neighbouring boundaries to ensure a landscaped buffer and minimise impacts of bulk and scale.</p>	Complies
	<p>d. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,</p>	<p>The development has an architectural style that is compatible with surrounding development that integrates with the adjacent EJP Building, but is not the exact same in appearance.</p>	Complies
	<p>e. embody planting that is in sympathy with, but not necessarily the same as, other planting in the</p>	<p>New landscape planting is to be provided to supplement and replace existing landscaping. Planting will be of a variety of native species and</p>	Complies

Control	Requirement	Proposed	Compliance
	<p>streetscape.</p> <p>f. retain , wherever reasonable, major existing trees, and</p> <p>g. be designed so that no building is constructed in a riparian zone.</p>	<p>size commensurate with the proposed garden area, bush fire protection and size of the building to maintain a landscape setting.</p> <p>Only selected trees within the building footprint or close to the building will be removed in order to maintain existing trees where practicable and comply with bushfire protection requirements.</p> <p>No building works are within the riparian area for Collaroy Creek.</p>	<p>Complies</p> <p>Complies</p>
CL 34 Visual and acoustic privacy	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The building has adequate separation and architectural design to protect the privacy of neighbours from unreasonable overlooking and noised impacts.</p> <p><u>North East</u> Adjoining The Salvation Army site to the northeast is a row of one to two storey residential dwellings fronting Homestead Avenue. As shown on the Site Analysis Plan (Drawing DA0101) and Landscape Plan the proposed two storey RCF is set back from this boundary by approximately 50m and is also heavily screened from view as a result of the existing and proposed vegetation. Given the distance separating the new RCF and dense vegetation the proposal will have minimal privacy impacts on the residential properties to the northeast.</p> <p><u>East</u> To the east of the development area, is the existing EJP RCF, which is owned and operated</p>	Complies

Control	Requirement	Proposed	Compliance
		<p>by The Salvation Army. The proposed development is to be used in connection with this facility with a covered elevated walkway connecting the two buildings. The layout, orientation and limited openings on the eastern façade of the new RCF will ensure the visual privacy of the existing RCF is protected.</p> <p><u>North and West</u> To the north and west of the development area is the Collaroy Centre, which is owned and managed by The Salvation Army, and forms part of the wider Salvation Army site. The new RCF has been designed and orientated to the south away from the Collaroy Centre. Appropriate fencing, landscaping and a typography that falls down away from the Collaroy Centre, means the visual privacy of the Centre's guests will be preserved.</p> <p><u>South</u> To the south of the development area is Anzac Avenue Reserve, and the Collaroy Creek Catchment. The new RCF will have no visual privacy impacts to the use and operation of the bushland to the south.</p>	
CL35 Solar access and design for climate	The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity	Shadow diagrams for June 21 have been prepared by <i>IDG Architects</i> (Drawing DA9100), which show that the proposal will not cast any	Complies

Control	Requirement	Proposed	Compliance
	and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	additional shadows onto any neighbouring property or adjoining public open space. There will be a small amount of additional shadows cast onto the existing open space areas of The Salvation Army site. However, given the large Salvation Army site area, this minor impact will not in any way diminish the usability or amenity of the Collaroy Centre.	
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	A stormwater management plan prepared by <i>Jones Nicholson Consulting Engineers</i> has been provided to address stormwater issues including water runoff and the redirection of existing stormwater pipes that connect to Collaroy Creek. A Waterway Impact Statement has been prepared by <i>Ecological Australia</i> to address impacts on stormwater and measure to prevent adverse impacts from stormwater flow / discharge to Collaroy Creek.	Complies
CL 37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries	The proposal has been assessed against the CPTED provisions and is capable of providing adequate safety and security measures for residents and staff. The new RCF has considered crime prevention through environmental design (CPTED), with the following measures incorporated to provide a safe environment and minimise opportunities for criminal and anti-social behaviour: <ul style="list-style-type: none"> Active spaces and windows of habitable rooms are located to maximise casual 	Complies

