

3.4 9 and 11 Tristram Road Beacon Hill - Demolition works, Construction of a Seniors Living Development and Boundary Adjustment

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2013/0351
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Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 16 DP 13261 , 9 Tristram Road BEACON HILL NSW 2100 Lot 15 DP 13261 , 11 Tristram Road BEACON HILL NSW 2100
Proposed Development:	Demolition works, Construction of a Seniors Living Development and Boundary Adjustment
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Bruno Anthony Gelonesi and Antoinietta Gelonesi David Scalercio and Maria Scalercio
Applicant:	David Ferrier

Application lodged:	25/03/2013
Application Type:	Local
State Reporting Category:	Residential - Seniors Living
Notified:	05/04/2013 to 23/04/2013
Advertised:	06/04/2013
Submissions:	3
Recommendation:	Approval

Estimated Cost of Works:	\$ 2,872,650
Attachments	Site and Elevation Plans Pre-lodgement Notes

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 (up to 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 - C1 Subdivision

Warringah Development Control Plan - C9 Waste Management

Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - C3 Parking Facilities

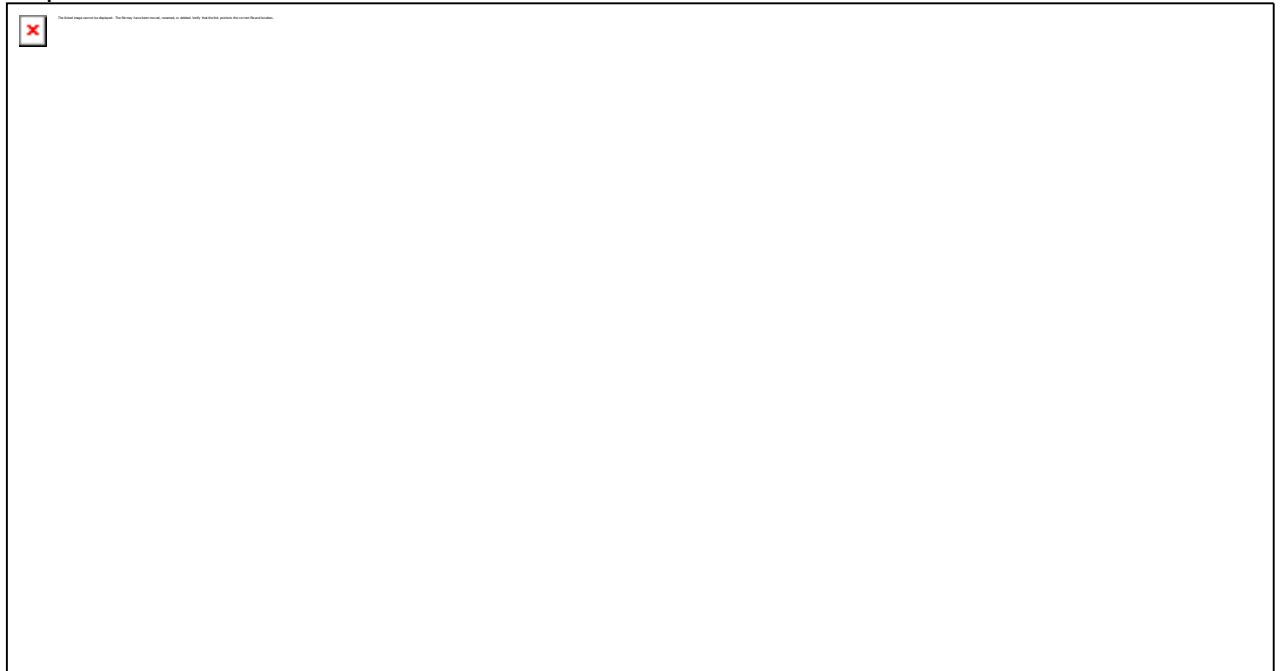
Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

Property Description:	Lot 16 DP 13261 , 9 Tristram Road BEACON HILL NSW 2100 Lot 15 DP 13261 , 11 Tristram Road BEACON HILL NSW 2100
Detailed Site Description:	The site is known as Lot 15 in DP 13261 and Lot 1 in DP 118271, No.9 and No.11 Tristram Road, Beacon Hill . The site is located on the southern side of Tristram Road and has a combined area following the proposed boundary adjustment of 2093 square metres. The site is an offset rectangle in shape and has a frontage to Tristram Road of 20.115 metres and a western side boundary length of 62.04 metres. No. 11 Tristram Road is currently occupied by a fibro dwelling with a tiled roof. No. 9 Tristram Road is occupied by a masonry dwelling with a tiled roof. Several mature trees are located on the site. The topography of the site is characterised by a fall of approximately 5.63 metres from the rear southern corner to the front property boundary.

	Surrounding development comprises single detached residential dwellings to the east and west. No. 13 and 13(a) Tristram Road are subdivided lots with one (1) single dwelling per allotment and No. 9 Tristram Road contains a single dwelling with access available from Tristram Road. Directly opposite is Beacon Hill Public School which is accessible from Tristram Road.
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Map:



SITE HISTORY

DA2008/0267

On 12 November 2008, Development Application No. DA2008/0267 was refused under delegated authority. The application sought consent for the demolition of the existing dwelling at No. 11 Tristram Road and the construction of six (6) two storey dwellings with basement carparking for fifteen (15) vehicles under the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The decision was appealed in the Land & Environment Court of NSW and was referred to a Section 34 conference. The Commissioner of the Land & Environment Court resolved that there was insufficient information to determine the proposal and as a result the appeal was dismissed on 3 March 2009.

DA2009/0791

On 22 June 2009, Development Application No. **DA2009/0791** was lodged for demolition and construction of five (5) town houses for older people or people with a disability at No. 11 Tristram Road, Beacon Hill. The application was refused by the

Warringah Development Assessment Panel (WDAP) on 10 February 2010 for the following reasons:

1. Inconsistent with Clause 31 Design for in-fill Self Care Housing of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. Inconsistent with the Desired Future Character of B1 Frenchs Forest East locality, and does not provide an appropriate landscaped setting.
3. The development is not considered to be in the public interest as the development contradicts the visual amenity of the locality.

REV2010/0052

On 1 November 2010, a review of determination of DA2009/0791, REV2010/0052 was lodged with Council. The application was subsequently withdrawn on 29 March 2011.

DA2011/1612

On 14 December 2011, Development Application No. **DA2011/1612** was lodged for alterations and additions to a dwelling house, construction of a secondary dwelling and associated carparking and boundary adjustment. This application related to No. 9 Tristram Road and No. 178 Warringah Road, Beacon Hill and was issued a Deferred Commencement Consent on 4 April 2012.

DA2013/0351

Development Application No. DA2013/0351 was lodged with Council on 26 March 2013 for demolition works and construction of eight (8) dwellings for seniors or people with a disability and a boundary adjustment on No. 9 Tristram Road. This application is the subject of this assessment report.

Pre-Lodgement Meetings

The proposed development was the subject of three (3) separate pre-lodgement meetings with Council. A copy of the notes from each pre-lodgement meeting are attached to this report. The meeting dates, details of the proposal at the time of these meetings and Council's position on the schemes were as follows:

PLM2010/0020

Meeting held on 30 March 2010 for the consolidation of No. 178, 180 Warringah Road and No. 9 Tristram Road, Beacon Hill and construction of ten (10) dwellings to be used as housing for seniors or people with a disability. Council Officers advised that the application would not be supportable due to a number of issues including the scale of the development and the resulting lack of landscaping and insufficient setbacks.

PLM2011/0071

Meeting held on 6 July 2011 for construction of 12 seniors living dwellings and associated carparking on No. 9-11 Tristram Road, construction of an attached granny



flat at No. 178 Warringah Road and a boundary adjustment with No. 9 Tristram Road, Beacon Hill.

Council recommended that the number of dwellings proposed for this site be reduced in order to provide a more compatible development for the site in this locality.

PLM2012/0007

Meeting held on 29 February 2012 for subdivision and construction of eight (8) dwellings for seniors or people with a disability. Council recommended that the number of dwellings proposed be reduced in order to provide a more appropriate infill development within an adequate landscape setting.

PROPOSED DEVELOPMENT IN DETAIL

The Applicant proposes:

Subdivision

The works include subdivision of the adjoining eastern lot, No. 9 Tristram Road reducing it from 1248m² to 802.5m². The proposal consolidates the remaining portion of this site with No. 11 Tristram Road.

Demolition

The existing dwelling and outbuildings on No.11 Tristram Road in addition to the rear portion of the dwelling at No. 9 Tristram Road are proposed to be demolished.

New works

The proposed works include construction of four (4) detached style buildings containing eight (8) residential dwellings for seniors and people with disabilities and include the following:

Units 11A, 11B

Ground Floor

Kitchen
Family/ dining room
Bedroom
Bathroom/ laundry
Single car garage
Rear outdoor patio

First Floor

Bedroom 2
Lounge
Bathroom
East facing terrace (9.36m²)

Units 11C, 11D, 11E and 11F

Ground Floor

Kitchen
Family/ dining room
Bedroom
Bathroom
Separate laundry cupboard
Single car garage
Rear outdoor patio

First Floor

Bedroom 2
Lounge
Bathroom
Terrace (east facing for units 11C and 11D, west facing for Units 11E and 11F)

Units 11G and 11H

Ground Floor

Kitchen
Family/ dining room
2 x bedrooms
Bathroom
Separate laundry cupboard
Rear south facing patio
Separate car space

- 1 x garbage enclosure accessed from Tristram Road
- 2 x visitor parking spaces located between Units 11B and 11C

Note: Each dwelling at ground floor level provides the capacity to be used for adaptable living for aged persons or people with disabilities.

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 'Matters for Consideration'	Comments
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)	<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. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This Clause is not relevant to this application. <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. <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. <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 Clause is not relevant to this application. <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. <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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.
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	(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.

Section 79C 'Matters for Consideration'	Comments
	(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	Location - The use of the site for the purpose of housing for older people or people with a disability is a permissible within the R2 Low Density Residential zone. The site is located within close proximity to public transport on Willandra Road, shopping and entertainment facilities at Warringah Mall, Manly and Chatswood CBD. Notwithstanding the site is surrounded by predominantly low density residential dwellings and is opposite Beacon Hill North Primary School. The proposed development will not result in any perceptible long term traffic impacts in terms of road access and traffic to and from the site. Physical – The site provides a low level of physical constraint in terms of the topography of the site which falls from the rear of the site toward the street by approximately 5m or 6.5%. In terms of the design of the proposal, the architectural presentation is generally satisfactory in providing four (4) “detached” buildings. The proposal generally meets the requirements of WDCP 2011 with some minor non-compliances with the landscaped open space and side boundary envelope requirements contained within WLEP 2011. Generally, the built elements will present as an acceptable addition within the Tristram Road streetscape and when viewed from adjoining and surrounding properties. The site is therefore 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	Pursuant to case law of <i>Ex Gratia P/L v Dungog Council</i> (NSWLEC 148), the question that needs to be answered is “<i>Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development?</i>”. For the reasons stated in this report, it is apparent that there is significant

Section 79C 'Matters for Consideration'	Comments
	social benefit to be derived from providing seniors and disabled housing compliant with current standards, expected levels of amenity and design, to help meet the market demand for Seniors and disabled housing in the area. The non-compliance with the landscaped open space requirement (WDCP 2011) has not been shown to translate into significant adverse impacts having regard to the architectural and urban design aspects of the buildings, the setbacks and degrees of spatial separation from adjoining residential properties. Regardless, the landscape provision complies with the requirements under SEPP HSPD which prevails where there is conflicting requirements. The change in the existing streetscape and localised impacts on views, vistas and outlooks from nearby residential properties are not significant enough to warrant significant amendment or refusal of the application. Accordingly, assessment of all aspects of the development concludes that on balance the benefits outweigh the negative impacts and as such the proposed development will have an overall public benefit.

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 3 submission/s from:

Name:	Address:
Mrs Christine Hynes	13 A Tristram Road BEACON HILL NSW 2100
Mark Hanington	182 Warringah Road BEACON HILL NSW 2100
Ms Michele Herman	180 A Warringah Road BEACON HILL NSW 2100
Stephen Barry Wall	

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

Incorrect number references

- House numbers incorrectly shown on the ground floor plan. No.13a on plan is actually No. 13 and no. 13b on plan is actually no. 13a.

Comment

The discrepancy with references to adjoining house numbers has been noted. This matter does not impact the assessment of the application and does not warrant refusal or modification of the application.

Boundary fence

- When constructing a new fence along the western boundary, caution should be exercised as there is a gas line along the fence line on No. 13 side.
- Photo montage shows a new 2m high fence along the western boundary extending to the street frontage. Fence should taper to 0.9m at the street frontage for visibility and pedestrian safety.

Comment

In relation to existing services which traverse the subject site or adjacent sites, there are requirements and a duty of care born by the developer to ensure that the works undertaken on the site do not adversely impact this infrastructure. Further, relevant conditions of consent are recommended for imposition in relation to locating existing services prior to works commencing.

In relation to the proposed boundary fencing, there are no details submitted with the application which clarify that the proposed height will be greater than a standard boundary fence. Boundary fencing is therefore a civil matter between owners which is guided by the Dividing Fences Act 1991. This matter is not for assessment within this application.

Character and Scale

- Will create a negative impact on neighbourhood being out of character with the local area and the existing homes. Eight two storey dwellings too obtrusive and the proposed size will appear like a small housing estate rather than detached houses.
- Eight (8) two storey dwellings on 2 and a half blocks where at the moment 2 homes exist.

Comment

While more detailed assessment of the developments bulk and scale has been provided under Clause D9 of Warringah DCP 2011, the proposal meets the criteria set out by the prevailing SEPP HSPD for this form of development. Accordingly, the overall development satisfactorily meets the SEPP HSPD requirements and is consistent with the local character having regard to the detached form of the buildings.

Insufficient landscaping

- The amount of landscaping appears far too small for a development of this size. The development appears to cover most of the two blocks.

Comment

The Applicant has provided the minimum required under SEPP HSPD. This issue therefore does not hold determining weight.

Tree removal - Development should not include removal of native and other trees.

- Landscape plan shows minimal tree planting along western boundary between Units 11B and 11C. Tree planting should be more dense to provide privacy to the adjoining property No. 13 Tristram Road

Comment

No objection has been raised in relation to the recommendations of the Arborist Report prepared by Footprint Green Pty Ltd Dated 18 March 2013.

In terms of the extent of planting along the western boundary, it is noted by Council's Landscape Officer that this area as proposed provides minimal opportunity for meaningful planting due to the narrow planter beds. Subject to specific conditions of consent requiring more substantial planter beds sufficient to support larger plant species, no further concerns are raised by Council's Landscape Officer. Relevant conditions have been included in the recommendation of this report.

Privacy

- Privacy impacts on family home at No. 182 Warringah Road.

