

The background of the cover page is a composite image. It features a dark blue diagonal band across the middle. Behind this band, there is a grayscale image of a city skyline with several tall buildings. Overlaid on the entire background is a pattern of white, 3D wireframe cubes of various sizes, some of which are slightly offset from each other, creating a sense of depth and architectural structure.

Statement of Environmental Effects

Proposed Seniors Housing

Lot 1113 Oxford Falls Road, Oxford Falls

Submitted to Northern Beaches Council
On Behalf of Dukor 24 Pty Ltd

APRIL 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01 Draft	17/04/19	Draft	
		Prepared by	Verified by
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02 Final	18/04/19	Final	
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Certification

This report has been authorised by City Plan Strategy & Development P/L, with input from a number of other expert consultants. To the best of our knowledge the accuracy of the information contained herein is neither false nor misleading. The comments have been based upon information and facts that were correct at the time of writing.

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APPENDICES

Appendix	Document	Prepared by
1	Architectural Plans	Marchese Partners
2	Survey Plan	JMD
3	Landscape Plan and Report	JCA
4	Stormwater Report	JMD
5	Traffic Report	Colston Budd Rogers & Kafes
6	Acoustic Report	Renzo Tonin and Associates
7	Biodiversity Assessment Report	Travers Bushfire and Ecology
8	Site Contamination Report	Douglas Partners
9	Bushfire Report	Travers Bushfire and Ecology
10	BASIX Certificate	Ecological Design Pty Ltd
11	BCA Report	Advance Building Approvals
12	Geotechnical Report	Douglas Partners
13	Nathers Assessment	Ecological Design Pty Ltd
14	Access Report	Accessibility Solutions
15	QS Report	Mitchell Brandtman
16	Schedule 16 Compliance Table	Marchese Partners
17	Waste Management Plan	Henroth Group
18	Waterways Impact Study	Travers Bushfire and Ecology
19	Biodiversity Management Plan	Travers Bushfire and Ecology

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy and Development Pty Ltd (City Plan) on behalf of Dukor 24 Pty Ltd to accompany a Development Application (DA) to the Northern Beaches Council for Seniors Housing in the form of independent living units (ILUs) at Lot 1113 Oxford Falls Road, Frenchs Forest.

This DA seeks approval for redevelopment of the site, including:

- Site clearance and removal of trees and undergrowth;
- Demolition of the site's existing dwelling;
- The construction of 41 ILUs;
- On grade and basement car parking spaces;
- Planting of biodiversity corridor and reforestation of northern part of the site;
- Landscaping works across the balance of the site;
- Extensive removal of noxious weeds and exotic species;
- Riparian rehabilitation works;
- Woodland management works;
- Construction of internal roads; and
- Site improvement, civil works, staff facilities and sediment collection.

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. It will:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures.

1.1. Relevant Planning History

DA 2013/0575

A DA was lodged on May 15 2013 for the alterations and additions to the existing dwelling on the site to accommodate a ten (10) room residential aged care facility (RACF). This DA was approved by the Warringah Development Application Panel (WDAP) on November 13 2013.

DA 2014/1062

In August 2015, the Sydney East Joint Regional Planning Panel (JRPP) approved a 45-bed residential care facility on the subject the site (DA Ref: DA2014/1062).

Warringah Council, whilst recommending refusal on other grounds, in its assessment report for that application, acknowledged that DA2014/1062 was a 'low intensity form of development', due to its "minimal impact on the road network".

In approving the development, the JRPP stated that:

"the proposal, especially the component to preserve the northern part of the site in an undeveloped condition, to generate bushland on it and provide a 30m wide biodiversity corridor, is consistent with the Desired Future Character as expressed in the LEP. The majority of the Panel notes that a residential care facility is a permissible use in the zone... that the proposed buildings are nestled into the slope of the site and that the FSR of the proposal is around 0.2:1. The majority also considers that concentrating the buildings on the southern part of the site and regenerating the vegetation on the rest is a better solution environmentally and visually than dispersing them over the site in an attempt to imitate the form of rural-residential development."

DA 2016/0897

DA 2016/0897 was submitted on 26th August 2016 for a 70-bed facility on the subject site but was withdrawn prior to determination.

DA 2017/0206

DA 2017/0206 was lodged in March 2017.

The DA was approved by the Land and Environment Court (LEC) for a 71 bed RACF, generally within the same location as the previous application.

No site works have taken place since this July 2017 determination.

1.2. Key Development Changes

This proposal aims to largely utilise the existing building footprint as approved by the LEC. Key alterations to the approved proposal are summarised below:

- Change of use: although still classified as seniors housing, the proposal involves serviced independent living units (ILUs) as opposed to the previously approved residential care facility. 41 ILUs are proposed as opposed to a 71 bed Residential Aged Care Facility (RACF).
- Increase in car parking provision from 36 to 95 parking spaces and provide basement car parking;
- Decrease in building footprint for individual units and associated Gross Floor Area (GFA), with a previous GFA of 7,238m² decreasing to a GFA of 6,446.7m²;
- Provision of facilities including a gym, pool, physio room;
- Conversion of central connecting corridor into open breezeway.

As outlined in this SEE and the specialist reports which accompany this application, the change of use and decrease in rooms and building footprint are minor and further reduces adverse impacts on the surrounding environment compared to the previously approved development (e.g. reduced traffic generation). The character of this proposal is substantially the same as that previously approved by the LEC and remains a low intensity and low impact proposal. The proposed development for seniors housing remains suitable for the site and the surrounding area, noting that the proposal includes the use of a private bus service for the future occupants to ensure that they have high levels of access to the services and facilities that they require. The proposal is also consistent with the desired future character of the B2 Oxford Falls Valley locality statement as described in Appendix B of the *Warringah Local Environmental Plan 2000* (WLEP 2000).

The development complies with all relevant standards and development controls as outlined in the WLEP 2000, including building height, minimum landscaped areas and setbacks.



It is concluded that the proposed development will deliver important housing and social benefits to the local community without any unreasonable adverse impacts. Accordingly, approval of the application is in the public interest.

2. SITE ANALYSIS

2.1. Sub-regional Context

The subject site is located within the Northern Beaches local government area (LGA), located approximately 3.5 km from Dee Why to the east and approximately 8 km from the Chatswood CBD to the south-west. Refer to the Sub Regional Locality plan, as below in **Figure 1**.