Control	Requirement	Proposed	Compliance
	are required, providing shared entries that serve a small number of dwellings that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	<p>surveillance of street, parking areas, public spaces and communal courtyard spaces</p> <ul style="list-style-type: none"> • Blind-corners, recesses and other external areas that have the potential for concealment or entrapment have been minimised with suitable sensory lighting where necessary • The building entry is clearly visible, unobstructed and easily identifiable • The lift lobbies, stairwells, hallways and corridors are visible from the public domain and from within the facility • Pedestrian routes from the car park to the lift lobbies are direct with clear lines of sight. 	
CL 38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The development will comply with the <i>Disability Discrimination Act 1992</i> (DDA) and <i>Building Code of Australia</i> (BCA) for access requirements. An Access Report has been provided to address design requirements. Safe and convenient access is provided from the main entry driveway off Homestead Avenue by extending the existing drive that services the EJP Building.	Complies.
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	A Waste Management Plan has been provide to address waste during the construction phase. There will be a waste storage room in the basement and the existing collection point used for pick up by waste contractors. No handling of special waste is required as a result of the RCF.	Complies

Control	Requirement	Proposed	Compliance

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

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

The following table outlines compliance with standards specified in Clause 40 of SEPP HSPD.

Control	Required	Proposed	Compliance
Site Size	1000 sqm	"Development area" is 5,424.9 sqm (building works area), including the new maintenance building. The Lot containing the buildings is 10.34 hectares.	Complies
Site frontage	20 metres	The site has a 20m frontage to Homestead Avenue, however the development area is internal to the larger site that is 227m across at the building location.	Complies
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	7.8m to ceiling.	Complies
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	Building is not close to any side boundary. Separation distance is more than 0.9m to side boundary.	Complies
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15 metres of the rear boundary).	Building is not within the rear boundary zone.	Complies

Clause 41 Standards for hostels and self contained dwellings - Not applicable

In accordance with Clause 41 a consent authority must not consent to a development application made pursuant to Chapter 3 unless the development complies with the standards specified in Schedule 3 for such development. The following table outlines compliance with the principles set out in Schedule 3 of SEPP HSPD.

Part 5 Development on land adjoining land zoned primarily for urban purposes

This part is not applicable to the subject site.

Part 6 Development for vertical villages

This part is not applicable to the proposed development.

Part 7 Development standards that cannot be used as grounds to refuse consent.

Clause 46 Inter relationship of Part with design principles in Part 3. Clause 46 states that nothing in Part 7 permits the granting of consent pursuant to the Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings - Not Applicable

Chapter 4 – Miscellaneous

Comment: Not applicable.

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Other Service Authorities

The application was not required to be referred to the RMS as the proposal is less than the threshold for traffic generating development and the site is on a lot separate to the adjacent frontage with Pittwater Road. No other Service Authority referrals or issues were raised pursuant to the SEPP.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

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Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	10.34 Hectares (Lot 2 DP 604580)	N/A	Yes
Height of Buildings**:	8.5m	9.89m to apex of roof (RCF 7.8m to underside of ceiling) 4.8m (Maintenance building)	N/A	No* Yes

The development standards under SEPP (Housing for Seniors or People with a Disability) 2004 applies. The Development Standards within the SEPP override the LEP 2011.

*Building height standard – Pursuant to cl. 4.3, The Salvation Army site is subject to an 8.0m height standard for buildings pursuant to SEPP HSPD to the underside of the internal ceiling and complies with this separate height control under SEPP HSPD. The overall building height for the RCF is 9.89m, measured from ground level (existing) to the apex of the roof ridge line. Refer to built form controls under the heading SEPP HSPD within this report.

**As stated above, the proposal is to be assessed under the provisions of SEPP HSPD. Therefore, WLEP 2011 height standard does not apply. A cl. 4.6 request to vary a development standard is not required.