Comment

Due to the excavation of the site in order to accommodate the appropriate grades within the development, the finished ground floor level of Unit 11D is approximately 1.7m lower than the ground levels at the boundary with No. 182 Warringah Road. In addition, the first floor level provides a bathroom and bedroom which face the property at 182 Warringah Road, which are considered low traffic, low impact rooms. Accordingly, due to the levels within the site and the internal layout of the closest dwelling Unit 11D, the proposal is not considered to result in any unacceptable privacy impacts on the surrounding properties. Accordingly, this issue does not hold determining weight.

Noise

- Increased noise impacts from the scale of the development would be excessive.

Comment

The nature of the proposed use is unlikely to generate significant noise emissions associated with the occupation of the development, with the exception of

air conditioning systems. A suitable condition has been imposed on the consent in relation to A/C systems.

Precedent

- Will set a precedent for overbuilding/overcrowding in the future

Comment

The proposed development is permissible under the provisions of SEPP HSPD. As each development application lodged with Council is assessed on its individual merits, the development is not considered to set any precedent for future proposals in the locality.

Safety

- Concern for the safety of children attending Beacon Hill Junior School and Day Care Centre as limited off street visitor parking provided within the development will mean further congestion on the already busy Tristram Road.

Comment

A Traffic and Parking Assessment has been prepared for the proposal by Transport and Traffic Planning Associates dated January 2013. The report states *"it is apparent that vehicle movements of this small magnitude are not perceptible on the road system and could not be reflected with any traffic modelling assessment. The traffic generation resulting for the subject development will have no detrimental effect on the operation of the surrounding road network."*

Council's Traffic Engineer has concurred that the proposed development will have no adverse impact on the operation of the existing road network. Accordingly, as the traffic experts have agreed that the proposed development will have minimal impact on traffic movements on Tristram Road, the traffic related concerns raised by respondents do not warrant refusal of the application. Compliant visitor parking is provided on site.

Notification

- The development notice was removed from the site after being installed.

Comment

After being notified of the removal of the development notice from the site, Council contacted the Applicant and requested that the signage be reinstated. This does not warrant refusal of the application.

Recommend rejecting the proposal

- Recommend proposal be rejected as it is not sympathetic to the environment and is not in the public interest as it is inconsistent with the visual amenity of the locality and is for the owners financial gain
- Previous smaller development on No. 11 Tristram Road only was refused.

Comment

The proposal submitted to Council satisfies the key requirements of SEPP HSPD. Matters relating to the public interest of proposal and amenity impacts have been assessed in further detail under the matters for consideration within S79C of the EP&A Act, 1979 and Clause 33 of SEPP HSPD. Issues relating to financial gain are not within the scope of this assessment.

While the history of the site and relevant previous application have been detailed within the Site History section of this report, the current application is assessed on its merits and not on any previous applications. These issues do 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 objections to the proposed development.
Development Engineers	Development Engineers have been requested to review the application and can advise the following:- The two car parking spaces proposed at the rear for 11H and 11G do not comply with C3 Parking Facility under WDCP 2011. In this regard there is insufficient turning area and it does not comply with B 85- 5.8 m turning radius as per AS2890.1. The turning area for this type of development should be designed for a three point turn. Traffic report prepared by Transport and Traffic Planning Associates clearly demonstrate that 5.8 m turning radius can not be achieved for a three point turning manoeuvre. It is recommended that the building be set back for compliance with AS 2890.1. <u>Comment:</u> Development Engineers comments are noted, however for issues relating to traffic and parking, this assessment defers to Council's Traffic Engineers comments and recommendations.
Landscape Officer	It is recommended that the landscape calculations be reassessed in view of the inclusion of the paved communal area behind Unit 11B and concrete path and paved area behind Unit 11D in landscape and deep soil calculations. Little opportunity is provided for meaningful planting at the boundaries of the site, particularly in relation to the boundary between Unit 11E and No. 9 Tristram Rd, Units 11E, 11F, 11G adjoining 7B Tristram Rd, Units 11A, 11B, 11C and 11D adjoining 13A and 13B Tristram Rd.

Internal Referral Body	Comments
	The rear gardens include the construction of a complex series of retaining walls which are not conducive to the growth of large trees in view of narrow beds, changes in levels and potential for failure of walls in the long term as trees grow, Eucalypts to 15 metres being shown on the Landscape Plan. Similarly the tree locations indicated in the front landscape area are in narrow beds close to access paths and walls, not conducive to long term growth of trees without damage to these hard landscape elements. Concern is also raised with regard to the impact on the streetscape resulting from the proposed buildings. Review of the plans and elevations indicates that the Tristram Rd frontage will present the Unit11A/11b building with the Unit 11C/11D visible behind. As the paved communal open space and visitor parking spaces are between these buildings, no visible landscape separation between these building will be afforded when viewed from Tristram Rd. This increases the visible building bulk from the street front. Additionally, the entry footpath/driveway provides a 2 metre wide x 57 metre long straight vista to the rear of the site, terminating in the Unit 11G parking area. In view of the above, the proposal is not considered to have adequately address the landscape/streetscape issues raised by SEPP (Housing for Seniors or People with a Disability). The proposal is not supported with regard to landscape issues. <u>Comment:</u> Calculations for landscaped open space have been undertaken in accordance with the provisions of SEPP HSPD which allow for the inclusion of paved areas used in the communal open space. In relation to the proposed retaining wall planter beds located around the perimeter of the site, a condition has been recommended for imposition requiring planters along the eastern and western boundaries to be a minimum of 1m in width and 1m in depth, planted with species which will reach a mature height of 2m. Likewise for the rear southern boundary, the planter beds are to be a minimum of 2m in width and 1.5m in depth, planted with species capable of reaching 5m in height at maturity. This condition is considered to satisfy this area of concern. In relation to the proposed buildings, an assessment has been undertaken in accordance with the requirements of SEPP HSPD which has found that the design is consistent with the character of the area. Accordingly, subject to the imposition of specific conditions, the proposal is considered to adequately address the concerns raised by the Landscape Officer sufficient to comply with the provisions of SEPP HSPD. These matters do not warrant refusal of the application.
Traffic Engineer	These type of development are very low traffic generators. This development will create 1 additional movement onto the surrounding road network in peak periods. This will not have any adverse affects on the operation of the existing road network. This development meets the requirements for the provision of parking spaces including visitor spaces. The design of the internal access allows for passing opportunities, removing the requirement for purpose built passing bays.

Internal Referral Body	Comments
	The applicant has demonstrated that all parking spaces are accessible by 85% vehicles. All vehicles are able to leave the site in a forward direction. The bus stop locations are within the required distance of this development meeting the requirements of the SEPP. Driveway location allows for a sufficient sight distance triangle for pedestrian safety in accordance with AS2890.1:2004 All construction vehicles are to be contained on site. ADDITIONAL 09/07/2013 After further consideration of the parking arrangements the access to parking space for unit 11H requires a complex reverse manoeuvre and multiple turns to exit the site in a forward direction. Whilst it is physically possible to make these manoeuvres this represents a poor access to the parking space. In addition a parallel parking space, near the Tristram Road frontage, is identified on some of the plans. It is highly likely that a vehicle in this position would reverse onto Tristram Road rather than travelling further into the site to turn around and exit in a forward direction. It is not clear from the plans and/or traffic and parking report if this space has been included in the parking provision for this development. <u>Comment:</u> While the parking space serving unit 11H does not provide the most desirable access solution, the manoeuvre is achievable and not inconsistent with the requirements of AS2890.1. In relation to the parking space proposed on the Landscape Concept Plan 12-01 adjacent to the Tristram Road frontage, a condition of consent has been included in the recommendation deleting this space. Accordingly, there are no traffic or parking issues which warrant refusal of the application.
Waste Officer	The applicant has not submitted a construction and demolition plan required under Warringah Development Control Plan - C8 Demolition and Construction. To satisfy Waste Management's required, the following must be completed. 1) http://www.warringah.nsw.gov.au/plan_dev/documents/DraftWarringahWasteManagementPlan2010-forissuewithPolicy.pdf The application does not comply with Warringah Development Control Plan - C9 Waste Management. The plan submitted by the applicant has no measurement for the proposed garbage bin room, as such it is unclear whether the bin room is large enough to store and manoeuvre 7 x 240L bins. The plan does not show whether there is a non slip path between the garbage bin room and collection point that is free of obstacles/steps and a maximum gradient of 1V:8H. In addition the garbage bin room must not be locked or behind security doors, grills, and etc. <u>Comment:</u> The concerns raised by Council's Waste Officer can be addressed through the imposition of relevant conditions of consent. These conditions are included in the recommendation of this report. The matters raised do not warrant refusal of the application.

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.

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 (Building Sustainability Index: BASIX) 2004

The application for the proposed development was accompanied by a BASIX certificate (see Certificate No. 468026M dated 4 March 2013).

The BASIX Certificate indicates that the development meets the NSW government's requirements for sustainability. The development meets the water and energy performance targets and achieves a pass for thermal comfort.

Commitment	Required Target	Proposed
Water	40	43
Thermal Comfort	Pass	Pass
Energy	40	40

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 application was referred to Ausgrid for comment. No response was received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no special conditions required.

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 "in-fill self-care housing".

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.

The proposed development satisfies the aims of Chapter 1 in that the proposed development will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and that the development will make efficient use of existing infrastructure and services available to the site and in the locality.

Furthermore, the proposal makes provision for good design as it adequately addresses the streetscape. The overall bulk and scale of the proposed development is deemed to be conducive to the site in that it provides an articulated built form that responds to the site topography.

The proposed development is consistent with the definitions contained in this policy, the policy applies to land within Warringah and there are no agreements or covenants that require suspension. On this basis, it is considered that the proposed development is consistent with Chapter 1 of SEPP (HSPD), with the exception of Clause 2(1)(c).

Chapter 2 – Key Concepts

The proposed development is consistent with the key concepts contained within SEPP (HSPD). The proposed development comprises of eight (8) self care houses, which

are to be occupied by seniors, people with a disability or other persons permitted by the SEPP.

Appropriate conditions are recommended to be placed on the development consent to restrict occupation of this building in accordance with the definitions outlined under the SEPP.

Accordingly, on this basis, it is considered that the proposed development is consistent with the provisions outlined under Chapter 2 of SEPP (HSPD).

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 subject site has satisfactory access to: (a) Shops, banks and other retail and commercial services (b) Community services and recreation facilities (c) The practice of a general medical practitioner.	YES
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.	The bus stops within Tristram Road are serviced by the 136 and L60 bus services which provide services to Chatswood, Forest Way, Manly, Dee Why, Collaroy, Narrabeen and Warriewood. The site is within 60m of the west bound bus stop on Tristram Road (adjacent to No.5 Tristram Road) and within 120m of the east bound bus stop on Tristram Road (adjacent to Beacon Hill Public School). The Applicant has provided an Access Report prepared by Accessibility Solutions which has assessed the footpath gradient within Tristram Road as less than 1:25 providing compliant access to the available transport services within 400m of the site.	YES
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The site is not located on bush fire prone land.	N/A

Development Criteria			
Clause	Requirement	Proposal	Complies
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	All dwellings will be connected to a reticulated water system and can provide access to existing sewerage infrastructure.	YES
29	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): i) the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development 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, 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.	i) The subject site contains minimal environmental features consisting of existing trees and is not otherwise environmentally constrained. Additionally, the site is situated in a locality within which the proposed land use is permissible under SEPP HSPD. Accordingly it is considered complimentary and compatible with existing uses and approved uses in the vicinity of the development. iii) Given that the proposal is located within a residential site that is currently serviced by existing infrastructure and the site is situated within 400m of bus stops that provide access to services, the proposal is considered to satisfy this requirement. v) In relation to existing, approved and future uses of land in the vicinity of the development, it is considered that the proposal will not adversely impede the uses of adjoining properties. The bulk and scale of the proposed development as it presents within the Tristram Road streetscape is comparable to other large dwelling houses in the vicinity. The built form is separated into four (4) separate building elements to reinforce a detached style of development within a landscaped setting with the rear dwellings Units 11G and 11H being a single storey form with adequate setbacks provided to reinforce the separation between the subject site and adjoining developments.	YES
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	A site analysis plan and statement has been submitted and the Statement of Environmental Effects accompanying the application provides further clarification of the how the proposal has responded to the site and its constraints.	YES

Clause 31 Design of in-fill self-care housing

Pursuant to Clause 31 in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the former NSW Department of Infrastructure,

Planning and Natural Resources dated March 2004.

The provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* have been taken into consideration in the assessment of the application against the design principles set out in Division 2, Part 3 of SEPP HSPD. A detailed assessment of the proposals inconsistencies with regards to the requirements of SLP is undertaken hereunder.

Section	Requirements	Comment
1. Responding to context	Built Environment – New development is to follow the patterns of the existing residential neighbourhood in terms of built form. Policy environment – Consideration must be given to Councils own LEP and/or DCPs where they may describe the character and key elements of an area that contribute to its unique character.	The subject site is located on the southern side of Tristram Road. The existing pattern of development surrounding the site includes 1 and 2 storey detached dwellings with a number of sites subdivided to provide a second dwelling and lot at the rear. In this regard, while the proposal includes eight (8) dwellings on the consolidated lot configuration, the development has been designed to provide an active frontage to Tristram Road presenting as a single dwelling with a landscaped front setback. The proposal provides variation in roof forms and building separation to contribute a detached style design sympathetic to the surrounding form of development. An assessment of the proposal against the provisions of Council's LEP and DCP has found the development to be consistent with the objectives for the area. Accordingly, the proposal is considered an appropriate form of infill development, appropriately located and designed to adequately respond to the character of the area.
2. Site Planning and design	Objectives of this section are to: - Minimise the impact of new development on neighbourhood character - Minimise the physical and visual dominance of car parking, garaging and vehicular circulation.	The design of the development has been sited to provide minimal impact when viewed from the street. In terms of bulk and scale, the first floor levels of each dwelling have been designed with the bulk of the structure facing the access driveway with the facades facing the neighbouring properties presenting dormer style windows within the roof structure minimising impacts on the adjoining properties. The dwellings at the rear of the site, Nos.11G and 11H are single storey structures to ensure minimal impact on the adjoining site. Each dwelling with the exception of Units 11G and 11H are provided with a single lock up garage. Parking for Units 11G and 11 H are located