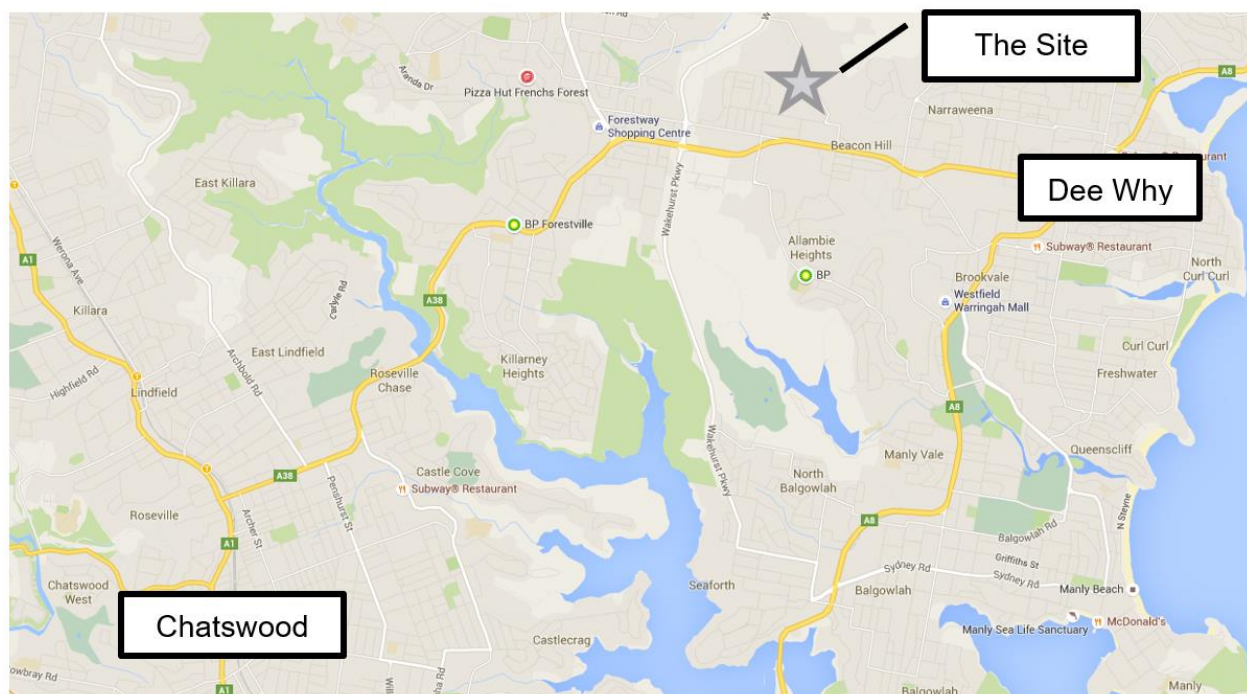


Figure 1: Sub Regional Locality Plan

2.2. The Site

The subject site, as outlined in **Figure 1** and **Figure 2**, is located on Oxford Falls Road, Frenchs Forest and has a legal description of Lot 1113 in DP 752038. As outlined in the Survey Plan at **Appendix 2**, the site is irregular in shape and has a total area of 33,853 sqm. Access to the site is off Barnes Road and Oxford Falls Road.

The site currently accommodates a detached dwelling and associated outbuildings.

The site has two distinct topographical parts. The steeper southern part is elevated between RL 110 and RL 90 and accommodates the dwelling house, landscaped garden areas, outbuildings and internal driveways. The northern part is situated at a lower level of between RL 90 and RL 84 and accommodates a large open grassed area, horse area, sheds and associated minor facilities. The site has a fall of 26 metres from the south-western corner to the north-eastern corner.

The site is largely cleared to support the dwelling, outdoor spaces and the paddock area to the north-east. A large grouping of trees is located in an east-west alignment across the centre of the site (adjacent to the internal central roadway). A smaller grouping of trees is also located to the south of the dwelling.

A minor watercourse cuts across the north-eastern tip of the site, supporting riparian vegetation.



Figure 2: Aerial of subject site

2.3. Surrounding Context

As shown in **Figure 3**, the site is located on the urban fringe, being located between the residential areas of Frenchs Forest and Beacon Hill to the south and bushland located to the north. The urban land to the south is predominately low density residential in character with the dominant built form being one or two storey detached dwelling houses. Refer to Photos 1 and 2 for examples of dominant built form in residential land to the south of the site.

The Falls Retreat, a country style resort, is located immediately to the north of the site and features temporary accommodation, function rooms, tennis courts and recreational facilities. Bushland is located to the west of the Falls Retreat and to the north and east of Oxford Falls Road. The general locality east of Barnes Road and west of Oxford Falls Road is semi rural in nature, with detached dwellings located on large lots of land featuring significant portions of landscaped area, such as in 1125, 1336 and 1494 Oxford Falls Road.



Photo 1: Surrounding built form



Photo 2: Surrounding built form. Suburb to the south of the site



Figure 3: Surrounding Land Use of Site

2.4. Facilities and Community Services

The site is located in close proximity to a variety of facilities and community services within the Frenchs Forest area (refer to **Figure 4**). The Frenchs Forest Road East Local Retail Centre contains a pharmacy, bakery, supermarket and two take away restaurants, and is 837m from the site. Further, the Northern Beaches Hospital is located approximately 1.5km from the site, near the intersection of Frenchs Forest

Road and the Wakehurst Parkway. The Forestway shopping centre, approximately 2km from the site, has a range of shops and amenities including a pharmacy, optometrist, banks and grocery shopping outlets.

Warringah Mall is approximately 2.7km from the site. Its main tenants include David Jones, Myer, Target, Big W, Woolworths, Coles, Rebel Sport, JB HiFi, and Hoyts Cinema. In addition, there are over 300 specialty stores. The Warringah Mall Medical Centre, which is adjacent to the Warringah Mall, accommodates a full range of medical and dental facilities. It also has a 24-hour emergency centre. Further, the new Northern Beaches Hospital is located on the corner of Warringah Road and Wakehurst Parkway, 1.5kms from the subject site. This facility will offer significant medical care and support to the local area and to future residents of the ILUs.

The nearest bus stop to the subject site is on Iris Street, which is 488 metres to the south (refer to **Figure 5**). Further, a private mini bus service will be available for the exclusive use of residents of the retirement village as detailed in the traffic report in **Appendix 5**.