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
5.10 Heritage conservation	Yes
Part 6 Additional Local Provisions	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B3 Side Boundary Envelope (RCF and Maintenance shed)	45 degrees at 4m	Within Envelope	N/A	Yes
	45 degrees at 4m	Within Envelope	N/A	Yes

B5 Side Boundary Setbacks (South) - SP1 Salvation Army Centre Collaroy RCF	0.9m (South)	36.7m to 29.8m (RCF) 80.3m (Maintenance shed)	N/A	Yes Yes
B5 Side Boundary Setbacks (East) - SP1 Salvation Army Centre Collaroy RCF	0.9m (East)	33.7m to 45m (RCF East wall) 25.6m (RCF Connection to EJP Building) 86.8m (Maintenance shed)	N/A	Yes Yes Yes
B5 Side Boundary Setbacks (North) - SP1 Salvation Army Centre Collaroy RCF	0.9m (North)	148m (RCF North wall) 110m (Maintenance shed)	N/A	Yes Yes
B7 Front Boundary Setbacks - (Homestead Avenue) SP1 Salvation Army Centre Collaroy RCF	6.5m	95.2m (RCF) 110m (Maintenance shed)	N/A	Yes Yes
B9 Rear Boundary Setbacks (West) - SP1 Salvation Army Centre Collaroy	6.0m	249.1m (RCF) 236m (Maintenance shed)	N/A	Yes Yes
D1 Landscaped Open Space (LOS) and Bushland Setting (Lot 2 DP604580 is 10.34 Hectares)	40% (4.136 Hectares)	82.6% (8.547 Hectares)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - SP1	Yes	Yes
Salvation Army Centre: Pittwater Road, Collaroy	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Front Boundary Setbacks - SP1	Yes	Yes
Salvation Army Centre: Pittwater Road, Collaroy	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Rear Boundary Setbacks - SP1	Yes	Yes
Seniors Housing and Function Centre: Pittwater Road, Collaroy	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - 3 or more dwellings	Yes	Yes
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
Part F Zones and Sensitive Areas	Yes	Yes
F3 SP1 Special Activities	Yes	Yes

Detailed Assessment

Salvation Army Centre: Pittwater Road, Collaroy

The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved. Buildings must be designed to integrate with the natural landscape and topography and minimise their visual impacts when viewed from afar. The existing bushland on the northern and western portions of the site will be preserved.

Comment:

The development will remove some trees but includes supplementary native planting to restore a landscaped setting in the vicinity of the building. The details of the Landscape Plan prepared by Taylor Brammer Landscape Architects demonstrate a variety of small, medium and larger plants to soften and screen the building. Landscaping is also used within the courtyard areas to provide an attractive and safe garden environment for the enjoyment of the residents within the RCF. No rock outcrops or creek lines will be affected by the proposal. No development impacts are proposed within the remnant bushland areas on the northern and western portions of the site.

The proposal is consistent with this desired character statement under the Warringah DCP 2011.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 13,394,458		
Contributions	Levy Rate	Payable

Total Section 94A Levy	0.95%	\$ 127,247
Section 94A Planning and Administration	0.05%	\$ 6,697
Total	1%	\$ 133,945

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2015/0931 for Construction of a Residential Care Facility on land at Lot 2 DP 604580, 22 Homestead Avenue, COLLAROY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By

DA 0100 Issue H Location Plan	2/9/15	Integrated Design Group
DA 0102 Issue H Site Plan	2/9/15	Integrated Design Group
DA 1001 Issue I Basement Plan	9/9/15	Integrated Design Group
DA1102 Issue B Roof Plan	2/9/15	Integrated Design Group
DA 1103 Issue A Ground Floor Plan Workshop	2/9/15	Integrated Design Group
DA 2000 Issue C North and East Elevations	2/9/15	Integrated Design Group
DA 2001 Issue C South and West Elevations	2/9/15	Integrated Design Group
DA 2002 Issue C Courtyard Elevations	2/9/15	Integrated Design Group
DA 9201 Issue D Photomontage	9/9/15	Integrated Design Group

Engineering Plans		
Drawing No.	Dated	Prepared By
D100 3 Basement Stormwater Drainage Layout	18/9/15	Jones Nicholson
D200 4 Ground Floor Stormwater Drainage Layout	23/9/15	Jones Nicholson
ESM3 2 Environmental Site Management Details	18/9/15	Jones Nicholson
ESM1 2 Environmental Site Management Notes and Legend	18/9/15	Jones Nicholson
ESM2 3 Environmental Site Management Plan	23/9/15	Jones Nicholson
D071 2 Drainage Details Sheet 2	18/9/15	Jones Nicholson
D001 3 Drainage Notes and Legend	18/9/15	Jones Nicholson
D300 3 Stormwater Pipe Diversion Plan	18/9/15	Jones Nicholson