Section	Requirements	Comment
		adjacent to the units as hardstand parking spaces. Likewise, the visitor parking is clumped together toward the middle of the site between Unit 11B and 11 C. The proposed parking location ensures minimal visual dominance of parking. While the development includes the removal of all trees within the site formed by the proposed development, the landscape plan indicates a number of replacement trees including canopy trees to be provided within the deep soil areas on the boundary . Accordingly, the proposal is considered to adequately achieve the objectives of Section 2 - Site Planning and Design.
3. Impacts on streetscape	Objectives of this section are to: - Minimise impacts on the existing streetscape and enhance its desirable characteristics - Minimise dominance of driveways and car park entries in streetscape.	The proposed development presents a compliance with the front building setback control providing a 10.04m setback. While this setback is greater than the numerical requirement under WDCP 2011, it is representative of the established front setbacks on the surrounding sites. The proposal maintains a single driveway access from Tristram Road located in a similar location to the existing driveway crossing.
4. Impacts on neighbours	Objectives of this section are to: - Minimise impacts on the privacy and amenity of existing neighbouring dwellings - Minimise overshadowing of existing dwellings and private open space by new dwellings - Retain neighbours views and outlook to existing mature planting and tree canopy - Reduce the apparently bulk of development and its impact on neighbouring properties - Provide adequate building separation	Given the existing subdivision pattern on the surrounding lots, the proposed placement of the buildings on the site is considered to provide a satisfactory relationship with the existing pattern of development. The overall bulk and scale of the development is sympathetic to the predominant character of adjoining buildings. The first floor elements are setback from the ground floor to reduce perceptible bulk and the buildings are effectively articulated to avoid large expanses of unrelieved walls. The proposed pitched roof form includes dormer window elements facing the neighbouring properties to reduce the visual dominance of the buildings. Further, the buildings provide sufficient separation to offer visual relief along the length of the development. While the plan includes the removal of all existing trees within the building area, replacement plantings within the

Section	Requirements	Comment
		deep soil zones have been indicated on the landscape plans. The buildings have been designed to ensure no direct overlooking of neighbouring properties would occur. First floor windows orientated towards the eastern and western boundary are limited to windows serving bathrooms. These windows are recommended to be conditioned to contain translucent glazing. Windows facing the northern southern boundaries are bedrooms which are considered low traffic areas which are likely to contain window coverings and therefore do not require any further treatment. Due to the orientation of the site (north/south), the development will not result in any significant overshadowing of adjoining properties ensuring more than 2 hours of sunlight access to open space areas is maintained. Accordingly, the proposal is considered satisfactory in relation to Section 4 - Impacts on Neighbours.
5. Internal site amenity	Objectives of this section are to: • Provide quality useable private and communal open spaces for all residents • Provide dwellings that have distinct identity and safe entries • Provide safe and distinct pedestrian routes to all dwellings and communal facilities • Ensure adequate solar access to living areas and private open space • Reduce the dominance of parking, garaging and vehicular circulation space on the internal character or new development	The proposed development has been designed so that all dwellings benefit from living spaces with direct access to private open space of sufficient size to meet the needs of future residents. Provision of communal open space areas have also been accommodated. The proposed design of the dwellings provides casual surveillance of the front of the site and visible entry points for each of the dwellings. Due to the north/south orientation of the site, all dwellings achieve north and eastern exposure to their private open space and living areas. The proposal includes a garbage area located at the north eastern corner of the subject site adjacent to the street front boundary that will result in a solid wall totalling approximately 1.8m in height with a 'floating' skillion roof . As such, it is considered that the proposal will not impact unreasonably upon the streetscape. The proposal includes an extended driveway along the eastern side of the site with landscaping and a pedestrian

Section	Requirements	Comment
		footpath between the driveway and the fence. The site proposes a single driveway access which allows for adequate landscaping within the front setback area to reduce its dominance within the streetscape.

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 proposal provides landscaping commensurate with the bulk and scale of the development. While the four (4) buildings each contain two (2) dwellings, separation between the individual building structures provides the appearance of detached style dwellings to reflect the existing character of the area.	YES
	b. Retain, complement and sensitively harmonise with any heritage conservation area in the vicinity and any relevant heritage items that re identified in a local environmental plan.	The proposed development is not located in the vicinity of any heritage items or heritage conservation areas.	Not Applicable
	c. Maintain reasonable neighbour amenity and appropriate residential character by; (i) providing building setbacks to reduce bulk and overshadowing (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are	(i) The development provides highly articulated first floor elements within the roof structure with dormer style windows used within the eastern and western elevations to maximise the setbacks from the adjoining properties. Along both the eastern and western boundaries, the ground floor building sections provide a 3m setback while the first floor dormer windows provide a setback of 3.8m which is considered sufficient separation to minimise amenity impacts. Due to the orientation of the site,	YES

Control	Requirement	Proposed	Compliance
	compatible in scale with adjacent development, (iv) and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.	more than 3 hours sunlight is maintained to the living areas and private open space of the neighbouring properties at the winter solstice. (ii) The site falls from the rear to the front northern boundary by approximately 5.63m. The proposed development includes excavation up to 2.04m in the south-eastern corner to enable appropriate access grades within the development. (iii) The overall height of each building is within the 8.5m height limit and reflects the two storey character evident on many surrounding dwellings. (iv) The proposal is not located on the boundary with the exception of the proposed retaining walls which will form part of the terraced landscaping on the site. The closest building element to the boundary is 1.8m for the western facade of the single storey Unit 11H.	
	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,	The surrounding properties provide generous front building setbacks in excess of the minimum required under WDCP 2011 of 6.5. No. 9 Tristram Road to the east provides a front setback of approximately 16m while the property to the west, No. 13 Tristram Road has a front setback around 12m. The proposed development includes a front setback measured to the face of Unit 11A 10.04m. While the numeric setback is not as great as the adjoining sites, it is greater than the minimum setback required under WDCP 2011 and is therefore considered a sympathetic solution in this setting. This setback is considered acceptable.	YES
	embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	The Arborist Report submitted with the application has assessed the condition of 43 trees, 38 on the site (which includes 13 x trees within the new boundaries of No. 9 Tristram Road), 4 x trees on adjoining lots, and 1 x tree within	YES

Control	Requirement	Proposed	Compliance
		the road reserve. Of these, all 25 x trees located within the adjusted boundary of No. 11 Tristram Road are proposed to be removed. Notwithstanding, the proposal includes replacement planting across the site which will be commensurate with the bulk and scale of the proposed development and complement the character of the streetscape.	
	f. retain , wherever reasonable, major existing trees, and be designed so that no building is constructed in a riparian zone.	The proposal does not retain any trees within the adjusted lot boundaries for No. 11 Tristram Road. All trees retained are located within No. 9 Tristram Road. The building will not be constructed in a riparian zone.	YES Not Applicable
CL 34 Visual and acoustic privacy	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.	The proposal has been well designed to mitigate any privacy impacts. Windows within the eastern and western elevations at first floor level serve bathrooms only and are setback approximately 3.8m from each boundary. Accordingly, it is not considered the proposal would result in any significant privacy impacts. In regards to acoustic privacy, it is considered the proposed setbacks of the development in combination with the nature of the proposal being for residential development, would be sufficient to ensure noise impacts on neighbouring properties are not unacceptable. Furthermore, the proposed dwellings have been suitably designed so that bedrooms at ground floor level do not adjoin the front of the dwelling and the driveway access. At first floor level, the bedrooms have been setback a reasonable distance from the front of the dwelling and do not contain	YES

Control	Requirement	Proposed	Compliance
		windows facing directly into the driveway access. All bedrooms within the development are suitably separated from the driveway access and would therefore not be unreasonably affected by vehicle noise.	
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 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.	The shadow diagrams submitted adequately show the extent of shadow cast by the proposed development over the adjoining properties and the courtyards within the development. Both the proposed dwellings and adjoining properties will receive at least 3 hours of sunlight to their living room windows and private open space at the winter solstice. The orientation of the buildings has enabled the design to receive adequate solar access. Further, the buildings include openings on more than one wall within the main living areas and at first floor level to facilitate better natural ventilation.	YES
CL 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff and where practical include on-site detention and water re-use.	The proposal includes an OSD concept design. Council's Development Engineers have reviewed the documentation submitted and provided specific conditions of consent.	YES
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,	All units are provided with vehicle access from Tristram Road into the site. The layout of all units encourages casual surveillance of the street or the primary access driveway from the dwelling.	YES

Control	Requirement	Proposed	Compliance
	driveway or street, and (b) where shared entries 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.		
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 Access Report prepared by Accessibility Solutions dated 25 February 2013 concludes that the development has adequate access to public transport services within 400m of the site which can be accessed by obvious and safe accessible paths of travel. The report does not identify the need for any new footpath construction. Each dwelling is provided with a single garage accessed from the central driveway access. The site also provides two (2) visitor car spaces located between Units 11B and 11C. Accordingly, the proposed development adequately satisfies the requirements of Clause 38.	YES
CL 39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The plans submitted with the application indicate that garbage and recycling facilities will be located at the north-eastern corner of the site adjoining the Tristram Road frontage. The design of the facility does not specify measurement details to demonstrate that the room will be capable of storing and manoeuvring 7 x 240 litre bins. Subject to a condition of consent requiring the facility to comply with Council's Waste Management Policy, the proposal is considered acceptable in terms of Waste Management.	YES, subject to conditions

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	2093sqm	YES
Site frontage	20 metres	20.115m	YES
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	7.5m	YES
	A building that is adjacent to a boundary of the site must not be more than 2 storeys in height.	Maximum 2 storeys in height	YES
	A building located in the rear 25% of the site must not exceed 1 storey in height (development within 15.51 metres of the rear boundary).	Units 11G and 11H are located within 15.51m of the rear boundary. This building is single storey in height.	YES

Clause 41 Standards for hostels and self contained dwellings

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.

Control	Required	Proposed	Compliance
Wheelchair Access	If the whole site has a gradient less than 1:10, 100% of the dwellings must have wheelchair access by a continuous path of travel to an adjoining public road. If the whole of the site does not have a gradient less than 1:10 the	The site has a gradient pre and post development greater than 1:10. Notwithstanding, wheelchair access from the frontage with Tristram Road is provided to 100% of dwellings.	YES

Control	Required	Proposed	Compliance
	percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater.		
Security	Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) Must provide at least 20 lux at ground level	No specific details of pathway lighting have been provided and the Access Report (the Access Report) prepared by Accessibility Solutions provides a vague comment that the development will comply with this requirement. Notwithstanding, compliance with pathway lighting requirements can be addressed as a condition of consent.	YES, subject to condition
Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel, and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry.	The wheelchair accessible path from the front of the site passes the proposed letterbox location adjacent to the street entry. Further details relating to the letterboxes has not been provided. Consistency with this requirement can be provided through a condition of consent.	YES, subject to condition
Private car accommodation	(a) Carparking space must comply with AS2890 (b)One space must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c)any garage must have a power operated door or there must be a power point and an area for motor or control rods to enable a power operated door to be installed at a later date.	Each dwelling is provided with an individual single garage with internal dimensions of 6.0m x 3.8m which according to the Access Report is consistent with AS2890. All internal garages within the development provides a width of 3.8m. The Access Report states the proposed doors to the garages will be power operated to comply with the requirements of this section of Schedule 3.	YES
Accessible entry	Every entry to a dwelling must comply with Clause 4.3.1 and 4.3.2 of AS4299	The Access Report states that the external dwelling entry and the internal foyer doorway landings comply with the requirements of	YES

Control	Required	Proposed	Compliance
		Clause 4.3.1 and 4.3.2 of AS4299.	
Interior general	Widths of internal corridors and circulation at internal doorways must comply with AS1428.1.	While the Access Report indicates that the proposed plans comply with this requirement, a condition of consent can be imposed to ensure that compliance is maintained at construction.	YES, subject to condition
Bedroom	At least one bedroom within each dwelling must have: (a) An area sufficient to accommodate a wardrobe and a queen size bed (b) A clear area for the bed of at least 1200 mm wide at the foot of the bed and 1000mm wide beside the bed between it and the wall, wardrobe or any other obstruction. (c) Power and telephone outlets and wiring described in Clause 8 of Schedule 3.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Bathroom	The bathroom is to comply with the requirements described in Clause 9 of Schedule 3.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Toilet	The toilet is to comply with the requirements described in Clause 9 of Schedule 3.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Door hardware	Door handles and hardware for all doors must be provided in accordance with AS4299.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Ancillary items	Switches and power points must be provided in accordance with AS4299.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this	YES, subject to condition

Control	Required	Proposed	Compliance
		requirement.	
Living & dining room	A living room must have a circulation space in accordance with Clause 4.7.1 of AS4299, and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Kitchen	The kitchen must comply with the requirements of Clause 16 of Schedule 3	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Access to kitchen, main bedroom, bathroom & toilet	The kitchen, main bedroom, bathroom and toilet must be located on the entry level.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Laundry	The laundry must comply with the requirements of Clause 19 of Schedule 3.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Storage	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS4299	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition
Garbage	A garbage storage area must be provided in an accessible location.	The Access Report states that the proposal complies with this requirement. Conditions of consent will further address this requirement.	YES, subject to condition

Part 5 Development on land adjoining land zoned primarily for urban purposes and Part 6 Development for Urban Villages

These parts are not applicable to the subject site.

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

In accordance with Clause 50 of SEPP HSPD a consent authority must not refuse consent to a development application made pursuant to Chapter 3 for the carrying out of development for the purpose of a self contained dwelling on any of the grounds listed in Clause 50.

The following table outlines compliance with standards specified in Clause 50 of SEPP HSPD.

Control	Required	Proposed	Compliance
Building height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below)	7.5m	YES
Density and scale	0.5:1 (max 1046.5sqm)	0.43:1 (897.9sqm)	YES
Landscaped area	30% of the site area is to be landscaped	31% (649sqm)	YES
Deep soil zone	15% of the site area Two thirds of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3 metres.	17.9% (374sqm)	YES
Solar access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	The submitted shadow diagrams demonstrate that all the proposed dwellings will receive a complying level of solar access to both the living rooms and private open space.	YES
Private open space	15sqm of private open space per dwelling not less than 3 metres long and 3 metres wide	Unit 11A -29.1sqm Unit 11B - 25.5sqm Unit 11C - 30sqm Unit 11D - 107.15sqm Unit 11E - 30sqm Unit 11F - 29.4sqm Unit 11G - 109.8sqm Unit 11H - 54sqm	YES
Parking	0.5 spaces per bedroom (16 bedrooms proposed – 8 carparking spaces required)	8 spaces provided	YES
Visitor parking	None required if less than 8 dwellings	The proposed development is for 8 dwellings. Two (2) visitor parking spaces have been provided between Unit 11B and 11C which is considered acceptable.	YES



Chapter 4 – Miscellaneous

Comment: Not Applicable.

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 low density residential 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 proposed seniors housing or housing for people with a disability land use.