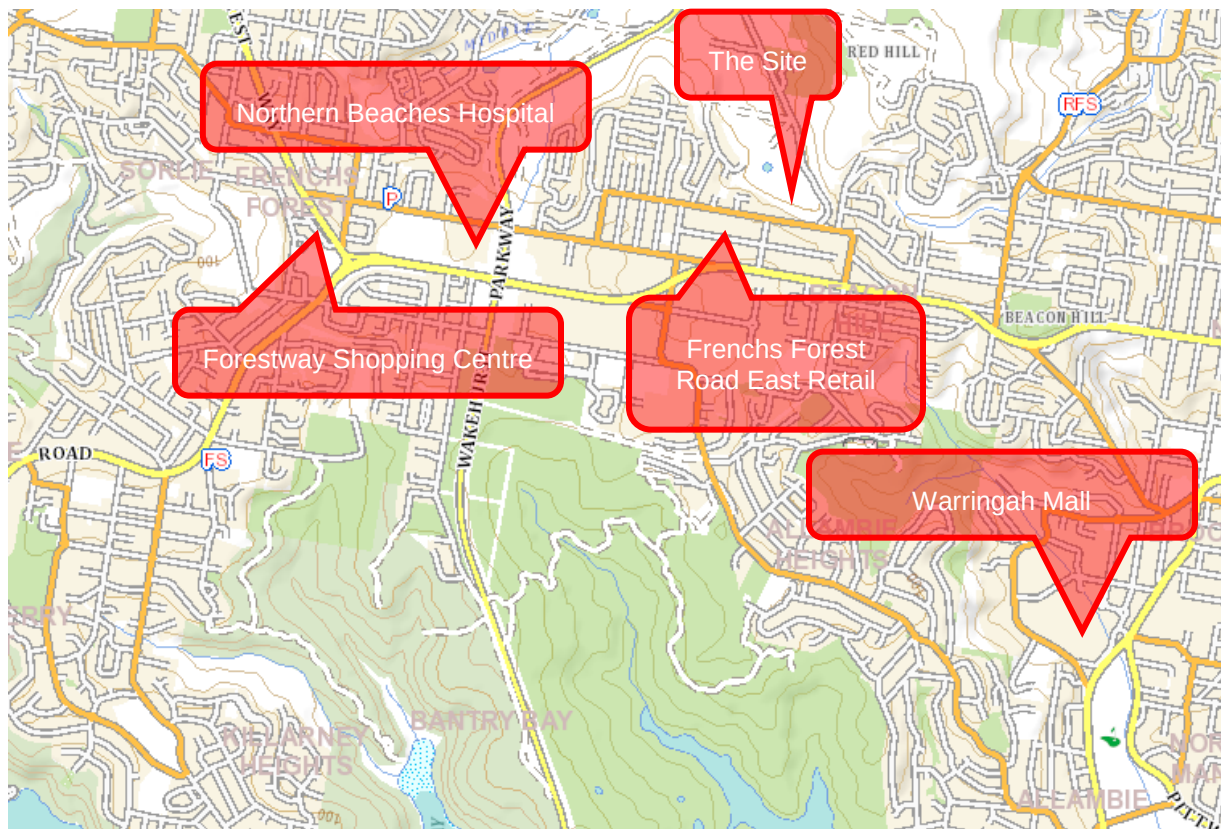


Figure 4: Facilities and Community Services

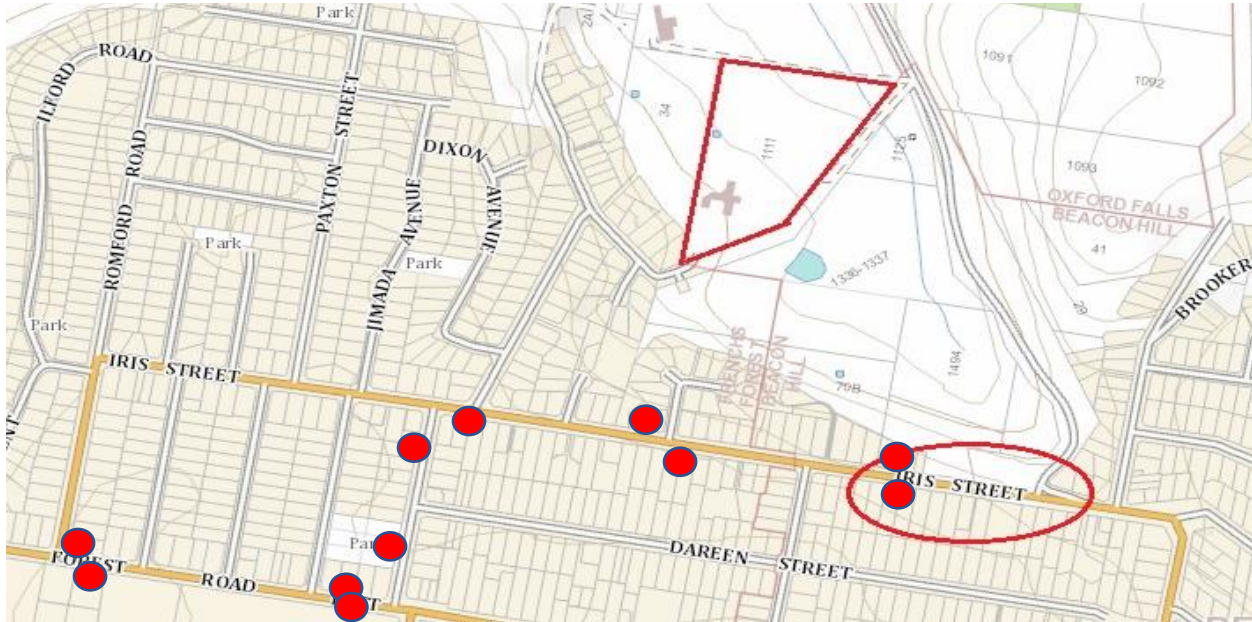


Figure 5: Access to public transportation, bus stops dotted in red.

2.5. Site Photos

2.5.1. Existing Improvements

The following is a series of photos of the site and surrounding area.



Photo 3: View of the existing dwelling on the site



Photo 4: Entrance to the site and view of existing dwellings



Photo 5: Westerly view of surrounding residences from the site



Photo 6: Edge of the western boundary of the site



Photo 7: View of the mid road, which bisects the site



Photo 8: Eastern boundary of the site



Photo 9: Northern portion of the site



Photo 10: View across the site in a northerly direction, towards Oxford Falls Road

2.6. Relevant Planning History

The site has been subject to a number of development proposals over the last decade, the most recent of which have been summarised below. Further background to these proposals were described in Section 1.

DA2013/0575 was lodged with Warringah Council for the use of the existing dwelling house for a ten (10) bed residential care facility. The application was approved by the WDAP on 13 November 2013; and

DA2014/1062 was lodged with Warringah Council for construction of a 45 bed residential care facility. The application was approved by the Sydney East Joint Regional Planning Panel on 12 August 2015.

DA2016/0897 was lodged with Northern Beaches Council for the construction of a 70-bed residential care facility. In accordance with advice from Council, this DA was withdrawn to allow for minor modifications and amendments to the design of the development as suggested by Council's planners.

DA 2017/0206 was lodged with Northern Beaches Council for the construction of a 72-bed residential care facility. This DA was initially refused by the Sydney North Planning Panel but subsequently approved by the LEC in July 2017 subject to amendments.

As outlined in the Figures below, the proposed development occupies a similar building footprint to DA2017/0206. This is demonstrated in the architectural plans provided, which denote the building footprint of the previously approved DA. An example of this is shown in **Figure 6** below with the site plan comparison.

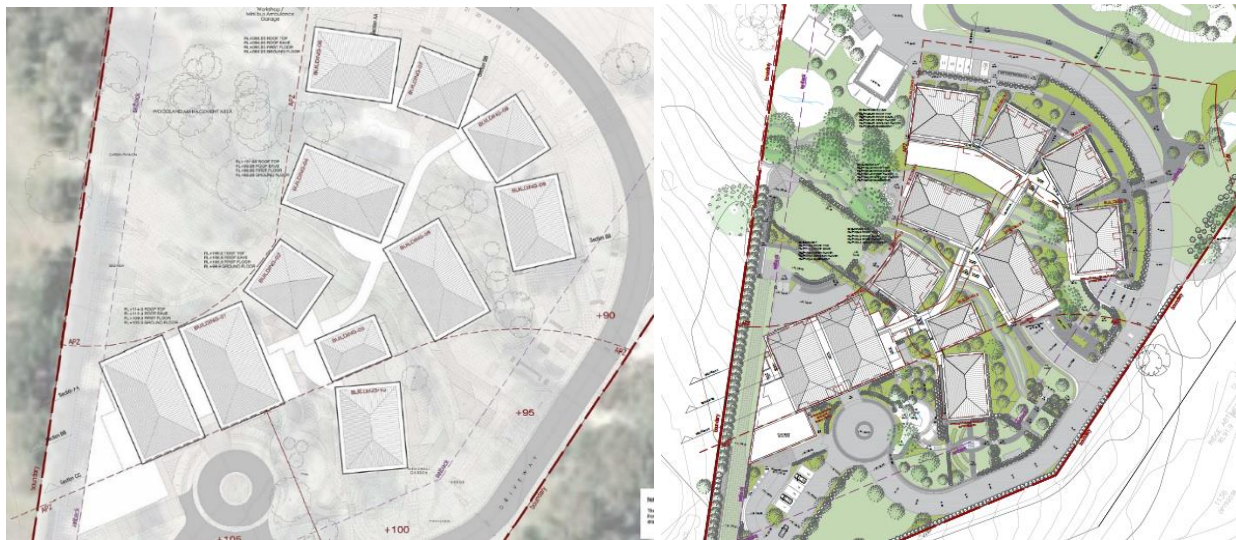


Figure 6: Site plan, with previous approved building locations (left) and proposed building locations (right)

A comparison of the elevations, site plan and landscape plan of the development have been provided in **Figures 7 and 8** below. It can be seen that the proposed footprint of these structures and proposed landscaped areas are also similar to what was proposed under DA 2017/0206.



Figure 7: South East Elevation approved in DA 2017/0206



Figure 8: South East Elevation extract from the architectural plans forming this current DA

Whilst significant changes to room number and car parking spaces are proposed, both applications have similar applicable developments statistics in terms of FSR, height and landscaped area as shown in Table 1.

Table 1: Summary of Development Controls

Control	DA 2017/0206	Proposed
Floor Space Ratio	0.21:1	0.2:1
Maximum Building Height	8.5 metres	8.5 metres
No. of beds/dwellings	71 (beds)	41 (dwellings)
No. of parking	33 (at-grade)	95 (basement)
% landscape area	70%	69%

3. DESCRIPTION OF DEVELOPMENT

3.1. Overview

This application seeks consent for the development of the subject site for the following;

- Site clearance and removal of trees and undergrowth;
- Demolition of the site's existing dwelling;
- The construction of 41 serviced independent living units;
- Excavation for 95 basement car parking spaces, a gym, pool and ancillary recreational facilities;
- Planting of biodiversity corridor and reforestation of northern part of the site;
- Landscaping works across the balance of the site;
- Extensive removal of noxious weeds and exotic species;
- Riparian rehabilitation works;
- Woodland management works;
- Construction of internal roads;
- Use of Barnes Road as an Asset Protection Zone; and
- Site improvement, civil works, staff facilities and sediment collection.

3.2. Detailed Description

The key statistics and elements of the project are shown in Table 2 below.