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Hazard Assessment 150938 (including Addendum dated 7 December 2015)	8/9/2015	Building Code and Bushfire Hazard Solutions
Geotechnical Investigation 3176	1/7/15	Asset Geotechnical
Building Code of Australia Capability Statement	21/9/15	Blackett Maguire & Goldsmith
Flora & Fauna Assessment 15 SYD-1505	7/9/15	EcoLogical
Waterway Impact Statement	1/9/15	Ecological
Arboricultural Assessment	15/9/15	RainTree Consulting

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) No construction works (including excavation) shall be undertaken prior to the release of the

Construction Certificate.

d) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
LA06 B Landscape Details	17/9/15	TaylorBrammer
LA02 B Landscape Masterplan	17/9/15	TaylorBrammer
LA05 B Outdoor Electrical Lighting Plan	17/9/15	TaylorBrammer
LA03 B Planting Plan 1	17/9/15	TaylorBrammer
LA04 B Planting Plan 2	17/9/15	TaylorBrammer
LA01 B Tree Retention and Removal Plan	17/9/15	TaylorBrammer

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan 01	16/9/15	HannaNewman

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
NSW Department of Primary Industries - Water	Response DPI Referral	20 November 2015
NSW Rural Fire Service	Response NSW RFS Referral	21 December 2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work,

subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
 (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. Sight Distance at car park entry

A sight mirror is to be included at the entrance to the basement car parking area as the swept path diagram indicates that a vehicle turning in to the car park area would potentially conflict with a vehicle exiting the disabled parking space (#32). Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate sight distance for vehicles entering to the disabled parking space (DACTRBOC1)

6. Internal Access Road

The minimum width for the proposed internal access road is 5.5m on straight sections, with widening as required for vertical obstructions higher than 150mm, and widening on curves. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. Reason: To reduce vehicular conflicts (DACTRBOC2)

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 13,394,458		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 127,247
Section 94A Planning and Administration	0.05%	\$ 6,697
Total	1%	\$ 133,945

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Warringah's Development Contributions Plan.

8. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure.

9. **Works Bonds**

(a) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$10,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(b) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$10,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

10. **On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and generally in accordance with the concept drawing by Jones Nicholson Consulting Engineers, drawing number 150129 D100, revision 3, dated 8/9/2015.

Unimpeded access to the onsite stormwater detention system for inspection and

maintenance purposes must be provided at all times.

A Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 must be issued by a C3 and C15 Accredited Certifier, stating that the stormwater drainage design complies with all requirements of this condition.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

11. Submission of Engineering Plans

Engineering plans for the design of diversion of the pipeline around the proposed building are to be submitted to the Certifying Authority for approval. Engineering plans are to be designed to current best engineering practice, relevant Australian Standards and Council's requirements.

A Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 must be issued by a C3 and C15 Accredited Certifier, stating that the stormwater drainage design complies with all requirements of this condition.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

12. Pre-Construction Dilapidation Survey

A pre-construction / demolition Dilapidation Report is to be prepared by a suitably qualified person to record and address potential dilapidation risk to adjacent land of No.20 and No.21 Homestead, No.6 and No.10 Homestead Avenue. The report is to also record the condition of public assets / infrastructure within the road reserves for both frontages of the site. A photographic survey of adjoining private properties (as appropriate) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person. On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

The pre-construction / demolition dilapidation report must be submitted to Council for

approval and the Certifying Authority prior to the issue of the Construction Certificate.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineeringspecifications/2009084729guidelineforpreparingadilapidationsurveyofc>

Reason: Protection of property assets and infrastructure (DACNEC20)
(DACENCPCC2)

13. **Tree protection**

(a) Existing trees which must be retained

All trees not indicated for removal on the Tree Retention and Removal Plan Dwg No. LA01 B dated 17.09.2015 prepared by Taylor Brammer, unless exempt or noxious in Warringah

(b) Tree protection

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause

E1 Private Property Tree Management and AS 4373 Pruning of amenity trees

v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

14. **Landscaping**

The area proposed for "Native Planting to this area" must have exotic and weed species controlled prior to, and after, planting. Maintenance weeding and watering of plants on a monthly basis for the first year must occur to ensure proper establishment of native plantings.