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

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600m ²	No. 9 - 802.5m ² No. 11 - 2095m ²	N/A	Yes
Height of Buildings:	8.5m	7.3m	N/A	Yes
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

Compliance Assessment

<u>Clause</u>	<u>Compliance with Requirements</u>
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.6 Subdivision - consent requirements	Yes
2.7 Demolition requires consent	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.1 Minimum subdivision lot size	Yes

<u>Clause</u>	<u>Compliance with Requirements</u>
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
Part 6 Additional Local Provisions	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

Land use definition: WLEP 2011	Permitted or Prohibited
Seniors Housing	Prohibited

The proposed development is defined as 'Seniors Housing' under WLEP 2011. Seniors housing would normally be prohibited development within the R2 Low Density Residential Zone however, it is made permissible by the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.3m	N/A	Yes
B3 Side Boundary Envelope	4m	East and West Elevations - Comply	N/A	Yes
B5 Side Boundary Setbacks	0.9m	East (Unit 11E, 11F and 11G) - 3m to face of building	N/A	Yes
		West (Unit 11A, 11B, 11C and 11D) - 3m to face of building	N/A	Yes
B7 Front Boundary Setbacks	6.5m	10.04m to Unit 11A	N/A	Yes
B9 Rear Boundary Setbacks	6m	6m to Unit 11D 4m to awning Unit 11G and 11H	N/A 33.3%	Yes No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	21.97%	45%	No

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
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - R2	Yes	Yes
R2 - All other land in R2 Zone	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
Rear Boundary Setbacks - R2	Yes	Yes
All other land under R2	Yes	Yes
Rear Boundary Exceptions - R2	Yes	Yes
Part C Siting Factors	Yes	Yes
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	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	No	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C1 Subdivision

The scope of works for the proposed development includes land subdivision affecting No. 9 Tristram Road. The subdivision works do not create any new lots, instead, reduces the size of No. 9 Tristram Road to 802.5m² and increases the size of No. 11 Tristram Road to 2095m². The proposal is acceptable in terms of the provisions for subdivision.

C9 Waste Management

Merit consideration

The proposed development includes a purpose built bin enclosure located adjacent to the Tristram Road frontage. Council's Waste Officer has reviewed the proposed design and raised the following concerns:

"The plan submitted by the applicant has no measurement for the proposed garbage bin room, as such it is unclear whether the bin room is large enough to store and manoeuvre 7 x 240L bins. The plan does not show whether there is a non slip path between the garbage bin room and collection point that is free of obstacles/steps and a maximum gradient of 1V:8H. In addition the garbage bin room must not be locked or behind security doors, grills, and etc."

These matters can be addressed through the imposition of suitable conditions of consent. Having regard to the above assessment, it is concluded that the proposed development, subject to conditions is inconsistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

Units 11G and 11 H which are the two single storey dwellings located on the eastern side of the site at the rear southern boundary both include a patio with a 2m deep eave extending from the southern facade of the building. This eave is located within the rear setback approximately 4m from the southern boundary.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

As indicated by Council's Landscape Officer, the entire site will require significantly excavation in order to achieve compliant grades from the street. As a result, the boundaries of the site contain substantial retaining walls and terraced planter boxes which the Applicant has included as deep soil planting areas. These areas are not supported by Council's Landscape Officer as meaningful deep soil planting areas due to *"narrow beds, changes in levels and potential for failure of walls in the long term as trees grow, Eucalypts to 15 metres being shown on the Landscape Plan."*

In light of these comments, the proposed landscape design does not provide adequate opportunities for deep soil landscape areas particularly toward the rear half of the site. Accordingly, a condition of consent has been recommended for imposition which addresses these concerns. The condition requires the planter boxes which bound the eastern, western and southern boundaries to be increased in size to ensure they can accommodate the larger trees proposed in these areas.

- *To create a sense of openness in rear yards.*

Comment:

The rear setback to the proposal, the single storey components at the rear of the development and the proposed landscaping ensure a sense of openness is maintained.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

As the finished level of the private open space areas for the proposed development are considerably lower than most of the adjoining dwellings, privacy is not considered a determining issue. In terms of privacy from the buildings, a condition of consent has been recommended for imposition requiring the first floor bathroom windows to contain translucent glazing.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

While the surrounding subdivision pattern has incorporated a number of battleaxe allotments with single dwellings constructed on them, the proposed pattern and density for this development is not considered inconsistent with the general pattern of development, rear gardens and landscape elements.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The design of the proposed dwellings incorporates a first floor level for six (6) of the eight (8) which is located mostly within the roof form of the structure. Accordingly, there is minimal impact on the adjoining properties in relation to privacy as windows facing these properties contain bathroom areas.

Having regard to the above assessment, it is concluded that the proposed development on balance is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C3 Parking FacilitiesDescription of non-compliance

While the proposed development provides the required number of parking spaces being 8 spaces (1 per dwelling), concerns have been raised by Council's Traffic Engineer and Development Engineer in relation to the parking space for Unit 11H. Council's Traffic Engineer made the following comment:

"The parking arrangements to access the parking space for unit 11H requires a complex reverse manoeuvre and multiple turns to exit the site in a forward direction. Whilst it is physically possible to make these manoeuvres this represents poor access to the parking space."

Council's Development Engineer has advised that the parking space does not comply with the B85 design template as a three point turn and requires multiple turning in a tight constrained area.

Deference is made to Council's Traffic Engineer's position in this instance who has advised that the parking space manoeuvres required, while not the most desirable, are still accessible and do not breach the requirements of AS2890.1.

Notwithstanding, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Seniors Living	N/A - development subject to parking requirements under SEPP HSPD	0.5 spaces per bedroom = 8 car spaces	8 Car spaces	Nil

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The garages and hard stand parking provided for this development will not have any significant visual impact on the street frontage or other public place and is considered acceptable.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

With the exception of the two hardstand parking spaces allocated to Units 11G and 11H which are at the rear southern end of the site, the proposed garages and visitor parking has been designed to face into the site as apposed to facing the street. The proposed parking layout does not dominate the street frontage.

Having regard to the above assessment, it is concluded that notwithstanding the less than desirable manoeuvring associated with the parking space for Unit 11 H, the proposed development is on balance consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of proposal

The proposed development does not provide 40% of the site as landscaped open space as required by WLEP 2011. Notwithstanding, the development is subject to the provisions of SEPP HSPD which in the case when there is discrepancy between development standards, the SEPP prevails. Accordingly, while calculations in accordance with WDCP 2011 result in a landscaped open space area of approximately 22%, calculations made in accordance with SEPP HSPD result in approximately 31% landscaped open space which complies with the requirements of the SEPP.

Accordingly, the proposal is considered acceptable in terms of its consistency with the requirements of SEPP HSPD.



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 \$ 2,872,650		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 27,290
Section 94A Planning and Administration	0.05%	\$ 1,436
Total	1%	\$ 28,727

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.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 specified in S.5(a)(i) and (ii) 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 DA2013/0351 for Demolition works, Construction of a Seniors Living Development and Boundary Adjustment on land at Lot 16 DP 13261, 9 Tristram Road, BEACON HILL, Lot 15 DP 13261, 11 Tristram Road, BEACON HILL, subject to the conditions printed below:

DEFERRED COMMENCEMENT CONDITIONS

1. Registration of Lot 1DP 1182714

The applicant must provide evidence of the creation of lot 1 DP 1182714 in order to activate the consent

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. 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
AR/336/10 Ground Floor Plan / Site Plan	24/10/2012	Dave Ferrier
AR/336/12 Sections & Elevations	14/11/2012	Dave Ferrier
Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment	18 March 2013	Footprint Green Pty Ltd
Access Report	25 February 2013	Accessibility Solutions Pty Ltd
Assessment of Traffic and Parking Implications	January 2013	Transport and Traffic Planning Associates

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- e) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
12-01 Landscape Concept	Dec 2012	Planview Design

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

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) Smoke alarms are to be installed throughout all new and existing portions of any 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) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

(k) 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.

(l) 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

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

5. **Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 <http://www.comlaw.gov.au/> of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.) Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

Reason: Statutory requirements. (DACPLB11)

FEES / CHARGES / CONTRIBUTIONS

6. 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 \$ 2,872,650		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 27,290
Section 94A Planning and Administration	0.05%	\$ 1,436
Total	1%	\$ 28,727

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.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

7. Bonds

(a) Security Bond

A bond (determined from cost of works) of \$5000 and an inspection fee in accordance with Council's 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.

Reason: To ensure adequate protection of Council's infrastructure. (DACENZ01)

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

8. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

9. Vehicle Driveway Gradients

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

10. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

Details calculation demonstrating compliance with Council's current On-site Stormwater Detention Technical Specification. In this regard on site detention basins will be required for both proposed Lot 10 and Lot 11. Any suspended slab over the OSD basin in vehicular trafficable areas are to be designed by a NPER registered structural engineer.

The drainage pipe and OSD below ground tank must be designed to ensure that the existing drainage pipes contained within the easement which benefit the upstream properties are not affected. Detail locations of pipe and pits are in be clearly indicated on the proposed drainage plans.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site

Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval 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. (Special condition) (DACENC20)

11. Soil & Water Management Program

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

12. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Construction Certificate Plans

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) Trees approved for removal

This consent includes approval to remove the following trees:

All Recommendations Arborist Report	
Dated	Prepared By
18 March 2013	Footprint Green Pty Ltd

(d) Tree Management Plan

A Tree Management Plan prepared by an experienced Tree Surgeon/Arborist with a minimum qualification of a Certificate in Arboriculture or other equivalent qualification is required to be prepared and implemented throughout the entire construction stage.

The Tree Management Plan must specify the impact of the proposed development on all existing trees protected by Council's Tree Preservation Order. The Plan must give an appraisal of the present condition of the trees to be retained, removed, pruned or transplanted within and adjacent to the development site, and the likely impact of the development on those trees.

The Report must detail:

- a) Trees on and adjacent to the site to be retained or pruned.
- b) Trees to be removed or transplanted.
- c) Location of protection fences.
- d) Location of building footprints, underground services and structures in relation to trees.
- e) Alterations to ground levels.
- f) Site access.
- g) Site establishment.
- h) Temporary services (water, electricity, and telephone).
- i) Stockpiling areas.
- j) The present condition of the trees within the project site likely to be affected by the proposed development and the likely impact of the development on the long-term condition of those trees.
- k) Methods to be undertaken to ensure the preservation and longevity of the trees to be retained.
- l) Methods of proposed root pruning.
- m) Estimated quantities (%) of loss of canopy.
- n) Estimated quantities (%) of loss of roots.
- (e) Existing trees which must be retained

Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements.

Species	Location	Dimension (Metres)
<i>Syzygium luehmannii</i>	No.180 Warringah Road, Beacon Hill	8m

Details of demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DA/LAC01)

13. Amended Landscape Plan

Landscape Plan Nos. L12-01 dated December 2012 as prepared by Planview Design is to be amended to provide for the following:

- (a) The construction of the planters located along the eastern and western boundaries to be a minimum of 1 metre in width and 1 metre in depth and planted with species capable of attaining a minimum height of 2 metres at maturity.
- (b) The construction of the planters located along the southern boundaries to be a minimum of 2 metre in width and 1.5 metres in depth and planted with species capable of attaining a minimum height of 5 metres at maturity.

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



Reason: To maintain local environmental amenity (DACLACPCC1)

14. 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)

15. Translucent Glazing to all First Floor East and West Facing Windows

All first floor west facing windows in Units 11A, 11B, 11C and 11D and all first floor east facing windows in Units 11E and 11F are to contain translucent glazing. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.



Reason: In order to maintain privacy to the adjoining / nearby property.
(DACPLC06)

16. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water.
(DACPLC12)

17. Requirements for Seniors Housing or Housing for Persons with a Disability

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Schedule 3 - "*Standards concerning accessibility and useability for hostels and self-contained dwellings*".

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

Reason: To ensure public safety and equitable access for seniors or people with a disability. (DACPLC16)

18. No Parking within the Front Setback

No consent is given or implied for parking located on the western side of the driveway at the Tristram Road frontage. Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure adequate maneuvering space is maintained within the site. (DACTRCPC2)

19. Waste/Recycling Requirements to comply with Policy

Details demonstrating compliance with Warringah Council's Policy Number PL 850 – Waste, including the required 'Waste Management Plan' are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Warringah Council's Policy Number PL 850 – Waste, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.



Reason: To ensure adequate and appropriate waste and recycling facilities are provided.” (DACWTC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council’s road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Vehicle Crossings**

The provision of Normal High vehicle crossing 5.5 metres wide in accordance with Warringah Council Drawing No A4-3330/2 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory “Vehicle Crossing Inspection” card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

22. **Layback Construction**

A layback 5.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

23. **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)

24. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for



the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

25. 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)

26. Construction Management Plan

The construction management plan for this development is to show that all construction vehicles are to be contained on site.

Reason: To minimise disruption to the traffic flow and parking on Tristram Road (DACTREDW1)

27. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible. (DACWTE02)

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

28. 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
7	Tree/s selected from Council's Tree Replacement Guide available at www.warringah.nsw.gov.au/environment/tree_replace_guide Note: trees to provide a minimum height at maturity of 5m.	3 along southern boundary of Unit 11D 4 along southern boundary of Units 11 G and 11 H	100 litre



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)

29. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, covered at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area.(DACPLF03)

30. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, covered at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area.(DACPLF03)

31. Undergrounding of Telecommunications Services

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

32. 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)

33. Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

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 statutory requirements have been completed, public safety, and equitable access for seniors of people with a disability. (DACPLF12)

34. Waste/Recycling Certificate of Compliance with Policy

The proposal shall be constructed in accordance with Warringah Council's Policy Number PL 850 – Waste

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 waste and recycling facilities are provided. (DACWTF01)

35. Waste/Recycling Compliance Documentation

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

36. Positive Covenant for Waste Services

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. 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 Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

37. Authorisation of Legal Documentation Required for Waste Services

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details



overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land. (DACWTF04)

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

38. Visitors Sign

A sign, legible from the entrance of the site, shall be permanently displayed to indicate the location of visitor parking available on the site and the visitor car parking spaces shall be clearly marked as such.

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 that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

39. Positive Covenant for On-site Stormwater Detention

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, 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, which are available from Warringah Council. Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENH02)

40. Provision of Services for Subdivision DACENH03

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan.

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



Reason: To ensure that utility services have been provided to the newly created lots. (DACENH03)

41. Stormwater Drainage and Utility Services Plan

A plan of subdivision identifying the location of water, gas, telephone, electricity and stormwater drainage in relation to boundaries and/or relevant easements, prepared by a registered surveyor is to be submitted to Council.

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

Reason: To ensure that services have been provided with appropriate easements as required by the Conveyancing Act 1919. (DACENH10)

42. Sydney Water Compliance Certification

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 the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACENH13)

43. On-Site Stormwater Detention Compliance Certification

Prior to issue of a subdivision certificate the on-site stormwater detention (OSD) system must be certified by a consulting engineer and include a “works as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Reason: To ensure stormwater disposal is constructed to standard specifications AUSPEC 1. (DACENH21)

44. Release of Subdivision Certificate

To enable the lodgement of the final plan at the NSW Land and Property Information Department the Subdivision Certificate shall not be issued until the Final Occupation Certificate for the approved development.

Reason: To ensure that the plans relate to approved development. (DACENH23)

45. Subdivision Certificate Application

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919. (DACENH24)

46. 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.