Table 2: Development Statistics

Control	Proposed
Floor Space Ratio	0.2:1
Maximum Building Height	8.5 metres
No. of beds/dwellings	41 (dwellings)
No. of parking	95 (basement)
% landscape area	69%

3.3. Project Scope

Demolition

The proposal involves the demolition of the site's existing dwelling and other ancillary structures. Refer to demolition plan in the architectural plans in **Appendix 1**.

Bulk Earth Works

The estimated amount of excavation for works including hard areas (that is roads, basements levels, car parks and patios) and soft areas (landscape, lawns and planter beds) is approximately 16,823m³.

Tree Removal and Replacement

A total of 124 trees are to be removed to accommodate the proposed development, which will subsequently be replaced with the planting of 145 landscape and 143 native bushland trees, resulting in a total of 288 new trees. 62 existing trees will be retained, with all trees to be removed/ retained are identified on the Landscape Plans in **Appendix 3**.

Civil/Drainage Works

The proposed development involves:

- On-site detention basin
- A series of water quality measures, including: -
 - A proposed stormwater collection tank. The water collected in this tank will be reticulated back through the development for re-use in toilet flushing and laundry use.
 - A bio retention basin (rain garden) will be used to collect and treat all runoff from landscaped areas within the proposed development.

This results in significant improvement in site runoff into the Narrabeen Lagoon. Further details can be found in the Stormwater Review prepared by JMD Development Consultants and provided at **Appendix 4**.

Built Form

The proposal comprises of 41 ILUs providing serviced, self care housing which is distributed amongst 10 buildings which are all characterised as being of a domestic style (including separate hipped roofs) and scale, having two storeys and a maximum building height of 8.5 metres above natural ground level. This built form and proposed building materials are compatible with the surrounding locality. In addition to providing accommodation, the proposal also includes the provision of facilities including a gym and pool, a lounge and games area and a small resident café and kitchen.

Materials and Finishes

The materials and finishes for the proposed development are detailed in the plan entitled, "Material Board" prepared by Marchese Partners at **Appendix 1**. A varied palette of materials and colour treatments is proposed to aid in providing a high level of visual interest and to blend with the colours and natural features of the landscape in accordance with the Oxford Falls Valley locality statement. There is a combination of light stone colours and the use of vertical timber coloured louvres and brick walls to harmonise with the natural landscape of the site.

Car parking

A total of 95 car parking spaces are provided, as summarised in Table 3 below. Access to these parking spaces is provided via internal driveways from Barnes Road.

Table 3: Summary of car parking

	Number of spaces
Resident spaces	82
Other (including visitor)	13
Total spaces	95

The majority of these car parking spaces are contained within basements underneath the buildings, which minimises the bulk and scale and hard stand surfaces of the development and maximises the landscaped area of the site.

Landscaping

Approximately 70% of the site will be dedicated to landscaped open space, with different areas of the site receiving a different landscape treatment to reflect their unique character and proposed use. Broadly the landscape zones are identified as follows in the Landscape Report (**Appendix 3**); the entrance driveway area, forecourt area, the existing rock garden and pool area, the memorial garden, the south eastern terraced gardens, hobby garden area, the alfresco terrace deck and the communal lawns. Each of which is elaborated upon below.

- Entrance Driveway - landscaping borders the perimeter of the driveway, which has been widened to 6.5m. Parking has been provided along the area surrounding the driveway.
- Entrance Forecourt - a spacious feature paved circular forecourt provides a safe level pick-up and drop-off area for visitors, and the community mini bus. It also acts as one of two turning heads for larger emergency and service vehicles to the site.
- Existing Rock Garden and Pool - the existing rock garden and ornamental pool will be retained, and restored with upgraded landscape planting. Existing and native trees not directly affected by the proposed buildings works will be retained.
- Memorial Garden - a memorial garden comprising a rose garden and reflection pool will be created as a centre piece of the landscaped areas.
- South-Eastern Terraced Gardens - a series of three formal terraced gardens (including the memorial garden) are benched and terraced into the natural gradient of the land; each terrace with its own direct access from the adjacent residential buildings.
- Hobby Gardens and Planter Beds - the lower south-eastern end of the site has been dedicated to garden beds which are for hobby gardeners. Raised planter beds will cater for residents with access disabilities.
- Alfresco Terrace-Deck - adjacent to the main café, and accessed via 3 sets of double swinging doors is an “alfresco” terrace. Steps and ramps lead down from this alfresco terrace to the communal function lawns and gardens along the western side of the property.
- Communal Function Lawns - comprising of two large lawns with amenity garden shrubs and tree plantings and also structures such as a gazebo and toilet and rest facilities. The upper lawn will have a BBQ equipped for outdoor entertaining and social functions. Disabled access to these function lawns has been provided.

The proposal involves the planting of 145 landscape trees, with 62 trees retained. The proposal aims to introduce native species onto the site, with further detail in relation to landscaping provided in **Appendix 3**.

A woodland rehabilitation program is proposed with the clearance of the prolific exotic weed species on the woodland floor and planting approximately 175 native trees. This will be followed by replanting with 143 locally endemic trees and understorey species.

A Biodiversity Management Plan (BMP) specifies the management requirements to regenerate a 30-50m wide biodiversity corridor along the northern boundary of the site and to define asset protection zone (APZ) management practices that maximise the retention of native vegetation and associated habitat.

The northern biodiversity corridor is to link heath vegetation adjacent to the north-western corner of the site, to riparian and sandstone gully forest vegetation along the Middle Creek tributary in the north-eastern corner of the site. In conjunction with open space areas created by the asset protection zones, this corridor provides potential foraging habitat and connectivity for arboreal mammals, microbats and forest owls.

Specifically, the BMP proposes the following works for management of the APZ:

- Weed control targeting invasive and environmental weeds,
- Revegetation of the 30m wide biodiversity corridor with sandstone gully forest vegetation,
- Restoration and stabilise the riparian zone,
- Hollow-bearing tree protection works, supervision of dismantling and nest box installation,
- Fuel reduction in asset protection zones to be achieved by selective vegetation removal to be mostly achieved through the removal of understorey weeds,
- Undertake monitoring, auditing and maintenance activities to ensure an effective and a stable restoration outcome ensuring compliance with the BMP specifications.

Further detail is provided in the BMP in **Appendix 19**.

With the exception of additional car parking numbers, the proposed tree removal, civil works, earthworks and landscaping works are substantially similar to DA2017/0206, which was approved in June 2018.

3.4. Infrastructure and Utility Works

3.4.1. Civil Engineering

The proposal will include 16,823m³ of excavation for basement car parking and storage areas as well as the provision of the gym and pool area. Further detail regarding the method of excavation and the subsurface conditions and groundwater levels for the preliminary design of the basement excavation, shoring systems and foundations is provided in the Geotechnical Report at **Appendix 12**.

3.5. Development Cost

The development cost of the project is estimated at \$22,870,089 (Incl GST). Refer to the QS Report prepared by Mitchell Brandtman and provided at **Appendix 15**.

3.6. Pre-Lodgement Consultation

A pre-DA meeting was held with Council on 30 November 2018. The following items were raised and discussed with Council as per the pre-DA meeting minutes.

Summarise consultation with Council - pre-DA issues.

Table 4: Pre-Lodgement issues raised by Council.

