

13 October 2022

2210247

Rod Piggott
Manager, Development Assessment
PO Box 82 Manly NSW 1655

Via email - nick.keeler@northernbeaches.nsw.gov.au

Dear Mr Piggott,

RESPONSE TO COUNCIL REQUEST FOR INFORMATION – CLAUSE 20 VARIATION (MOD2022/0241)

On behalf of Lendlease Retirement Living (LLRL) we write to you in response to the request for additional information dated 29 September 2022 regarding Modification Application No. Mod2022/0241 for a modification to development consent DA2018/1332 for demolition works and construction of major additions to Glenaeon Retirement Village, including self-contained dwellings and a new residential care facility on a neighbouring lot, with associated carparking, landscaping and public road modifications at 199 & 207 Forest Way, Belrose.

The proposed modification application seeks approval for the replacement of the existing sewer pumping station that services the village, with a 'like-for-like' replacement for a new system incorporating present day best practice safety measures and environmental risk mitigation.

Council have requested a clause 20 variation to the minimum setback requirement as it applies under the *Warringah Local Environmental Plan 2000* (WLEP 2000). This response should be read in conjunction with the s4.55(1A) Planning Statement and supporting documentation as submitted.

Key development standards – Clause 20 variation

In accordance with Clause 20 of the WLEP 2000, a marginal exceedance to the rear and side building setback control is acceptable when considering the site specific, environmental and topographical context of the site. Clause 20 has been reproduced in its entirety below:

- (1) Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.*
- (2) In localities A2, A4, A5, A7, B2, B9, C8 and C10, the minimum area per dwelling required by the housing density standard is deemed to be the minimum allotment size for allotments created by subdivision.*
- (3) Where consent is granted for development that does not comply with one or more development standards, the Council is to ensure that the circumstances of the case and reasons for granting consent (in such a way that does not comply with the development standards) are included in a public register of such consents.*
- (4) This clause does not apply in relation to a development standard relating to maximum building height established by the Building Heights Map within the Dee Why Town Centre Locality Statement (E21).*

The key development standards that specifically applies to the site is set out under the Locality Statement – Appendix B Narrabeen Lagoon Catchment Locality Statements of the WLEP 2000 where the site is identified within locality B2 Oxford Falls Valley. The locality statement provides the following for buildings in Oxford Falls Valley:

Rear and side building setback

*Development is to maintain minimum rear and side building setbacks.
The minimum rear and side building setback is 10 metres.*

The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

While the built form of any building is required to be setback a minimum of 10m from side or rear boundaries, the overall encroachment is considered to be minor at 1.5m and on this basis it will not result in undue environmental impact to any adjoining properties with respect to visual privacy, bulk, scale or overshadowing. Importantly, the proposal is positioned 16m from the east boundary and while it encroaches the setback to the south, it is noted that no residents occupy this property.

Specifically, the site area for the sewer pumping station is surrounded by significant planting and mature trees which provide an appropriate buffer to any adjoining residents or properties and where possible, it integrates with the surrounding landscape. It is further noted that the sewer pumping station is a Class 10a structure (i.e., it is not habitable) and should not be defined otherwise be defined as a 'building'.

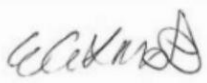
Various design iterations were undertaken to assess the location of the sewer pumping station and the proposed location was considered appropriate as the compact area has limitations with regard to safe vehicular and personnel access during all stages of the pump stations lifecycle including during:

- Construction of the new pumping station;
- Decommissioning of the existing pump station;
- Make good works of the existing pump station environment; and
- Ongoing maintenance and serviceability.

With consideration of the above requirements during the construction phase, this resulted in the pump station being located in the proposed location as:

- The existing pump station is required to remain operational to service the retirement village until the new pump station is operational. Parts of the existing shelter are required to stay in place during the works until the electrical systems of the existing sewer pump station can be decommissioned and replaced for new;
- The turning area for vehicles in front of the pump station would be reduced, impacting the ability for an RFS fire truck to safely manoeuvre;
- The vehicle layover areas would be reduced, making the construction area smaller and reducing the safety of the workers;
- The vehicle turning area would begin to impede on construction throughfare zones; and
- Slab structures intended to be repurposed would need to be unnecessarily demolished and reconstructed.

Therefore, with consideration of the above, the proposed nominal variation to the setback controls is considered appropriate in the context of the site's location and the sewer pumping station requirements. The proposed location is not considered to give rise to any adverse environmental impacts and remains in the public interest. Therefore, Council can be satisfied that the proposal is consistent with the provisions of clause 20 of the WLEP 2000 and may approve the proposed modification application.



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