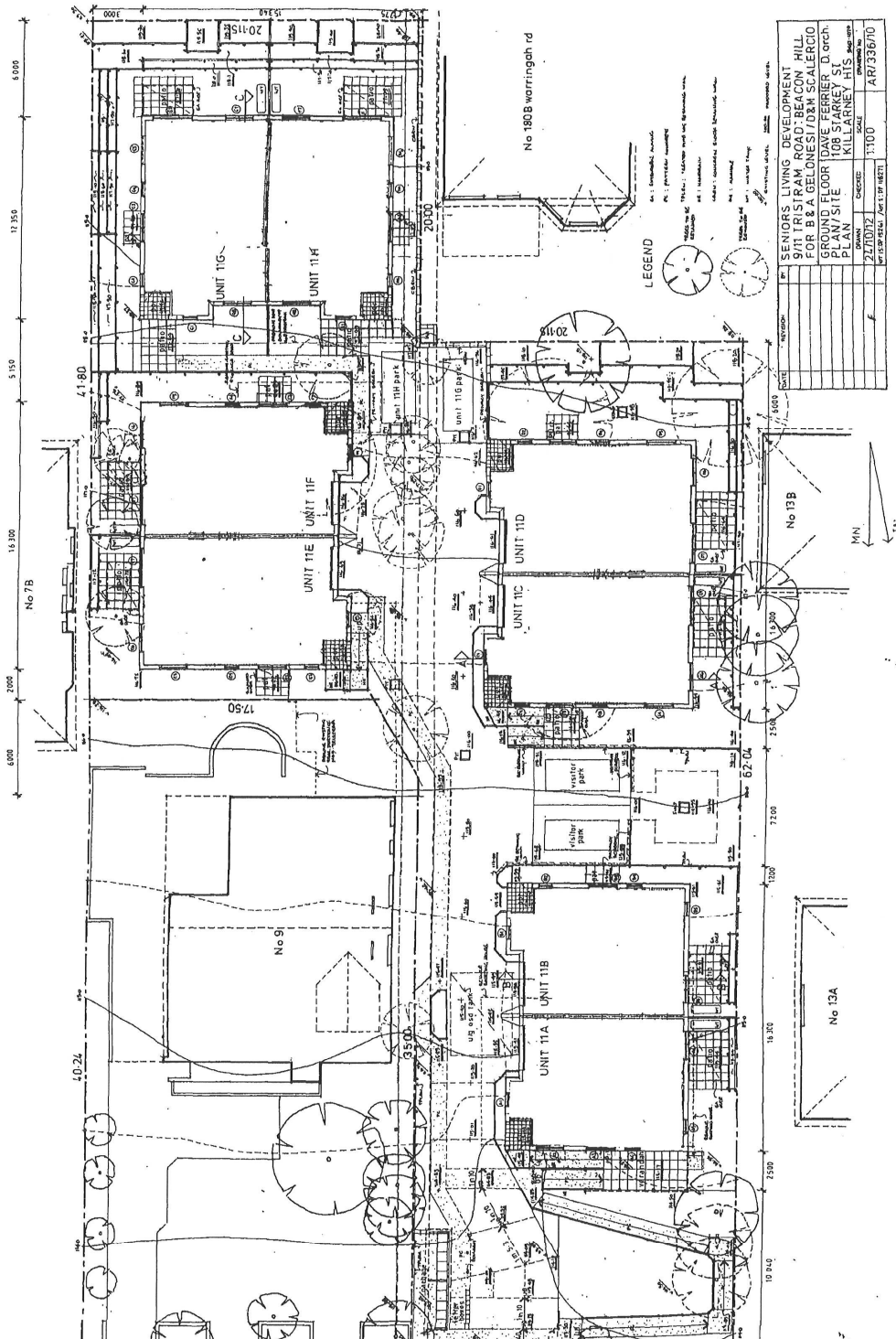
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

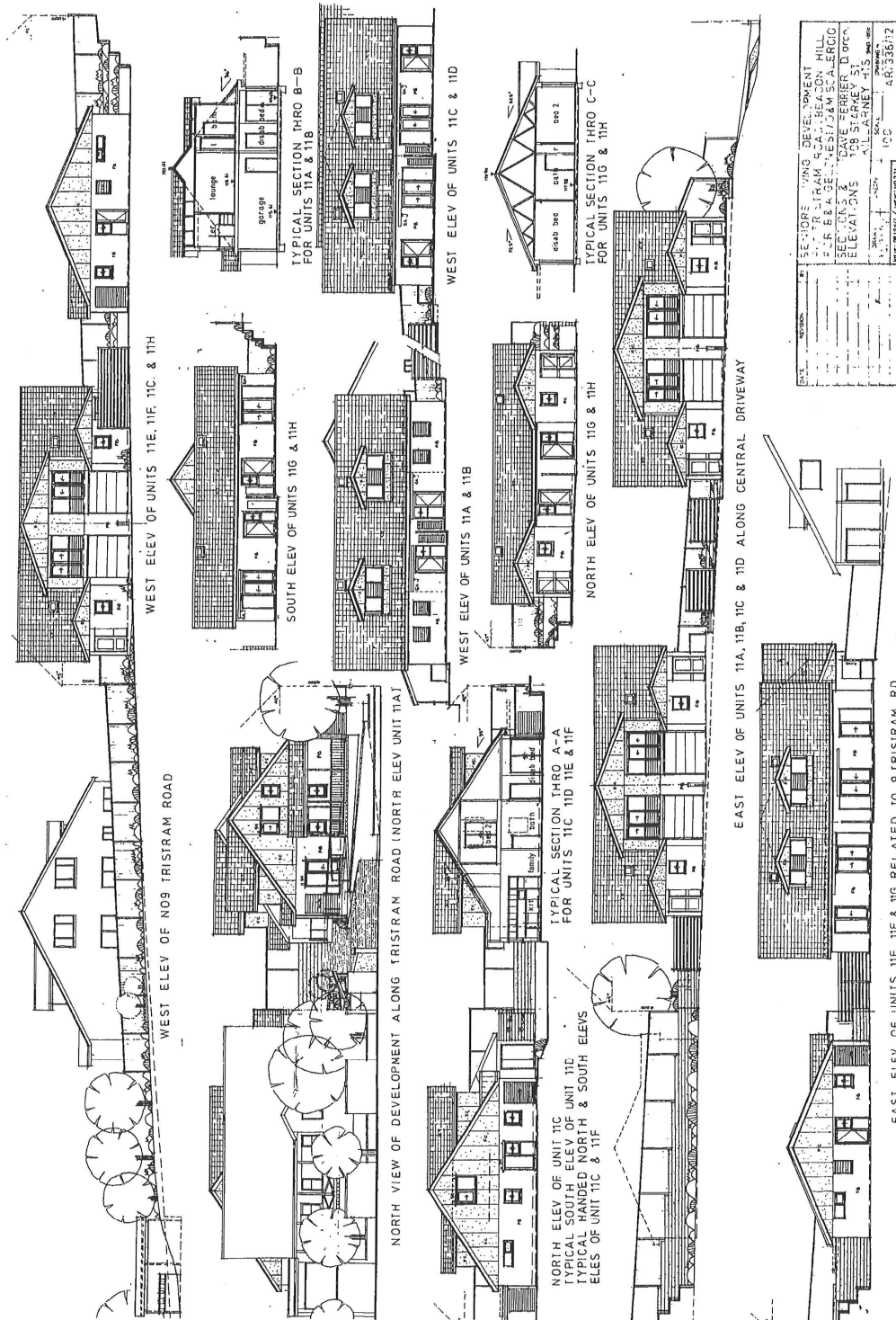
Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENHPS1)



Site and Elevation Plans

ATTACHMENT A







**Warringah
Council**

Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website www.warringah.nsw.gov.au
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Notes of Pre-DA meeting

Planning and Development Services

Application No: PLM2010/0020

Meeting Date: 30 March 2010

Property Address: 178 and 180 Warringah Road and 9 Tristram Road, Beacon Hill

Proposal: The consolidation of the three (3) Lots and the construction of 10 dwellings to be used as housing for Seniors or people with disability.

The applicant has indicated that the proposal will be lodged as a staged development being:

Stage 1- The construction of 6 dwellings with access from Cornish Road on the sites known as 178 and 180 Warringah Road.

Stage 2- The construction of 4 dwellings with access from Tristram Road on land known as No. 9 Tristram Road.

NOTE:

During the pre-lodgement meeting the applicant was not able to advise whether the application is to be lodged under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) or the provisions of Warringah Local Environmental Plan 2000 (WLEP 2000) for older people or people with a disability. For the purpose of preparing these notes, it is assumed that application will lodged under the provisions of WLEP 2000.

Attendees Council: for Rod Piggott – Team Leader, Development Assessment
Lashta Haidari – Senior Development Assessment Officer
Ray Creer - Waste Services Officer

Attendees applicant: for David Ferrier – Architect

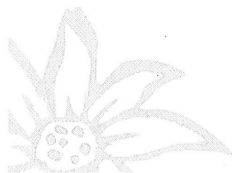
General Comments:

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

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

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

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



Note: No pre-application meeting nor this letter can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process.

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Pre-lodgement Notes

ATTACHMENT B

Consideration of proposal against Warringah Local Environment Plan 2000

‘The fundamentals’	
Definition of proposed development: (ref. WLEP 2000 Dictionary)	Housing for older people or people with a disability
Locality:	B1 - Frenchs Forest East
Category of Development:	Category 2 (Housing for older people or people with a disability)

Desired Future Character

The Frenchs Forest East locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Future development will maintain visual pattern and predominant scale of existing detached houses in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape including rock outcrops, remnant bushland and natural watercourses.

The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control listed in clause 39 (local retail centres).

Housing for older people or people with a disability is identified as Category 2 development in this locality. Clause 12(3)(b) of WLEP 2000 states that prior to granting consent for development identified as Category Two the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement.

The WLEP 2000 defines “**complementary and compatible use**” as an activity:

- a. that maintains and, where possible, enhances the amenity of a locality, and
- b. that does not compromise the role of any nearby local retail centre irrespective of locality, and
- c. that meets any of the following criteria:
 - i. the scale and intensity of the activity are such that it predominantly serves only the needs of residents of the local area,
 - ii. the activity is for the purpose of housing for older people or people with disabilities,
 - iii. the activity is for the purpose of low intensity and low impact temporary accommodation for travellers or students, or both.

The proposal, subject to the issues raised in these notes, can provide consistency with this definition.

Given the scale of the proposed development is greater than that of a single dwelling, the setbacks of the development should be greater than 0.9m to provide visual relief to the adjoining properties and to provide a greater opportunity for landscaping which assists in minimising the visual impact of the buildings. A minimum 2.0m east and west side setback should be provided and increased dependant upon adjoining private open space and habitable rooms. The setbacks should also be varied in relation to the driveways to avoid a gun barrel effect.

The proposed development consists of 10 dwellings which are located close to the eastern and western boundaries with a driveway and a number of open parking spaces located in between the development. The plans submitted at the pre-lodgement meeting indicate that there are inadequate setbacks provided on the eastern and western boundaries of the development for adequate landscaping to be provided within these setbacks. The provision of a driveway and open visitor spaces is a further indication that the site will not be able to provide adequate landscaping to provide a Landscaped setting.

Further to the above, the two attached dwellings (being units 1 and 2) located adjacent to the access driveway of No. 178B Warringah Road are considered to provide inadequate setbacks to the northern and western boundaries.

The lack of landscape area along these boundaries does not allow for the provision of landscaping which is commensurate with the scale of the development and capable of providing an adequate landscape setting.

Note: No pre-application meeting nor this letter can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process.

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Pre-lodgement Notes

ATTACHMENT B

Desired Future Character

For the above reasons, Council would strongly recommend that the proposal be amended to provide greater setbacks on the eastern and western boundaries as well as the at least 6m provided to the northern boundary (which adjoins No.178B) and compliance with the minimum of 40% of the site area of Landscape open space would be critical to achieving consistency with the DFC.

In addition, the applicant needs to demonstrate that the external materials and colours of development will blend with the colours and textures of the natural landscape.

Built Form Control	Requirement	Compliance
Housing density	8.5m	The plan submitted at the prelodgement meeting indicates that proposed development complies with the 8.5m built form control.
Building Height	7.2m	The plans submitted to Council do not provide sufficient detail for Council to calculate the floor to ceiling height for each dwelling. The applicant needs to ensure that compliance with the floor to ceiling height for each dwelling is achieved.
Front building setback	6.5m	The proposal provides adequate setbacks to both street frontages.
Rear building setback	40%	The plans submitted to Council do not provide sufficient detail for Council to calculate the landscape open space for this development, however appear to be deficient. Council recommends compliance with this control in order for the development to be consistent with the requirement of the DFC. A detailed "landscaped open space calculation plan" at 1:200 scale is to be submitted with the application, clearly indicating what areas of the site are included as landscaped open space. The plan is to be prepared in accordance with the definition of landscaped open space in the relevant locality statement.
Side boundary setback	6m	The site has two street frontages. Accordingly the rear the setback control is not applicable to this development. However, Council recommends that the northern boundary of the consolidated Lots that adjoins the residential property at No. 178B Warringah Road be regarded as the rear boundary and therefore compliance with the 6m setback must be achieved.
Side boundary envelope	4m 45Degrees	No specific dimensions were provided at the time of the meeting. The applicant did

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Pre-lodgement Notes

ATTACHMENT B

Built Form Control	Requirement	Compliance
		indicate at the meeting that compliance with building envelope can readily be achieved.
Landscaped open space	0.9m	No specific dimensions were provided at the time of the meeting. The applicant was advised during the meeting that the proposed setbacks to the adjoining properties (eastern, western and northern) are not considered reasonable given the privacy, acoustic and visual impacts of the development on the adjoining properties. As a general guide, a minimum setback of 2.0m would be considered reasonable for this development to achieve consistency with the DFC and to provide reasonable levels of amenity to adjoining sites dwellings.