Item	Comment
Proximity to a 'transport service'	Addressed at Section 4.7.4, Section 6.2.8 of the SEE and the Traffic Report at Appendix 5. Council raised concern to the access to facilities and services as required under Clause 40 of the WLEP as the proposal includes the provision of a private 'community bus' for the residents. In this respect, WLEP does not specify if the 'transport service' needs to be private or a public service. The proposal includes a community bus that will transport the residents to and from the site to the services/facilities in the surrounding area as well as nearby public transport facilities. The bus service will operate frequently and will be available to all residents of the development. This was considered an acceptable 'transport service' under the previously approved DAs for Seniors Housing on the site. The fact that the proposal includes ILUs, as opposed to a RACF, does not render this transport unsuitable for transporting residents to and from the site.
Meeting requirement of low impact, low density development	The existing approved development involved the provision of a 71 bed residential aged care facility, whilst this current proposal is for 41 ILUs. The Traffic Report at Appendix 5 demonstrates that the number, type and frequency of vehicle movements will decrease to facilitate the requirements of ILUs. The design intent is to maintain a similar building footprint on the site to that approved under DA DA2017/0206 to maintain its compatibility on the site. In this respect, the proposal has included the additional parking spaces within basement levels underneath the building footprints and below ground level. Whilst additional excavation has been proposed, it does not result in further impact to the landform of the site and it results in additional

	landscaped area on the site by removing a number of at-grade parking spaces previously approved. As such and as demonstrated throughout this SEE, the proposal can be described as low impact, low intensity development as specified in the Oxford Falls Locality Desired Future Character Statement.
Comments from Natural Environment Unit (Biodiversity)	The general in principle support of the Biodiversity Unit is noted, as well as the requirement for this application to be assessed against the NSW Biodiversity Conservation Act 2016. A Biodiversity Development Assessment Report has been prepared by Travers Bushfire and Ecology and is provided at Appendix 7. In summary the report concludes that <i>“the proposal is unlikely to have a significant impact on threatened or migratory fauna species listed as matters of national environmental significance under the EPBC Act”</i>. In addition, a Biodiversity Management Plan specifying the management requirements to regenerate a 30-50m wide biodiversity corridor and defining asset protection zone (APZ) management practices is provided in Appendix 19.
Comments from Development Engineering	In relation to flooding, the stormwater report in Appendix 4 found that the topography of the site and location of the proposed development on the localised spur means that the PMF flows will not significantly impact on the operation of the site. The proposal provides a OSD basin in the northern part of the site in accordance with Council requirements. No works in relation to formalisation and/or road construction in Barnes Road are proposed, due to the minimal traffic generation in association with the proposal.
Urban Designer	The proposal optimises solar access and cross ventilation whilst also providing a built form compliant with site constraints and applicable controls. 85.3% of units achieve a minimum of 2 hours of solar access on the 21st of December and

	82.9% of units achieve cross ventilation, ensuring that units achieve a high level of amenity. The building envelope for buildings 1-9 remains largely unchanged from what was previously approved and complies with setback provisions and follows the extent of the APZ. The proposal continues to respond to the predominant natural landform and cascades down the slope to the north east, representing a sensitive approach to the site and a low impact/ low intensity scale of development. The proposal retains Building 10 in its previously approved location under DA2017/0206. It is noted Building 10 does not provide any residential uses. Compliance with clauses 57, 65 and 66 of the WLEP 2000 is demonstrated in Section 4.7.4.
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4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Warringah Local Environmental Plan 2011; and
- Warringah Local Environmental Plan 2000.

Where relevant, these controls are addressed below.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

For the reasons set out below, it is considered that the proposed development satisfies the above stated objectives of the Act:

- The proposed development will promote the social welfare of the local seniors community through the provision of 41 serviced ILUs;
- The proposal will result in the orderly and economic use and development of land as the site is of an appropriate size and suitable location to enable the development;
- The proposal is of a high quality design which promotes accessibility and usability for seniors as well as design excellence;
- The proposal will create additional jobs during the construction and operational phases; and
- There will be no unreasonable adverse impacts on the environment.

4.2.2. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 5: Section 4.15 of EP&A Act 1979.

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iia) Any planning agreement	Not relevant to this application
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(a)(v) Any coastal zone management plan	Not relevant to this application
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

4.2.3. Section 4.46 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

This application is classified as integrated development under this section of the Act as it requires approval from the NSW Rural Fire Service for "special fire protection" purpose ("seniors housing") under Section 100B of the Rural Fires Act 1997, as the site contains bushfire prone land.

4.3. Environmental Planning and Assessment Regulation 2000

4.3.1. Clause 92 – Demolition

In accordance with Clause 92 of the Regulation, all demolition work will be undertaken in accordance with AS 2601 - 1991: The Demolition of Structures.

4.3.2. Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*.

A BCA Statement has been prepared by Advance Building Approvals Pty Ltd and provided at **Appendix 11**.

The Statement indicates that the development *"can generally comply with the Deemed-to-Satisfy requirements of Building Code of Australia – BCA 2016 (amendment 1). However, where required, "Alternative Solutions" may be employed in accordance with the BCA"*.

4.4. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation;
2. Carrying out development on land included in the Biodiversity Values Land Map; or
3. Having a 'significant effect' on threatened species or ecological communities.

A Biodiversity Development Assessment Report is provided in **Appendix 7** which found the following:

"There are two (2) elements to the Biodiversity Offsets Scheme (BOS) threshold test – an area trigger and a Sensitive Biodiversity Values Land Map trigger. If clearing exceeds either trigger, the BOS applies to the proposed clearing.

The study area is not located on lands mapped as Sensitive Biodiversity Values Land.

The threshold for clearing above which the BAM and offsets scheme apply is 0.5 ha or more. The estimated clearing of native vegetation is 0.45ha which is less than the threshold therefore offsets do not apply.

In accordance with the Biodiversity Offsets Scheme of the BC Act the proposed development does not trigger biodiversity offsets.

In accordance with the Significance of Impact Test of the BC Act, the proposal does not cause a significant impact or a serious or irreversible impact upon threatened species, endangered populations or threatened ecological communities.

The proposal is unlikely to have a significant impact on threatened or migratory fauna species listed as matters of national environmental significance under the EPBC Act. As such, a referral to the Commonwealth Department of Environment and Energy (DOEE) is not required."

4.5. State Environmental Planning Policies

4.5.1. State Environmental Planning Policy No 44 – Koala Habitat Protection

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The study area is required to be considered under SEPP 44 as it falls within the former Warringah (now Northern Beaches) LGA, which is listed on Schedule 1 of this Policy. In addition, the total area of the study area is greater than 1 hectare, hence Part 2 – Development Control of Koala Habitats, of this Policy applies.

Potential Koala Habitat (PKH) is defined as land where at least 15% of the total number of trees in the upper or lower strata constitutes any of the tree species listed in Schedule 2 of the policy.

The application is accompanied by a detailed Biodiversity Assessment Report prepared by Travers Bushfire & Ecology and provided at **Appendix 7**. This report found the following:

"Four (4) Koala food tree species Grey Gum (Eucalyptus punctata), Scribbly Gum (Eucalyptus haemastoma), Tallowwood (Eucalyptus microcorys) and Swamp Mahogany (Eucalyptus robusta) listed on Schedule 2 of SEPP 44 were recorded within the study area. Eucalyptus microcorys and Eucalyptus robusta were generally isolated and likely as planted specimens and not part of connective woodland forest habitats.

Grey Gum (Eucalyptus punctata), Scribbly Gum (Eucalyptus haemastoma) made up approximately 5% of trees within PCT1250. This is less than the 15% as required by the SEPP and, as such, the study area is not considered to comprise PKH as defined under SEPP 44 and no further assessment under this Policy is required."

4.5.2. State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7 (1) of SEPP 55 prevents Council from consenting to a development unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Warringah Council's Assessment Report for DA 2014/1062 states that Council records indicate that *"the site has been used for residential purposes for a significant period of time. It is therefore considered that the site poses no risk of contamination and as such no further consideration is required"*. No further development of the land has taken place since the assessment of DA 2014/1062. Despite this, a Site Contamination Report prepared by Douglas Partners has been provided in **Appendix 8**, which states *"potential sources of contamination [include] the aboveground storage tank, leaks or spills of oils and/or chemicals at the workshop, imported filling, (previous) pesticide storage and application, waste materials and previous structures. A detailed site investigation should be undertaken to assess the contamination from these potential sources (and should be designed to target these potential sources). A detailed site investigation may be conditioned as part of any future consent consistent with the consent issued as part of DA 2017/0206.*

Further details on contamination and remediation issues can be found under Section 6.3.2 in this report.

4.5.3. State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of this Policy requires Council to refer this application to the Roads and Maritime Services (RMS) if the capacity threshold triggers in Schedule 3 of the Policy are exceeded.

With regards to requirements of Clause 104 and Schedule 3 of the SEPP and a review of other clauses, the development does not trigger referral under this SEPP.

4.5.4. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". BASIX certificate 1005874M for the development is provided at **Appendix 10**.