No *Melaleuca lanceolata* (SA & WA species) are to be used in the landscaping for this area. *Melaleuca linearifolia* is a suitable substitute.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Environmental Protection, Monitoring and Enhancement. (DACNEC13)

15. **Soil and Water Management Plan**

A Soil and Water Management Plan (SWMP) shall be prepared by an appropriately qualified

person and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The SWMP must include the following as a minimum:-

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC11)

16. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**

- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

17. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. **Native Tree Retention / Protection Fencing**

Trees 17, 18 and 31 are to be RETAINED, as they form part of the Vegetation Community Bangalay Slopes Forest and Wildlife Corridor or have not been adequately justified for removal of otherwise healthy and stable trees.

Tree 21 *Angophora costata* must be RETAINED, protected to Australian Standards AS 4970—2009 and incorporated into the landscape design. Remediation pruning and other remediation methods are permitted with consultation with the Project Arborist.

The above trees and all other trees (excluding Tree 15) listed as "Trees Retained" in Drawing "Tree Retention and Removal Plan" are to be retained and protected to Australian Standards AS 4970—2009, prior to the commencement of any onsite building works or commencement of vegetation clearance/modification.

Tree 15 - *Eucalyptus scoparia* - can be removed at the owner's discretion as it is a tree listed in Appendix 5 of Warringah DCP "Species suitable for removal without consent".

Details demonstrating compliance from the Project Arborist is to be submitted to the Principal Certifying Authority.

Reason: To ensure that the native trees and vegetation in the restricted development area is protected during and after construction. (DACNED01)

19. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing

Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

21. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

22. Weed Control

No noxious or environmental weeds, as listed on Warringah Councils website are to be imported on to the site.

Any noxious weeds or environmental weeds on the site are to be managed continuously, in accordance with the Noxious Weeds Act 1993, the Landscape Masterplan and the Planting Plan 2 for this development.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland and riparian management. (DACNEE02)

23. **Dewatering Discharge Criteria**

Any dewatering of the site including groundwater must achieve the following discharge criteria:

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	No visible	Visual inspection	<1 hour
pH	6.5- 8.5	Probe/meter	<1 hour
Total Suspended Solids/NTU	<50mg/L	Grab sample/Meter	<1 hour

Note: The correlation between Total Suspended Solids and NTU's must be determined by a NATA Accredited Laboratory.

Reason: To ensure the protection of the downstream environment (DACNEEDW2)

24. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE
OCCUPATION CERTIFICATE**

25. **Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

26. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF02)

27. **Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms

of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

28. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

29. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council.

A Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 must be issued by a C4 and C15 Accredited Certifier, stating that the stormwater drainage works comply with the approved plans must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

30. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

31. **Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

32. **Required Planting**

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on Landscape Plans Dwg Nos. LA03 B and LA04 B dated 17.09.2015 prepared by Taylor Brammer	As indicated on the Landscape Plans	As indicated on the Landscape Plan

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

33. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority

prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.
(DACPLF08)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

34. Exotic Plant Species/Weeds

All exotic plant species, noxious and environmental weeds are to be managed continuously and are not to be imported to the site, particularly in and around the stormwater discharge outlets.

Further information is available on Warringah Council's website.

Only certified weed free and contaminant free mulch is to be used on the site, as they may contain weed seeds and viable vegetative matter and other contaminants, which may impact adversely on the vegetation, soil, water quality or ecology of the site.

Reason: To ensure bushland and riparian management (DACNEG05)

35. Maintenance of Stormwater Quality Devices

All stormwater quality devices must be maintained in perpetuity in accordance with the maintenance schedule provided in Stormwater Report prepared by Jones Nicholson Consulting Engineers dated 31 August 2015.

To ensure the adequate maintenance of water quality devices (DACPLGOG1)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.