General Principles of Development Control	
Division 1 General 38 Glare and reflection 39 Local retail centres 40 Housing for older people or people with disabilities 41 Brothels 42 Construction sites	Glare and reflection The colours and materials of the building must not result in glare from sun reflection that would unreasonably diminish the amenity of the locality, as required by Clause 38 - Glare and reflection of WLEP 2000. The schedule of colours and materials should be consistent with this requirement. Construction sites A Construction Management Plan should be submitted with the application which addresses the matters listed under Clause 42 of WLEP 2000.
Division 2 Health and safety 43 Noise 44 Pollutants 45 Hazardous uses 46 Radiation emission levels 47 Flood affected land 48 Potentially contaminated land 49 Remediation of contaminated land 49A Acid sulfate soils	Clause 43 - Noise The proposal should give careful consideration in the design for noise protection between dwellings (acoustic amenity as per the <i>Building Code of Australia</i> (BCA)) and also consideration of minimisation / restriction of noise during construction phases for neighbours. The sensitive location of carparking, vent ducts and air conditioning plant must be shown on the plans (including the location of basement vents). Clause 48 - Contaminated land The site is to be inspected to identify if there has been any contamination and if any buildings contain asbestos or lead based paints. Details of the site audit and the history of the use of the site are to be included with the SEE.
Division 3 Public domain 50 Safety and security 51 Front fences and walls 52 Development near parks, bushland reserves and other public open spaces 53 Signs	Clause 50 - Safety and security The building is designed to provide adequate surveillance of the street and communal spaces on the site. The SEE should detail the proposal's compliance with Clause 50 Safety and security of WLEP 2000. Clause 51 - Front fences Details of all proposed fences should be submitted. The design of

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General Principles of Development Control	
	the front fence should comply with the requirements in Clause 51 Front fences and walls in WLEP 2000. Fencing for the courtyard must be of an open style to minimise the visual impact of this structure on the streetscape.
Division 4 Site planning and building design 54 Provision and location of utility services 55 Site consolidation in "medium density areas" 56 Retaining distinctive environmental features on sites 57 Development on sloping land 58 Protection of existing flora 59 Koala habitat protection 60 Watercourses and aquatic habitat 61 Views 62 Access to sunlight 63 Landscaped open space 63A Rear building setback 64 Private open space 65 Privacy 66 Building bulk 67 Roofs 68 Conservation of energy and water 69 Accessibility—premises available to the public 70 Site facilities	Clause 54 - Provision and location of utility services Utility services are to be provided to the site. The Statement of Environmental Effects should address Clause 54 'Provision and location of utility services' of WLEP 2000 to demonstrate that adequate utility services are or will be available. The application will be referred to Energy Australia for comment on the electrical supply requirements for the development. Clause 58 -Protection of existing flora The property has a number of mature, significant trees. The applicant is to clearly demonstrate which trees are will removed and which are to be retained as part of the development. It is desirable to retain as much canopy as possible on the site. An Arborist report is required to be submitted as part of the application. Clause 61 - Views The proposed development is to demonstrate no unreasonable impacts on any views from the surrounding properties. The SEE must address the proposed development's consistency with the requirements of Clause 61 'Views' of WLEP 2000. Clause 62 - Access to sunlight Shadow diagrams should be submitted with the application to demonstrate compliance with Clause 62 Access to sunlight of WLEP 2000. The applicant is also required to submit shadow diagrams of individual dwellings to demonstrate that the development will comply with requirement Clause 40 of WLEP 2000. Clause 64 - Private open space To be consistent with Clause 64 'Private open space' of WLEP 2000. Clause 63 - Landscaping A detailed Landscape Plan is to be submitted with the application. Species should be native species. All landscaping must be 1m deep and 2m wide, as a minimum dimension, to meet the WLEP 2000 (General Principle) requirements. Clause 66 - Building Bulk The proposed development should comply with the requirements of Clause 66 -Building bulk of WLEP 2000. Clause 68 - Conservation of energy and water A BASIX certificate must be submitted with the application to demonstrate that the each dwelling meets the NSW government's requirements for sustainability. Clause 69 - Accessibility An Access Report or statement prepared by a suitably qualified

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General Principles of Development Control	
	professional is to be submitted which indicates that the proposed development will be consistent with the intent of the Disability Discrimination Act 1992 and complies with Australian Standard 1428.2. The Access Report should also address all relevant access and usability requirements Clause 40 of WLEP 2000. Clause 70 - Site facilities The garbage facilities are to comply with Council's Waste Management Guidelines, Clause 70 of WLEP 2000, and Council's Waste Management Guidelines. It is recommended that the garbage areas to moved away from the boundaries of the individual dwellings. Please liaise directly with Mr Ray Creer, Council's Waste Services Officer on 9942 2533 for further information regarding the design of the waste storage areas.
Division 5 Traffic, access and carparking 71 Parking facilities (visual impact) 72 Traffic access and safety 73 On-site loading and unloading 74 Provision of carparking 75 Design of carparking areas	Traffic and Parking A Traffic Report prepared by a qualified Traffic Consultant is to be submitted to address internal manoeuvring and demonstrate compliance with all relevant Australian Standards including AS 2890. The proposal's compliance with Clauses 71 to 75 of WLEP 2000 must be addressed in the Traffic Report. The Traffic report is to address the access from Cornish Ave to ensure vehicles can enter and exit the site in a safe manner having regard to its proximity to Warringah Road. Any Driveway to the site should avoid a Gun Barrel effect. Car parking is to be provided in accordance with the requirements of Clause 74 'Provision of car parking' and Schedule 17 of WLEP 2000.
Division 6 Soil and water management 76 Management of stormwater 77 Landfill 78 Erosion and sedimentation	Stormwater Management A stormwater management plan is required to be submitted which provides details of the required on-site stormwater detention system (OSD). Dewatering may be required on the site. In this regard, a Geotechnical Report is to be submitted to determine whether or not dewatering is required. Please note that the Department of Environment, Climate Change and Water (DECCW) does not support permanent dewatering of a site. If temporary dewatering is required, the development constitutes 'integrated development' and a cheque for \$250 made payable to the Department of Environment, Climate Change and Water is to be submitted with the development application. Please liaise with Council's Team Leader Development Engineers, Mr Robert Barbuto on 9942 2339, should you require more information. Erosion and sedimentation
	An erosion and sediment control plan is required for the DA. Considerations detailed in the general principle are
Division 7 Heritage 79 Heritage control 80 Notice to Metropolitan Aboriginal Land Council and Department of Environment and Conservation 81 Notice to Heritage Council 82 Development in the vicinity of heritage items 83 Development of known or potential	Heritage The subject site is not defined as, or located within the vicinity of, a heritage item or heritage conservation area. The subject site is not located within the vicinity of any known or potential Aboriginal sites or archaeological sites.

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General Principles of Development Control

archaeological sites

Other Relevant WLEP 2000 Clauses

Seniors Living Policy – Urban Design Guidelines for infill development

The Seniors Living Policy – urban design guidelines for infill development should be used to assist in developing an appropriate design. The guidelines are available on the Department of Planning website.

Other Relevant Environmental Planning Instruments / Council Policies

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

- Applications for Development - Policy for the handling of unclear, non conforming, insufficient and Amended applications: PDS-POL 140
- Stormwater drainage for low level properties PDS-POL 135
- Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130
- Common vehicular access to multiple properties: LAP-PL 310
- Development Applications relating to trading hours under the Liquor Act 1982: LAP-PL 610
- Onsite stormwater detention rainwater reuse policy for single residential dwellings: PAS-PL 100
- Vehicle access to all roadside development: LAP-PL 315

Draft Environmental Planning Instruments

Draft Warringah Local Environmental Plan 2009 was on public exhibition until 30 December 2009. The draft LEP will therefore be a relevant matter for consideration in the assessment of the development application in accordance with Section 79C of the EP&A Act and must be addressed in the Statement of Environmental Effects.

Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
- All information as required on the Development Application form checklist
- Site Analysis (prepared in accordance with Schedule 8 of WLEP 2000)
- Site Survey (prepared by a registered Surveyor)
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - all relevant sections of WLEP 2000, including demonstrating consistency with the locality's Desired Future Character Statement, Built Form Controls and General Principles of Development Control;
 - and other relevant Environmental Planning Instruments
- BASIX Certificate
- Geo-technical report
- Phase 1 Site Contamination Report
- Access Report
- Traffic and Parking Report
- Arborist Report
- Erosion and Sediment Control Plan
- Construction/Site Management Plan
- Sample Board of External Finishes
- Model of proposed development
- Shadow diagrams
- Landscape Plan
- Waste Management Plan
- Stormwater Management Plans

Concluding Comments

The documentation submitted with the development application should clearly detail whether the application is proposed under the provisions of Warringah Local Environmental Plan 2000 or State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004. The documentation submitted with the development application should

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Pre-lodgement Notes

ATTACHMENT B

Concluding Comments

demonstrate compliance with all relevant planning controls.

Based on the reasons given above, you are advised that the development as proposed at the prelodgement meeting will not be supported and it is recommended that the application is not lodged unless significant amendments are made to the proposed development.

Other Matters

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

You are advised, that if an application Unclear, NonConforming, provides Insufficient information or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame – your application may be rejected or refused without notice.

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

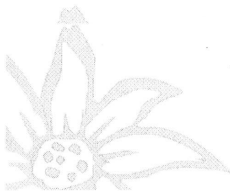
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Pre-lodgement Notes

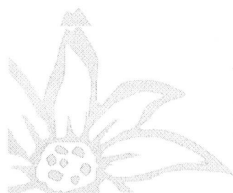
ATTACHMENT B

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Pre-lodgement Notes

ATTACHMENT B



**Warringah
Council**

Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website www.warringah.nsw.gov.au
Email council@warringah.nsw.gov.au

Notes of Pre-DA meeting

Planning and Development Services

Application No: PLM2011/0071

Meeting Date: 6 July 2011

Property Address: 9 Tristram Road BEACON HILL NSW 2100 178 Warringah Road BEACON HILL NSW 2100,
11 Tristram Road BEACON HILL NSW 2100

Proposal: Construction of 12 seniors living dwellings and associated carparking, construction of an attached granny flat at No. 178 Warringah Road, boundary adjustment.

Attendees Council: for Nick England (Team Leader, Development Assessment)
Renee Ezzy (Senior Development Assessment Officer)

Attendees applicant: for David Ferrier
Norm Fletcher

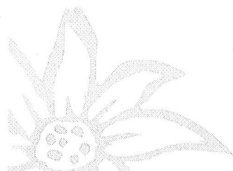
General Comments:

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

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

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

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Pre-lodgement Notes

ATTACHMENT B

Consideration of proposal against Warringah Local Environment Plan 2000

‘The fundamentals’	
Definition of proposed development: (ref. WLEP 2000 Dictionary)	Housing for older people or people with a disability
Locality:	B1 – Frenchs Forest East
Category of Development:	Category 2 (Housing for older people or people with a disability)
Desired Future Character	
The Desired Future Character Statement for this locality is as follows: “The Frenchs Forest East locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses. Future development will maintain visual pattern and predominant scale of existing detached houses in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality. The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control listed in clause 39 (local retail centres).” Housing for older people or people with a disability is identified as Category 2 development in this locality. Clause 12(3)(b) of WLEP 2000 states that prior to granting consent for development identified as Category Two the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement. The WLEP 2000 defines “complementary and compatible use” as an activity: (a) <i>that maintains and, where possible, enhances the amenity of a locality, and</i> (b) <i>that does not compromise the role of any nearby local retail centre irrespective of locality, and</i> (c) <i>that meets any of the following criteria:</i> (i) <i>the scale and intensity of the activity are such that it predominantly serves only the needs of residents of the local area,</i> (ii) <i>the activity is for the purpose of housing for older people or people with disabilities,</i> (iii) <i>the activity is for the purpose of low intensity and low impact temporary accommodation for travellers or students, or both.”</i> It is acknowledged that housing for the purpose of Seniors or people with disabilities is an appropriate ‘complementary and compatible use’ and is permissible with consent. Accordingly, this proposal for housing older people or people with disabilities is permissible subject to consent as a Category 2 development. Therefore, consideration of the merits of this proposal relies not only on the development standards prescribed by the SEPP but also Council’s Desired Future Character (DFC) Statement as stated in Section 3 of the Seniors Living Policy. The proposal, subject to the issues raised in these notes, can provide consistency with this definition and satisfactorily respond to the Desired Future Character Statement for this locality. Given the scale of the proposed development is greater than that of a single dwelling, the location and configuration of buildings on the site needs further consideration. The proposal does not comply with the DFC requirement for detached style dwellings in a landscaped setting. A minimum 4.5m setback should be provided along the eastern and western boundary’s and increased dependant upon adjoining private open space and habitable rooms, to assist in the provision of an adequate landscaped setting and provide a suitable separation between the site and the adjoining properties.	

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Pre-lodgement Notes

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Desired Future Character
The proposed development consists of 12 dwellings in total presented in the following configuration: 6 x 3 bedroom semi detached dwellings and 6 x 2 bedroom terrace style dwellings. The density proposed is considered inappropriate. The proposal includes a central driveway with a combination of parking including single garage parking spaces at ground level within the individual development blocks, an additional hard stand parking space for Unit 6 and 9 and hard stand visitor parking within the front setback. This configuration further reduces opportunities for achieving an adequate landscape setting. For the above reasons, Council would strongly recommend that the proposal be amended to incorporate fewer dwellings or look at providing basement style parking to increase the amount of useable landscaped open space and improve the developments ability to provide a landscaped setting considered critical in achieving consistency with the DFC. In addition, the applicant needs to demonstrate that the external materials and colours of development will blend with the colours and textures of the natural landscape.

Built Form Control	Requirement	Compliance
Housing density	1:600m ²	Site area of Nos. 9 and 11 Tristram Road including boundary adjustment from No. 178 Warringah Road = 2898.13m². Proposed density = 1: 241.5 m² The proposal does not comply with the maximum housing density and it is therefore assumed that the proposal would be pursued under the provisions of SEPP Seniors Living.
Building Height	8.5m	The plan submitted at the pre-lodgement meeting indicates that proposed development could comply with the 8.5m built form control.
Building Height (internal ceiling height)	7.2m	The plans submitted to Council do not provide sufficient detail for Council to calculate the floor to ceiling height for each dwelling. The applicant needs to ensure that compliance with the floor to ceiling height for each dwelling is achieved.
Front building setback	6.5m	The proposal generally provides adequate setbacks from Warringah Road and Tristram Road. However, on the proposal includes visitor parking and a BBQ area within the front setback which is not consistent with this development standard.
Rear building setback	6m	The site has two street frontages. Accordingly the rear the setback control is not applicable to this development. However, Council recommends that the northern boundary of the consolidated Lots that adjoins the residential property at No. 178B Warringah Road be regarded as the rear boundary and therefore compliance with the 6m setback must be achieved.
		The plans submitted indicate the proposal would comply with this requirement.
Side boundary setback	0.9m	The proposed setbacks to the adjoining properties (eastern and western) are not considered reasonable given the privacy, acoustic and visual impacts of the development

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Pre-lodgement Notes

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Built Form Control	Requirement	Compliance
		on the adjoining properties. As a general guide, a minimum setback of 4.5m would be considered reasonable for this development to achieve consistency with the DFC and to provide reasonable levels of amenity to adjoining sites dwellings.
Side boundary envelope	4m 45Degrees	No specific dimensions were provided at the time of the meeting. The applicant did indicate at the meeting that compliance with building envelope can readily be achieved.
Landscaped open space	40%	The plans submitted to Council do not provide sufficient detail for Council to accurately calculate the landscape open space for this development, however appear to be deficient. Council recommends compliance with this control in order for the development to be consistent with the requirement of the DFC. A detailed "landscaped open space calculation plan" at 1:200 scale is to be submitted with the application, clearly indicating what areas of the site are included as landscaped open space. The plan is to be prepared in accordance with the definition of landscaped open space in the relevant locality statement.