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

The SEPP (Seniors Housing) applies within the State of NSW and is relevant to the assessment of this application. Although this development application is not submitted under the provisions of SEPP (Seniors Housing), as noted previously, consideration of the relevant provisions is undertaken below.

The NSW Land and Environment Court decision of Talbot J in *Mete v Warringah Council* (2004) NSWLEC 273 confirmed that any clauses in the SEPP (Seniors Living) which are prefaced with the words “development application made pursuant to this chapter” are not relevant to a development application submitted pursuant to a Local Environmental Plan.

The following assessment relates only to provisions of the SEPP that are relevant in that context.

Chapter 1 - Preliminary

Chapter 1 of the SEPP (Seniors Housing) lists under Clause 2(1) the Aims of the Policy as follows:

Clause 2 (1) Aims of Policy

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 is considered to be consistent with the aims of the policy, in that:

- it will increase the supply and diversity of residences to meet the needs of seniors or people with a disability;
- it will make efficient use of existing infrastructure and services available to the site and in the locality. The site is located in relatively close proximity to a range of services such as shops and medical services which can be accessed by a regular private mini bus service for residents, as referenced in the Traffic Report in **Appendix 5**.
- it is of an excellent design which provides high levels of amenity to residents through good cross ventilation and solar access. It also has taken into consideration adjoining properties through appropriate setbacks and landscape screening, to ensure no adverse impacts such as shadowing or privacy are generated.
- due to the topography of the site and the site's environmental conditions, the development is concentrated in the southern portion of the site. This also assists in minimising the visual impact of the development.

Chapter 2 - Key concepts

Chapter 2 identifies key concepts associated with Seniors Living developments. The relevant clauses are addressed below.

Clause 8 Seniors - this clause defines 'seniors' as:

- (a) people aged 55 or more years,*
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,*
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.*

Future occupants of the proposed development will meet the above criteria.

Clause 10 states that:

In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
 - (b) a hostel, or*
 - (c) **a group of self-contained dwellings**, or*
 - (d) a combination of these,*
- but does not include a hospital.*

The proposed built form and use of the development falls into the category of "self contained dwellings", which is defined in Clause 13 as;

*In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

The proposed development has been designed to meet the above criteria for self contained dwellings. The proposed development is intended for "Seniors" as defined above, and it is able to meet the requirements of a self contained dwelling, in that each dwelling contains private facilities for cooking, sleeping and washing. Other facilities in the form of a gym, pool and communal areas will also be provided on a shared basis. Therefore, the proposal for ILUs is consistent with the definition of self contained dwellings and is consistent with the relevant provisions of Chapter 2.

Chapter 3 - Development for Seniors Housing

Chapter 3 of the SEPP contains a number of development standards that are applicable only to development applications made pursuant to the SEPP (Seniors Housing). However, as the development application is made pursuant to WLEP 2000, the specific provisions prefaced for their operation with the words "made pursuant to this chapter" of Chapter 3 are not relevant to this application, as per the NSW Land and Environment Court decision of Talbot J in *Mete v Warringah Council* [2004] NSWLEC 273.

There are therefore no applicable provisions within this Chapter.

Chapter 4 – Miscellaneous

Chapter 4 contains a range of related issues, of particular relevance is the note that the subject is not located on environmentally sensitive land (as defined by Schedule 1 of the SEPP (Seniors Housing), is not affected by amendments to other SEPPs, and the special provisions do not apply to this land.

The proposed development is consistent with the provisions contained in Chapter 4 of the SEPP (Seniors Housing).

4.6. Warringah Local Environmental Plan 2011

Clause 1.3(1A) of the Warringah Local Environmental Plan 2011 (WLEP 2011), outlines the land to which the WLEP 2011 applies. The Clause states that “...this plan does not apply to the land identified on the Land Application Map as “Deferred Matter””. The Land Application Map identifies the subject property as “Deferred Matter”.

Therefore, WLEP 2011 (and the current WDCP 2011) do not apply to this application.

4.6.1. WLEP 2011 Planning Proposal

The Northern Beaches Council had prepared a Planning Proposal (PP) to transfer the existing planning controls for the Oxford Falls Valley and Belrose North area under the WLEP 2000 into the WLEP 2011.

The Planning Proposal was lodged on 20 April 2015. However, after the DPE's Gateway Determination on 1 November 2017, Council resolved to request the Minister for Planning to not proceed with the Planning Proposal. As such, no future provisions or controls are currently being drafted for the subject site.

4.7. Warringah Local Environmental Plan 2000

The Warringah Local Environmental Plan 2000 (WLEP 2000) applies to this proposed development.

Clause 12 of the WLEP outlines the matters which Council must consider before consent is granted. These matters are summarised in the below table.

Table 6: Clause 12 of the WLEP

Clause	Response
(1) Before granting consent for development the consent authority must be satisfied that the development is consistent with:	
(a) any relevant general principles of development control in Part 4, and	Refer to Section 4.7.4
(b) any relevant State environmental planning policy described in Schedule 5 (State policies).	Refer to Section 4.5
(2) Before granting consent for development, the consent authority must be satisfied that the development will comply with:	

(a) the relevant requirements made by Parts 2 and 3, and	This section has been addressed throughout Section 4.7
(b) development standards for the development set out in the Locality Statement for the locality in which the development will be carried out.	Refer to Section 4.7.2
(3) In addition, before granting consent for development classified as:	
(a) Category One, the consent authority must consider the desired future character described in the relevant Locality Statement, or	Not Applicable
(b) Category Two or Three, the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement, but nothing in a description of desired future character creates a prohibition on the carrying out of development.	The development is considered 'Category Two'. Refer to Section 4.7.2

4.7.1. Permissibility

Definition and Category of Development

The proposed development is defined under the WLEP 2000 Dictionary as 'Housing for Older People or People with Disabilities' which has the following definition:

“residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with disabilities, whether or not it is also used to accommodate people who live with older people or people with disabilities, or staff who are employed to assist in the administration of and provision of services to such housing. Housing for older people or people with disabilities may consist of a residential care facility, a hostel or a grouping of 2 or more self-contained dwellings, or a combination of these, but does not include a hospital or a group home”.

As outlined below, development for the purposes of 'Housing for Older People or People with Disabilities' is classified as a Category 2 development under the B2 Oxford Falls Valley Locality Statement of the WLEP 2000.

Category Two

Development for the purpose of the following:

- agriculture
- housing
- **housing for older people or people with disabilities (on land described in paragraph (c) under the heading “Housing density” below)**

- *other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.*

Development for the purpose of the following is prohibited within this locality:

- *brothels*
- *extractive industries*
- ***housing for older people or people with disabilities (other than on land described in paragraph (c) under the heading "Housing density" below)***
- *potentially hazardous industries*
- *potentially offensive industries*
- *vehicle body repair workshops*

Canal estate development is also prohibited within this locality.

Therefore, for seniors housing to be permissible, it must be "on land described in paragraph (c) under the heading "Housing density", which is within the "Housing Density" section of the LEP, which is provided below:

Housing density

The maximum housing density is 1 dwelling per 20 ha of site area, except:

(a) where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha, and

(b) on Portions 199, 200, 985, 986, 1001, 1002, 1003, 1004, 1011, 1012, 1018 and 1019 Parish of Manly Cove and Lot 33 DP 870625 Pinduro Place, Cromer, where one dwelling may be erected provided the land exceeds 4,000m² in area and was lawfully created prior to 13 August 1982, or was otherwise lawfully created, and

(c) on land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purpose of "housing for older people or people with a disability" and the development complies with the minimum standards set out in clause 29.

With regard to the above, the land adjoins a locality primarily used for urban purposes and in which a 'dwelling house' is permissible.

The site adjoins 50 Barnes Road, which is zoned R2 Low Density Residential under the Warringah LEP 2011. 'Dwelling houses' are permitted with consent on the land. A zoning map extract below in **Figure 9** shows the location of the adjoining R2 zoned land.

Therefore, subject to the relevant provisions, the proposed use is permissible. See Section 4.7.3 to demonstrate the development complies with Clause 29.

This approach regarding permissibility was applied to DA2013/0575, DA2014/1062, DA2016/0897 and 2017/0206. Council accepted the development as being defined as a Category two "housing for older

people or people with disabilities (on land described in paragraph (c) under the heading "Housing density" below").