Signed

Alex Keller, Senior Development Planner


The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager

ATTACHMENT A

Notification Plan	Title	Date
 2015/286058	Plans Notification	28/09/2015

ATTACHMENT B

Notification Document	Title	Date
 2015/303077	Notification map	15/10/2015

ATTACHMENT C

Reference Number	Document	Date
 2015/286619	Appendix P - Report Contamination	29/07/2015
 2015/286631	Appendix Q - Report Geotechnical - Asset Geotechnical Engineering	03/08/2015
 2015/286332	Appendix H - Warringah Council Pre-DA meeting minutes	24/08/2015
 2015/286569	Appendix L - Report Arborist	24/09/2015
 2015/286072	Appendix B - Plan Survey	24/09/2015
 2015/286090	Appendix C - Report Bushfire Assessment - Building Code and Bushfire Hazard Solutions -	24/09/2015
 2015/286220	Appendix F - Report Flora and Fauna Assessment - Ecological Australia	24/09/2015
 2015/286588	Appendix M - Report Access - Accessible Building Solutions	24/09/2015
 2015/286594	Appendix N - Report BCA	24/09/2015
 2015/286250	Appendix G - Report Stormwater	24/09/2015
 2015/286615	Appendix O - Report Waste Management Plan	24/09/2015
 2015/286210	Appendix E - Report Waterway Impact Statement - Ecological Australia	24/09/2015
 2015/286356	Appendix I - Report Community Consultation - Straight Talk	24/09/2015
 2015/286751	Report Statement of Environmental Effects	26/09/2015
 DA2015/0931	22 Homestead Avenue COLLAROY NSW 2097 - Development Application - New	28/09/2015
 2015/286009	Development Application Form	28/09/2015
 2015/286017	Applicant Details & Cost summary report	28/09/2015
 2015/286050	Political Donations and Gifts Declaration Form - without Declarations	28/09/2015
 2015/286058	Plans Notification	28/09/2015
 2015/286175	Appendix D - Plans Master Set	28/09/2015
 2015/286301	Appendix G - Plans Stormwater	28/09/2015
 2015/286554	Appendix K - Plans Landscape	28/09/2015
 2015/286899	DA Acknowledgement Letter - The Salvation Army Nsw	29/09/2015
 2015/287070	Plan shadow diagram	29/09/2015
 2015/287087	Plans External Layout	29/09/2015
 2015/293731	Waste Referral Response	06/10/2015
 2015/296659	File Cover	08/10/2015
 2015/296791	Referral to AUSGRID - SEPP - Infrastructure 2007	08/10/2015
 2015/296794	Integrated referral to RFS head office	08/10/2015

	2015/296799	Referral DECCW Office of Water - Integrated - within 40m of a watercourse	08/10/2015
	2015/298686	Building Assessment Referral Response	12/10/2015
	2015/300651	Advertising Documents and Exhibition Notice for Paper 17 10 2015	13/10/2015
	2015/303074	Notification letter 140	15/10/2015
	2015/303077	Notification map	15/10/2015
	2015/303374	Natural Environment Referral Response - Biodiversity	15/10/2015
	2015/313079	Natural Environment Referral Response - Riparian	22/10/2015
	2015/313683	Acknowledgement of Referral - NSW Rural Fire Service	22/10/2015
	2015/319783	Stormwater pipeline ownership and responsibility	28/10/2015
	2015/319803	Stormwater asset advice	28/10/2015
	2015/320525	Development Engineering Referral Response	29/10/2015
	2015/320534	Development Engineering Referral Response	29/10/2015
	2015/327817	Traffic Engineer Referral Response	04/11/2015
	2015/330110	Online Submission - Hammond	06/11/2015
	2015/330127	Submission Acknowledgement Letter - Ronald Harry Hammond - SA2015/330110	06/11/2015
	2015/335074	Urban Design Referral Response	11/11/2015
	2015/339218	Online Submission - Ballard	14/11/2015
	2015/342806	Landscape Referral Response	18/11/2015
	2015/355561	Multi Tenancy Form to be used for DAs - 22 Homestead Avenue COLLAROY NSW 2097 - The Salvation Army Nsw	30/11/2015
	2015/360387	Referral Response - Department of Primary Industries	04/12/2015
	2015/381053	Referral RFS Response DA2015/0931 - NSW Rural Fire Service - 22 Homestead Avenue COLLAROY	21/12/2015