General Principles of Development Control	
Division 1 General 38 Glare and reflection 39 Local retail centres 40 Housing for older people or people with disabilities 41 Brothels 42 Construction sites	Glare and reflection The colours and materials of the building must not result in glare from sun reflection that would unreasonably diminish the amenity of the locality, as required by Clause 38 - Glare and reflection of WLEP 2000. The schedule of colours and materials submitted with the development application should be consistent with this requirement. 40 Housing for older people or people with disabilities If the Development Application is lodged pursuant to WLEP 2000, the development must be designed in accordance with the requirements of Clause 40. Specifically, regard should be given to the requirement for accessibility to essential services and circulation within the site. If the Development Application is lodged pursuant to the SEPP Housing for Seniors and People with a Disability 2004, the development must comply with the following development standards as contained in SEPP Housing for Seniors or People with a Disability: • Minimum allotment size: 1000sqm • Site frontage: 20.0m • Building Height: 8m (Natural ground level to ceiling) • Not more than 2 storeys • Rear 25% to be 1 storey Construction sites A Construction Management Plan (CMP) is to be submitted with the application. The CMP is to address the requirements of Clause 42 'Construction Sites' of WLEP 2000 and detail access points, loading zones, site facilities, the location of mobile cranes and the construction zone

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General Principles of Development Control	
Division 2 Health and safety 43 Noise 44 Pollutants 45 Hazardous uses 46 Radiation emission levels 47 Flood affected land 48 Potentially contaminated land 49 Remediation of contaminated land 49A Acid sulfate soils	Noise The proposal should give careful consideration in the design for noise protection between dwellings (acoustic amenity as per the <i>Building Code of Australia</i> (BCA)) and also consideration of minimisation / restriction of noise during construction phases for neighbours. The sensitive location of carparking, vent ducts and air conditioning plant must be shown on the plans (including the location of basement vents if this option is incorporated). Potentially contaminated land The site is to be inspected to identify if there has been any contamination and if any buildings contain asbestos or lead based paints. Details of the site audit and the history of the use of the site are to be included with the SEE.
Division 3 Public domain 50 Safety and security 51 Front fences and walls 52 Development near parks, bushland reserves and other public open spaces 53 Signs	Safety and security The building should be designed to provide adequate surveillance of the street and communal spaces on the site. The Statement of Environmental Effects should detail the proposal's compliance with Clause 50 'Safety and security' of WLEP 2000. Front fences The plans submitted for the pre-lodgement meeting indicated that a front fence is proposed. If a fence is proposed it should comply with the requirements in Clause 51 - Front fences and walls in WLEP 2000 and full details of the design and materials are to be included in the development application documentation. All boundary fencing should be designed to be consistent with the established pattern of development and allow opportunities for casual surveillance and a sense of openness. The height of the front fence adjoining Tristram Road should be no greater than 1.2m in height.
Division 4 Site planning and building design 54 Provision and location of utility services 55 Site consolidation in "medium density areas" 56 Retaining distinctive environmental features on sites 57 Development on sloping land 58 Protection of existing flora 59 Koala habitat protection 60 Watercourses and aquatic habitat 61 Views 62 Access to sunlight 63 Landscaped open space 63A Rear building setback 64 Private open space 65 Privacy 66 Building bulk 67 Roofs 68 Conservation of energy and water 69 Accessibility—premises available to the public 70 Site facilities	Provision and location of utility services Utility services are to be provided to the site. The Statement of Environmental Effects should address Clause 54 'Provision and location of utility services' of WLEP 2000 to demonstrate that adequate utility services are or will be available. The application will be referred to Ausgrid for comment on the electrical supply requirements for the development. Views The proposed development is to demonstrate no unreasonable impacts on any views from the surrounding properties. The SEE must address the proposed development's consistency with the requirements of Clause 61 'Views' of WLEP 2000. Access to sunlight Shadow diagrams are to be submitted to demonstrate the development will not unreasonably reduce sunlight to surrounding properties as required by Clause 62 'Access to sunlight' of WLEP 2000. Private open space To be consistent with Clause 64 'Private open space' of WLEP 2000. Building bulk The proposed development should comply with the requirements of Clause 66 - Building bulk of WLEP 2000. Conservation of energy and water A BASIX certificate must be submitted with the application to

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General Principles of Development Control	
	demonstrate that the each dwelling meets the NSW government's requirements for sustainability. Accessibility An Access Report or statement prepared by a suitably qualified professional is to be submitted which indicates that the proposed development will be consistent with the intent of the Disability Discrimination Act 1992 and complies with Australian Standard 1428.2. The Access Report should also address all relevant access and usability requirements Clause 40 of WLEP 2000. Site facilities The garbage facilities are to comply with Council's Waste Management Guidelines, Clause 70 of WLEP 2000, and Council's Waste Management Guidelines. The proposed bin storage area is to be more sympathetically sited to provide a setback of at least 1m from the front boundary to enable a landscaped buffer to be provided between the structure and the front boundary. In addition, access to the garbage enclosure is to be provided from within the property boundary and not directly from the Council verge. Please liaise directly with Mr Ray Creer, Council's Waste Services Officer on 9942 2533 for further information regarding the design of the waste storage areas.
Division 5 Traffic, access and carparking 71 Parking facilities (visual impact) 72 Traffic access and safety 73 On-site loading and unloading 74 Provision of carparking 75 Design of carparking areas	Traffic and Parking A Traffic Report is to be submitted which addresses access to the site from Tristram Road, and internal manoeuvring. The Traffic Report is to demonstrate compliance with all relevant Australian Standards including AS2890. Carparking areas are to be designed to allow for suitable vehicle manoeuvring and sight lines. A Circulation Plan should be submitted which demonstrates the ability for vehicles to manoeuvre internally. This applies to vehicle manoeuvring and parking arrangements impacted by the proposed granny flat within 178 Warringah Road. Car parking is to be provided in accordance with the requirements of Clause 74 'Provision of car parking' and Schedule 17 of WLEP 2000. If Community Title subdivision is proposed, visitor parking spaces are to be provided in accordance schedule 17 of WLEP 2000.
Division 6 Soil and water management 76 Management of stormwater 77 Landfill 78 Erosion and sedimentation	Stormwater Management A stormwater management plan is required to be submitted which provides details of the required on-site stormwater detention system (OSD). The stormwater plans should be fully developed and not just concept plans. (It is noted that the existing drainage easement on the eastern side of No. 11 Tristram Road would need to be relocated should a basement carpark be provided.) Please liaise with Council's Team Leader Development Engineers, Mr Robert Barbuto on 9942 2339, should you require more information. Erosion and sedimentation An erosion and sediment control plan is required for the DA. Considerations detailed in the general principle are to be incorporated into the soil and erosion control plans.

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General Principles of Development Control	
Division 7 Heritage 79 Heritage control 80 Notice to Metropolitan Aboriginal Land Council and Department of Environment and Conservation 81 Notice to Heritage Council 82 Development in the vicinity of heritage items 83 Development of known or potential archaeological sites	Heritage The subject site is not identified as, or located within the vicinity of, a heritage item or heritage conservation area.

Other Relevant WLEP 2000 Clauses
Clause 29 WLEP 2000 The development must be designed having regard to the requirements of Clause 29. If the Development Application is submitted pursuant to the provisions of State Environmental Planning Policy – Housing for Seniors or People with a Disability 2004, then the provisions of that SEPP will prevail over WLEP 2000, however the provisions of WLEP 2000 must still be addressed. Seniors Living Policy – Urban Design Guidelines for infill development The Seniors Living Policy – urban design guidelines for infill development should be used to assist in developing an appropriate design. The guidelines are available on the Department of Planning website.

Other Relevant Environmental Planning Instruments / Council Policies
You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au : • Applications for Development - Policy for the handling of unclear, non conforming, insufficient and Amended applications: PDS-POL 140 • Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130 • Common vehicular access to multiple properties: LAP-PL 310 • Onsite stormwater detention rainwater reuse policy for single residential dwellings: PAS-PL 100 • Vehicle access to all roadside development: LAP-PL 315

Draft Environmental Planning Instruments
Draft Warringah Local Environmental Plan 2009 was on public exhibition until 30 December 2009. The draft LEP will therefore be a relevant matter for consideration in the assessment of the development application in accordance with Section 79C of the EP&A Act and must be addressed in the Statement of Environmental Effects.

Required Documentation
• All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. • All information as required on the Development Application form checklist • Site Analysis (prepared in accordance with Schedule 8 of WLEP 2000) • Site Survey (prepared by a registered Surveyor) • Statement of Environmental Effects addressing: ◦ Section 79C of EPA Act, ◦ all relevant sections of WLEP 2000, including demonstrating consistency with the locality's Desired Future Character Statement, Built Form Controls and General Principles of Development Control; ◦ and other relevant Environmental Planning Instruments • BASIX Certificate

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Required Documentation
• Access Report • Traffic and Parking Report • Arborist Report • Crime Prevention Through Environmental Design (CPTED) assessment against the Guidelines prepared by the former DUAP • Erosion and Sediment Control Plan • Construction/Site Management Plan • Sample Board of External Finishes • Model of proposed development • Shadow diagrams • Landscape Plan • Waste Management Plan • Stormwater Management Plans
Concluding Comments
The documentation submitted with the development application should clearly detail whether the application is proposed under the provisions of Warringah Local Environmental Plan 2000 or State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004. The documentation submitted with the development application should demonstrate compliance with all relevant planning controls. The following issues are raised with this scheme: • Concern is raised with the extent of the proposed driveway coverage required in order to provide access to the dwellings located at the rear of the site. The inclusion of basement parking would be considered advantageous in this instance releasing a large portion of area currently required for driveway access to be available for landscaping and improving the landscaped setting and more successfully meeting the requirements of the DFC. • Due to the configuration of structures, the proposal is not considered to satisfactorily provide a development which will fit within the existing streetscape providing the appearance of a detached style dwelling in a landscaped setting. The bulk of the proposed development is considered excessive. • The parking configuration is not desirable as in excess of 60 lineal metres of the site is required to be provided as driveway access. • The small separation between the buildings does not adequately translate into a development which would be considered a detached style consistent with the requirements of the DFC. <i>Recommendation</i> It is Council Officers' recommendation that the number of dwellings proposed for this site be reduced. A reduction in the number of dwellings proposed will still enable a density on site greater than that prescribed for other development in this locality but will provide a more successful compatibility with the desired future character requirements.
Other Matters
• Variation to the development standard for number of storeys within SEPP Seniors Living Should a variation to a development standard contained within SEPP Seniors Living be necessary, a SEPP 1 objection would be required to be submitted to Council justifying the variation. • Requirement to Submit Correct, Clear and Accurate Information at Lodgement You are advised, that if an application Unclear, NonConforming, provides Insufficient information or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame – your application may be rejected or refused without notice. The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process • Privacy and Personal Information You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

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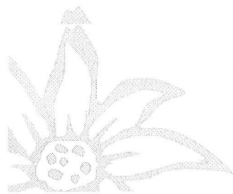
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Concluding Comments

a more successful compatibility with the context requirements contained within the SLP.

Also, the architectural design, character and external appearance of the buildings needs more work to lessen the visual bulk and create a built form that is more harmonious with surrounding residential development, especially considering the more intensive nature of seniors housing developments.

Finally, the driveway needs to be better resolved to create an enhanced landscaped setting for this component of the development.

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

It is recommended that the proposal should not proceed to lodgement of an application until the issues raised in these notes are addressed.

Other Matters

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

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

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

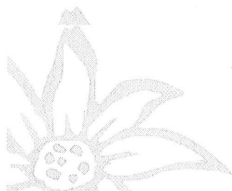
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ATTACHMENT B



**Warringah
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Notes of Pre-DA meeting

Strategic and Development Services

Application No: PLM2012/0007

Meeting Date: 29 February 2012

Property Address: 9-11 Tristram Road, Beacon Hill

Proposal: Subdivision and Construction of Housing for Seniors or People with a Disability

Attendees for Council: Steve Findlay – Development Assessment Manager
Renee Ezzy – Senior Development Assessment Officer

Attendees for applicant: David Ferrier - Architect
Norm Fletcher – Town Planner

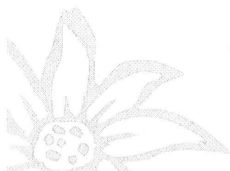
General Comments:

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

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

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

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



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Pre-lodgement Notes

ATTACHMENT B

Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of the proposal against Warringah Local Environment Plan 2011:

The fundamentals	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Seniors Housing means a building or place that is for seniors or people who have a disability and is a type of residential accommodation. Residential Accommodation means a building or place used predominantly as a place of residence, and includes seniors housing.
Zone:	R2 – Low Density Residential
Permitted with Consent or Prohibited?:	Seniors Housing is prohibited under WLEP 2011, however it is permissible pursuant to SEPP HSPD. Under the provisions of the WLEP 2011 the land is zoned Residential R2 (Low Density Residential) and the proposal is permissible with consent under the provisions of <i>State Environmental Planning Policy-Housing for Seniors or People with a Disability</i> (SEPP HSPD). Notwithstanding that 'Seniors Housing' is not listed as a form of permissible development within Item 2 or 3, the note to the Land Use Table states the following: <i>A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State Environmental Planning Policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:</i> <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004...</i> Accordingly, as the proposed development is to be lodged pursuant to the provisions of SEPP HSPD, the provisions of the SEPP prevail where there is an inconsistency.

Objectives of the R2 Zone	
<i>To provide for the housing needs of the community within a low density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i>	
The development is considered to be consistent with the objectives of the zone for the following reasons:	
<i>To provide for the housing needs of the community within a low density residential environment.</i> <u>Comment:</u> The proposal will maintain the housing needs of the community within a low density residential environment.	
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <u>Comment:</u> The proposal will provide housing facilities and supporting services to the residents in the area.	
<i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i> <u>Comment:</u> The proposed extent of hardpaved driveway which is not adequately softened with border landscaping will not enable the landscaped setting to be maintained.	

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Pre-lodgement Notes

ATTACHMENT B

Objectives of the R2 Zone
The proposal is not considered to be consistent with the objectives of the R2 Low Density Residential zone in relation to landscaped setting.

Part 4. Principal Development Standards:			
Standard	Permitted	Proposed	Comment
4.1. Minimum subdivision lot size:	N/A	N/A	N/A
4.2. Rural Subdivision:	N/A	N/A	N/A
4.2A. No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A
4.3. Height of Buildings:	8.5m	Details not sufficient on plans submitted.	The development is subject to the building height provisions of SEPP HSPD. Adequate levels and sections are to be submitted clearly demonstrating building height on plans submitted with a development application.