Therefore, the proposed use of the site for "housing for older people or people with disabilities" and specifically a 'self contained dwelling' is a permissible use with consent from Council.

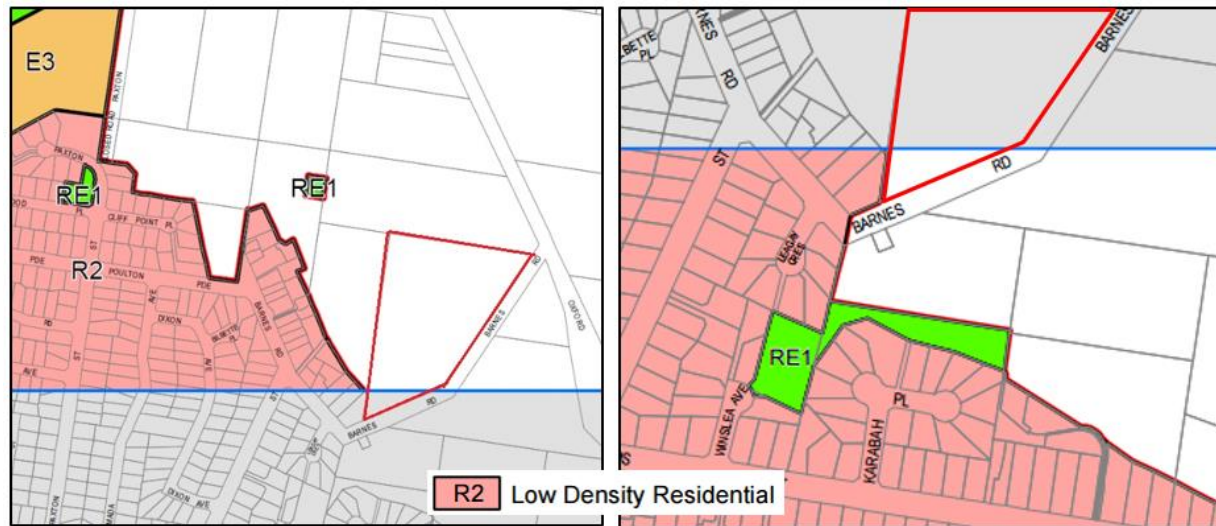


Figure 9: WLEP 2011 Land Zoning Map Extract (Source: NSW Legislation)

4.7.2. Locality Desired Future Character Statement

Another key determining matter for consideration in the assessment of any DA under the WLEP 2000 is the locality desired future character statement. Clause 12 of the WLEP prescribes that for any 'Category two' development, before granting consent, the consent authority must be satisfied "that the development is consistent with the desired future character described in the relevant Locality Statement".

The desired future character of the Oxford Falls Valley area is described and assessed in detail below.

Statement:

"The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridge tops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway".

Comment:

- **Present character of the Oxford Falls Valley locality:**

- **Broader context:** it is characterised by large scale open allotments which have a semi-rural appearance. This semi-rural appearance is accentuated by the natural valleys of Middle Creek and the Garigal National Park.
- **Local context:** the site is situated within the more developed southern-most part of the locality which is characterised by a mix of residential, commercial and recreational development, all of which extend along the western side of Oxford Falls Road.
- **Consistency with present character:**
- The development is for seniors housing, which is permissible with consent on the subject site. It is of a similar scale and occupies a similar footprint to the approved development of DA2017/0206.
 - Careful attention has been given to ensure that the design and location of the buildings are largely consistent with the character of the site's local context. The previous Court approved footprint has been further refined in the design development stage of the new ILUs to better accommodate the facilities accompanying the new change of housing type.
 - The proposal involves slight alterations to the approved building envelope. However, despite a marginal increase in the GFA of residential units, reductions in GFA elsewhere have resulted in a net decrease in floor space throughout the proposed development when compared to the Court approved plans of DA 2017/0206.
 - The development complies with all development standards applicable to the site, such as height and setback controls. Appropriate materials have also been selected which will harmonise with the natural landscape of the site.
- The development has also been designed to ensure that there is no new development on ridge tops or places which disrupt the skyline.

The proposed buildings are located in the southern part of the site and deliberately cascade down the hill towards Oxford Falls Road to ensure that the visual impact is reduced.

- A similar approach was taken with DA2014/1062. The suitability of this approach was confirmed by the JRPP's decision, which stated that *"concentrating the buildings on the southern part of the site and regenerating the vegetation on the rest is a better solution environmentally and visually than dispersing them over the site in an attempt to imitate the form of rural-residential development"*.
- A similar approach was taken with DA 2017/0206 (as amended), which was approved by the LEC. The hearing found that the DA, as amended, was *"consistent with the requirements of clause [29] with respect to building height, density and scale, parking, visitor parking and landscaped areas"*. As such, this development, having adopted a similar building envelope to previous approvals, is consistent with the development principles adopted for previous approved DAs by siting development following the slope, resulting in reduced visual impact.
- The development has a positive net environmental benefit, as it is proposing significant rehabilitation and revegetation works to the site. The proposed rehabilitation and revegetation works are similar to that of approved DA2014/1062 and subsequently of DA 2017/0206. As outlined by the LEC hearing, the proposal *"protects and enhances the natural landscape including landforms and vegetation"* and *"ensures that the ecological values of natural watercourses are maintained"* and as such, *"is consistent with the desired future character of the Oxford Falls Valley"*.

The proposed development is consistent with the description of "new detached style housing" conforming with the housing density standards set out below and low intensity, low impact uses", due

to the minimal design changes between this and the previously approved DA which maintained this style of housing.

We interpret this as promoting two broad distinct development types, one being new detached style housing conforming with the specified densities and the other being low intensity, low impact uses.

Consistency with these two development types has been demonstrated below.

- **‘new detached style housing’:** the proposed development is “new”, in that it currently does not exist. It is of a “detached style” in that it has the appearance (style) of detached dwellings.
 - The overall built form comprises 10 buildings which are all characterised as being of a domestic style (including separate hipped roofs) and scale, having two storeys and a maximum building height of 8.5 metres above natural ground level. This built form and proposed building materials are compatible with the surrounding built form.
 - The fact that buildings at a similar level are physically connected by discretely designed breezeways does not affect their description of detached “style” housing. If there was an intention of denying any form of physical attachment, the wording would have been “detached housing” rather than “detached style housing”. The proposed form, layout and design of the proposal is entirely consistent with this description. A similar development concept in DA 2017/0206 incorporated design principles of detached style housing and was approved by the LEC. The same principles apply in this case.
 - There are two forms of housing defined in the LEP 2000, including “housing” and “housing for older people or people with disabilities”. It is noted that whilst the former refers to dwellings, the latter defines the proposal for ILUs more correctly.
 - It is clear that this type of housing is contemplated by the clause by its reference to the housing conforming to the “housing density standard set out below.” As discussed below “housing for older people or people with disabilities” is specifically referred to in the “housing density” heading of the locality statement.
 - It is appropriate to conclude therefore that the development falls within the definition of ‘new detached style housing’.
 - With reference to ‘housing density standards’ under this heading, a maximum housing density of 1 dwelling/20ha is established, however there are exceptions to this which include “housing for older people or people with disabilities” for which “there is no maximum housing density” applicable to this proposal (as will be confirmed below).

- **‘Low intensity low impact’**

The definition of ‘low intensity’ and ‘low impact’ uses was established in the Land and Environment judgement “Vigor Master Pty Ltd v Warringah Shire Council (2008) NSWLEC 1128” as discussed below.

- **Interpretation of Intensity**

- “Intensity - is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore “low intensity” would constitute a development which has a low level of activities associated with it”.

Size and scale

- The proposed development is for the construction of ten buildings to facilitate the development of self contained dwellings on a site of 33,853 sqm. Approximately 69% of the site is proposed to be used for various outdoor open space and recreational areas such as walking tracks, landscaped gardens and natural bushland (the remaining area is occupied by the proposed road). The site will be extensively landscaped and landscape treatments will include the construction of a stormwater basin, rain garden and footpaths to the aforementioned outdoor recreational areas.
- The development includes the provision of on-site basement car parking and internal access roads. The overall FSR of 0.2: 1 is well below the maximum standard permitted under Clause 29 of 0.5:1, and is reflective of low density development when compared to a typical residential dwelling, which is the dominant built form to the south west of the site.
- The proposed buildings step down with the slope of the site to comply with the relevant LEP height controls and are consistent in height with what would be expected in the locality.
- Therefore, with respect to size and scale, the development is considered to be low intensity.