Part 5. Miscellaneous Provisions	
Provision	Comment
5.1. Relevant acquisition authority	Not Applicable
5.2. Classification and reclassification of public land	Not Applicable
5.3. Development near zone boundaries	Not Applicable
5.4. Controls relating to miscellaneous permissible uses	
5.5. Development within the coastal zone	Not Applicable
5.6. Architectural roof features	Not Adopted
5.7. Development below mean high water mark	Not Applicable
5.8. Conversion of fire alarms	Not Applicable
5.9. Preservation of trees or vegetation	
5.10. Heritage conservation	Not Applicable
5.11. Bush fire Hazard reduction	Not Applicable
5.12. Infrastructure development and use of existing buildings of the Crown	Not Applicable
5.13. Eco-tourist facilities	Not Applicable

Part 6. Relevant Additional Local Provisions	
Provision	Comment
6.1. Acid Sulfate Soils	Not Applicable
6.2. Earthworks	The proposed excavation and landfill must address and satisfy all objectives of this Clause.
6.3. Flood Planning	Not Applicable
6.4. Development on Sloping Land	The subject site falls under Area A –.
6.5. Coastline Hazards	Not Applicable
6.6. Erection of dwelling houses in Zone E3 Environmental Management	Not Applicable
6.7. Residential Flat Buildings in Zone B4 Mixed Use	Not Applicable
6.8. Subdivision of Certain Land	Not Applicable

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Pre-lodgement Notes

ATTACHMENT B

Part 6. Relevant Additional Local Provisions	
6.9. Location of Sex Services Premises	Not Applicable

Relevant Schedules	
Schedule	Comment
Schedule 1 Additional permitted uses	Not Applicable
Schedule 2 Exempt development	Not Applicable
Schedule 3 Complying development	Not Applicable
Schedule 4 Classification and reclassification of public land	Not Applicable
Schedule 5 Environmental heritage	Not Applicable

Other Relevant WLEP 2011 Clauses
N/A

Warringah Development Control Plan 2011 (WDCP 2011)

Consideration of proposal against Warringah Development Control Plan 2011:

Warringah Development Control Plan			
Part B: Built Form Controls			
Control	Requirement	Proposed	Comment
B1. Wall height	Not Applicable	Not Applicable	Not Applicable
B2. Number of storeys	Not Applicable	Not Applicable	Not Applicable
B3. Side Boundary Envelope	4m / 45 degrees	East: West: Complies	Some levels (RLs) within the site were provided on the plans in relation to the existing ground level. The proposed works must show compliance with the 4 metre and 45 degree side boundary envelope projection as measured from the ground level. The proposal must clearly label the existing ground level on each section. In addition, the building envelope must be shown on the western and eastern elevations. Any variation to this Built Form Control will require justification against the objectives and requirements of the B3 'Side Boundary Envelope'.
B4. Site Coverage	Not Applicable	Not Applicable	Not Applicable
B5. Side Boundary Setbacks	900mm (east) 900mm (west)		The proposed works are to maintain a minimum 900mm side boundary setback. Any variation to this Built Form Control will require

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Warringah Development Control Plan			
			justification against the objectives and requirements of the B5 'Side Boundary Setbacks'.
B6. Merit Assessment of Side Boundary Setbacks	Not Applicable	Not Applicable	Not Applicable
B7. Front Boundary Setbacks	6.5m		The proposed works are recommended to provide a minimum 6.5m setback to Tristram Road. Any variation to this Built Form Control will require justification against the objectives and requirements of the B7 'Front Boundary Setbacks'.
B8. Merit Assessment of Front Boundary Setbacks	Not Applicable	Not Applicable	Not Applicable
B9. Rear Boundary Setbacks	6m		The proposed works are to maintain a minimum 6m rear boundary setback. Any variation to this Built Form Control will require justification against the objectives and requirements of the B9 'Rear Boundary Setbacks'.
B10. Merit Assessment of Rear Boundary Setbacks	Not Applicable	Not Applicable	Not Applicable
B11. Foreshore Building Setback	Not Applicable	Not Applicable	Not Applicable
B12. National Parks Setback	Not Applicable	Not Applicable	Not Applicable
B13. Coastal Cliffs Setback	Not Applicable	Not Applicable	Not Applicable
B14. Main Roads Setback	Not Applicable	Not Applicable	Not Applicable
B15. Minimum Floor to Ceiling Height	Not Applicable	Not Applicable	Not Applicable
Part C: Siting Factors			
Control		Comment	
C1. Subdivision		The scope of works includes a boundary adjustment at the rear of No. 9 Tristram Road. The resulting lots adequately meet these requirements.	
C2. Traffic, Access and Safety		Council's Development Engineer has reviewed the proposal and provided the following comments: - Proposed OSD preferable under driveway at the front of the site. - Full OSD design to be submitted with application. - OSD to link into the existing street infrastructure. - Existing dwelling retained on No. 9 Tristram Road to provide separate OSD. - Easement may need to be relocated dependent on excavation. As the easement favours the property at No. 180A Warringah Road, details demonstrating that easement provision proposed is required. - Full details for easement and associated pipe levels required. - Driveway width to be 4m. - Visitor space to double up as a wash bay. - Turning circles to be provided on centre buildings (11 C,D,E and F). - Sewer lines to be identified on plans. - Retaining wall heights to be provided.	

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Warringah Development Control Plan	
	Please liaise with Council's Development Engineer Manager, Robert Barbuto, on 9942 2339 should you require further information on the matters raised above.
C3. Parking Facilities	The development is subject to the parking provisions of SEPP HSPD which requires 0.5 spaces per bedroom.
C4. Stormwater	A detailed 'Stormwater Management Plan' is to be provided with the development application. Please liaise with Council's Development Engineer Manager, Robert Barbuto, on 9942 2339 should you require further information.
C5. Erosion and Sedimentation	An 'Erosion and Sedimentation Plan' is to be provided with the development application.
C6. Building over or adjacent to Constructed Council Drainage Easements	With regard to the drainage easement which extends through the site, this is not a Council easement and appears to be a private easement.
C7. Excavation and Landfill	The development, as proposed, is considered to satisfy the objectives and requirements of this control. The proposed works incorporate approximately 2m of excavation at the rear of the site.
C8. Demolition and Construction	A Construction Management Plan (CMP) is to be submitted with the lodgement of the development application.
C9. Waste Management	A Waste Management Plan is to be submitted with the lodgement of the development application.
Part D: Design	
Control	Comment
D1. Landscaped Open Space and Bushland Setting	The development is subject to the landscaped area provisions of SEPP HSPD. A Landscape Plan is to be submitted with the lodgement of the development application.
D2. Private Open Space	The development is subject to the private open space provisions of SEPP HSPD. Notwithstanding, the proposal is required to address this control within the architectural plans and the Statement of Environmental Effects.
D3. Noise	The proposal is required to address this control within the Statement of Environmental Effects.
D4. Electromagnetic Radiation	Not Applicable
D5. Orientation and Energy Efficiency	Not Applicable
D6. Access to Sunlight	This control requires: (a) That at least 50% of principal private open spaces of neighbouring residential properties will receive a minimum of 3 hours sunlight between 9am and 3pm during winter solstice. (b) That at least 50% of glazed area of the principal living room windows of neighbouring residential properties will receive a minimum of 3 hours sunlight between 9am and 3pm during winter solstice T The proposal is required to address this control within the architectural plans and the Statement of Environmental Effects.
D7. Views	Development is to allow for the reasonable sharing of views. In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of <i>Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140</i> , must be addressed within the SEE.

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Warringah Development Control Plan	
	The applicant is required to address how the proposal has been designed to provide for view sharing and addresses the Planning Principle.
D8. Privacy	The development application is to address and satisfy the objectives and requirements of this control within the architectural plans and the Statement of Environmental Effects.
D9. Building Bulk	The proposal is required to address this control within the architectural plans and the Statement of Environmental Effects.
D10. Building Colours and Materials	A detailed schedule of materials and finishes (sample board or photographic quality samples on A3 size presentation) is to be submitted with the application. The schedule of colours and materials should be consistent with this control.
D11. Roofs	The development, as proposed, is not considered to satisfy the objectives and requirements of this control. The proposed roof forms are considered bulky and not complementary to the local skyline. In this regard, the roof forms must be amended to reduce visual bulk and dominance by minimising the extent of roof surface area, breaking the roof components down into smaller elements and incorporating more "true" single storey roofed elements.
D12. Glare and Reflection	The development, as proposed, is considered to satisfy the objectives and requirements of this control. However, the proposal is required to address this control within the Statement of Environmental Effects.
D13. Front Fences and Front Walls	The development application is to address and satisfy the objectives and requirements of this control within the architectural plans and the Statement of Environmental Effects.
D14. Site Facilities	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.
D15. Side and Rear Fences	Details were not included in relation to how the side and rear fencing is to be approached. Details relating to this requirement should be included on architectural plans submitted with a development application.
D16. Swimming Pools and Spa Pools	Not Applicable
D17. Tennis Courts	Not Applicable
D18. Accessibility	The development is subject to the accessibility provisions of SEPP HSPD.
D19. Site Consolidation in the R3 and IN1 Zone	Not Applicable
D20. Safety and Security	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.
D21. Provision and Location of Utility Services	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.
D22. Conservation of Energy and Water	A BASIX Certificate is required to be submitted with the lodgement of the development application.

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Warringah Development Control Plan	
	The development application is to address and satisfy the objectives and requirements of this control within the Statement of Environmental Effects.
D23. Signs	Not Applicable
Part E: The Natural Environment	
Control	Comment
E1. Private Property Tree Management	An Arborist Report is to be provided with any development application detailing trees on site.
E2. Prescribed Vegetation	Not Applicable
E3. Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conversation Habitat	Not Applicable
E4. Wildlife Corridors	Not Applicable
E5. Native Vegetation	Not Applicable
E6. Retaining unique environmental features	Not Applicable
E7. Development on land adjoining public open space	Not Applicable
E8. Waterways and Riparian Lands	Not Applicable
E9. Coastline Hazard	Not Applicable
E10. Landslip Risk	The subject site falls under "Area A" and so no geotech report or preliminary assessment is required.
E11. Flood Prone Land	Not Applicable
Part F: Zones and Sensitive Areas	
Control	Control
F1. Local and Neighbourhood Retail Centres	Not Applicable
F2. Brookvale Brickworks	Not Applicable
F3. SP1 Special Activities	Not Applicable
Part G: Special Area Controls	
Control	Control
G1. Dee Why Mixed Use Area	Not Applicable
G2. R3 Medium Density Residential bound by Sturdee Parade, Pacific Parade and land zoned B4 Mixed Use	Not Applicable
G3. Belrose Corridor	Not Applicable
G4. Warringah Mall	Not Applicable
G5. Forest Way Shops	Not Applicable
Other Relevant Controls within WDCP 2011	
Appendix 1 – Car Parking Requirements	
The development is subject to the parking provisions contained within SEPP HSPD.	
0.5 spaces per bedroom	
Other Relevant Environmental Planning Instruments/SEPPs/Council Policies	

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Other Relevant Environmental Planning Instruments/SEPPs/Council Policies

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

As the application is to be lodged pursuant to the provisions of State Environmental Planning Policy – Housing for Seniors or People with a Disability 2004, the development must be designed having full regard to the controls and other requirements of the SEPP.

In this regard, it is noted that the proposal does not comply with the requirement for the rear 25% of the site being "single storey only". Therefore, Dwellings 11D and 11E must be made single storey.

Seniors Living Policy – Urban Design Guidelines for infill development

The *Seniors Living Policy – Urban Design Guidelines for Infill Development* should be used to assist in developing an appropriate design. The guidelines are available on the Department of Planning website or by inserting the words into "Google".

In this regard, the overall bulk of the buildings provided for review at this pre-lodgement meeting is considered excessive and not consistent with the bulk and scale of the neighbourhood locale.

This matter was discussed at length in the meeting and is the most controversial aspect of the preliminary design apart from the rear 25% single storey issue and the extent of driveway with inadequate softening landscaping. It is noted that amended plans were lodged after the meeting in an attempt to obtain support for the roof design, extent of first floor areas and driveway, however, the amended design is also unsatisfactory.

Please refer to the streetscape and built form parts of the Policy, specifically:

- *"Reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller elements"*
- *'Using roof pitch sympathetic to that of existing buildings in the street'*
- *"Avoiding uninterrupted building facades"*

SEPP (Infrastructure) 2007

Ausgrid

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

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

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

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

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

Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
- All information as required on the Development Application form checklist
- Site Analysis
- Site Survey (prepared by a registered Surveyor)
- Statement of Environmental Effects addressing:
 - o Section 79C of EPA Act,

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Required Documentation

- all relevant sections of WLEP 2011, including demonstrating consistency with the objectives of the zone, Development Standards and the relevant provisions of WDCP 2011;
- and other relevant Environmental Planning Instruments, including SEPP HSPD 2004, SEPP BASIX and SEPP 55
- View analysis of proposed development
- Sample Board of External Finishes
- Landscape Plan
- Construction/Site Management Plan
- Stormwater Management Plans
- Waste Management Plan
- Shadow diagrams (including elevational shadow diagrams)
- Photomontages of the proposal (one from the street and one internally)
- Access Report
- Traffic Report
- BASIX Certificates
- Arborist Report
- Details of extent of cut/excavation (sections)
- Prelim BCA Report

Concluding Comments

Second Design submitted

This amended scheme provides amendments to the first floor level layout in order to create more of an attic style dormer roof detail. This results in a very large, bulky roof form which is considered inconsistent with the overall character of the area.

In addition, the amended design has deleted the hardstand parking spaces previously identified within the rear setback adjacent to Unit 11D and between 11F and 11G. This amendment creates a compliant rear setback to the southern boundary and enables a compliant setback to be retained at the rear of the existing dwelling at No. 9 Tristram.

Notwithstanding these changes, the proposed built form consisting of 11E is considered too crowded in this part of the site with insufficient setbacks maintained on this northern boundary adjoining No. 9 Tristram Road.

In response to Council's concerns with the 35m long unrelieved section of driveway, the amended design has incorporated some token landscape elements to address these concerns and incorporate a pedestrian path. While the intent of the proposed planting areas is to provide visual relief to this driveway, the extent and size of planting areas provided is insufficient to successfully achieve this.

Amendments to the location and layout of the proposed garbage room have been incorporated which can adequately address the requirements contained within Council's Waste Policy.

The following issues are raised with this scheme:

- Concern is raised with the unrelieved length of the proposed driveway which is considered excessive and not supported.
- Due to the configuration of structures, the proposal is still not considered to satisfactorily provide a development which will fit within the existing streetscape providing the character and scale of a detached style dwelling in a landscaped setting.
- The small separation between the buildings on the eastern side of the development does not adequately translate into a development which provides sufficient separation between buildings.
- Dwellings 11D and 11H are required to be single storey
- Dwelling 11E is excessively bulky and visually dominating on 9 Tristram.
- Proposal does not incorporate sufficient single storey elements
- Inadequate soft landscaping on east side of driveway

Recommendation

As a result of the recurring issues with both schemes, it is Council Officers' recommendation that the number of dwellings proposed for this site be reduced by at least one on the eastern side of the site. A reduction in the number of dwellings proposed will still enable a density on site greater than that prescribed for other development in this locality but will provide

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Concluding Comments

a more successful compatibility with the context requirements contained within the SLP.

Also, the architectural design, character and external appearance of the buildings needs more work to lessen the visual bulk and create a built form that is more harmonious with surrounding residential development, especially considering the more intensive nature of seniors housing developments.

Finally, the driveway needs to be better resolved to create an enhanced landscaped setting for this component of the development.

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

It is recommended that the proposal should not proceed to lodgement of an application until the issues raised in these notes are addressed.

Other Matters

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

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

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

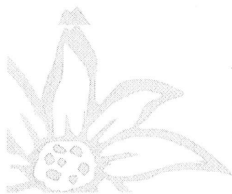
- **Privacy and Personal Information**

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

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

- **Monitoring DA progress after lodgement**

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



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