Extent of the activities associated with the proposal

- Generally, the activities associated with the proposal are of a communal residential nature with the on-site facilities providing for the care, enjoyment and entertainment of the residents and their visitors.
- It is noted that the activities associated with the use of ILUs are in some ways different than what would be expected of a residential care facility, despite both being classified as seniors housing. These ILUs are consistent with the definition of self contained dwellings and provide independent living options for residents, *"where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis."* However, the provision of facilities such as a pool, a gymnasium and common seating area (among other facilities) still provides a communal aspect to the development.
- The findings of the LEC hearing for DA2017/0206 stated that the proposal *"is of a style consistent with a detached style housing, conforms with the housing density standards set out in WLEP 2000, and will be a low intensity and low impact use"*. The proposal has maintained a similar above-ground built form to that approved under DA 10`7/0206.
- The proposed development comprises of 41 units. It also comprises of approximately 4 full time employees, consisting of a manager, an assistant and two groundskeepers, along with associated contractors and cleaners.
- Nonetheless, similar to the assessment carried out in DA 2017/0206, the extent of activity may be gauged by the patronage and traffic generated by the development.
- Therefore, with respect to the extent of activities associated with the proposal, the development is considered to be low intensity.
- In this regard, the development is considered to constitute a low intensity land use.
- **Low Impact**
 - "Impact - is commonly used in planning assessment to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation, streetscape privacy, solar access etc. Therefore 'low

impact' would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality".

- Based upon the scale and size of the development in terms of built form and the extent of the activities associated with seniors housing, the development is considered to have a minor impact such that it would be unlikely to significantly change the amenity of the locality.
- The proposed development occupies a similar footprint as the development approved under DA2017/0206. The change of impacts associated with the minor change in use are therefore considered minor.
- The traffic impacts associated with the proposed development are considered minimal and reduced by almost 50% relative to the approved scheme. This is confirmed in the Traffic Report at **Appendix 5**, which states that "*the proposed development would have a low traffic generation*", which would "*not have noticeable effects on the operation of the surrounding road network*." Further, the report notes that surveys undertaken by RMS found that housing for aged and disabled persons generates 0.1 to 0.2 vehicles per hour per dwelling during peak periods. The proposed development would generate some 8 vehicles per hour two-way during peak hours. This is a decrease of 7 vehicles when compared to the previous approval.
- This is a low traffic generation and as a result is will have minimal impact to the surrounding environment.
- The development also proposes similar vegetation habitat corridor and rehabilitation works as DA2014/1062 and DA 2017/0206, which will ultimately generate an improved natural environment. This is confirmed in the JRPP's decision for DA2014/1062, which indicates that "*the proposal to regenerate bushland and provide a biodiversity corridor on the site is a net environmental benefit*". In addition, the findings of the LEC hearing for DA 2017/0206 found that the proposal was considered to "*protect and enhance the natural landscape including landforms and vegetation for the site*".
- Excavation impacts are limited for such a large site, with the greatest depth relating to the land beneath building footprints. The impacts are primarily focused on the construction phase, since after the completion of the development, the excavated land will not be perceived from most internal and external vantage points.
- A more detailed assessment of the development's impacts has been provided throughout this submission. This assessment concludes that the impacts associated are considered minor.
- Therefore, the development is considered to be a low intensity and low impact land use. The development satisfies this element of the Desired Future Character statement.

Statement:

"The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged".

Comment:

The property currently accommodates areas of cleared bushland within the northern half of the site and a mix of bushland, landscaped lawn areas and a residence within the southern part of the site. This layout effectively forms an interface between the adjacent semi-rural areas to the north, east and south and the more urbanised residential areas to the west.

The excavation involved will not be visible in the final development form as excavation will be located under buildings and will cause no significant additional impact to landform when compared to the previous approval. The site development will be largely the same as a development without basement excavation (apart from a reduced requirement for external, at grade parking areas).

Therefore, in terms of the protection of natural landscape, the site has been largely left untouched. The proposed buildings are domestic in height and scale and are terraced into the existing landform and are located in the south of the site which is adjacent to the existing residential areas. It therefore provides a transition from residential uses to open landscaped areas.

Existing rock faces are preserved and enhanced between buildings. Landscape mounding around building 1 follows the existing downhill contours and emphasises the original landform whilst embedding/concealing the built form further into the hillside.

124 trees will require removal, however these will be replaced by 288 new trees. The proposal involves the creation and revegetation of a 30m wide biodiversity corridor with sandstone gully forest vegetation. Where safe and practicable, existing native trees have been retained. The replenishment of native and endemic planting within the woodland and water features have been proposed. Amenity native trees, shrub and ground cover species have been specified to enrich the environmental and ecological qualities of the site. As such, the development proposes significant upgrades to the natural environment including revegetation and rehabilitation works. This is considered a net environmental benefit, which is consistent with the desired future character of the area.

The materials and finishes proposed are to complement the peri urban quality of the area. The colours reflect the natural earthly tones of the environment. A schedule of materials and finishes is provided in the Architectural Plans in **Appendix 1**.

Other works proposed as part of the development (specifically, the recreational and stormwater works) will also have minimal visual impact upon the current landscape character of the site.

The site is characterised by extensive landscaping as outlined in the Landscape Plans at **Appendix 3**.

Statement:

"A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape".

Comment:

This part of the Desired Future Character statement is not applicable as the site is not located on or near to Forest Way or Wakehurst Parkway.

Statement:

"Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained".

Comment:

The proposed stormwater works including the rain garden, OSD dam and swales, will result in significantly improved stormwater quality when compared to the existing pre-developed flows from the site that ultimately flow to Narrabeen Lagoon.

Sediment and erosion control measures in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) are proposed to minimise impact of possible sedimentation to local drainage lines. Other matters relating to erosion and sedimentation and associated requirements will be addressed at CC stage.

The locality statement also requires the following development controls to be taken into consideration:

Table 7: Locality Statement Development Controls

Control	Response	Compliance
Housing Density	The development under the LEP is defined as "housing for older people or people with a disability" and is compliant with the minimum standards as outlined in Clause 29 of the WLEP.	Yes Refer to Section 4.7.3 of the SEE.
Building Height: 8.5 metres - topmost point of the building and the natural ground level 7.2 metres - 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building. An 8.5 metre height limit may be adopted for sloped sites.	The development has a maximum height of 8.5m. The proposal is located on a sloped site.	Yes
Front Building Setback: Development is to maintain a minimum front building setback. The minimum front building setback to all roads is 20 metres. The minimum front building setback area is to be densely landscaped but can include driveways.	The development is setback 20m from Barnes Road which is the front boundary. A driveway and landscaped areas are located within this setback area.	Yes
Rear and side building setback: Development is to maintain minimum rear and side building setbacks.	The development provides a minimum 10 metre setback from all side and rear boundaries.	Yes

The minimum rear and side building setback is 10 metres. The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.	The setback area includes landscaping.	
Landscaped open space: The minimum area of landscaped open space is 30 per cent of the site area.	The proposal provides approximately 69% of site area as Landscaped Area as detailed on the Landscape Plans prepared by	Yes
National Park setback: Development is to maintain a minimum setback from National Park boundaries of 20 metres.	Not applicable to the proposed development. The closest national park is the Garigal National Park which is located approximately 1.2km to the north of the site.	N/A

Clause 13 requires the consent authority to consider the provisions of neighbouring Locality Statements, if the extent to which they should be considered is specifically described in the Locality Statement for the locality in which the development is proposed.

The B2 Oxford Falls Valley locality statement does not specifically describe the extent to which a neighbouring Locality Statement should be considered. Therefore, no further assessment against the provisions of Clause 13 is required.

4.7.3. Clause 29

Clause 29 of the WLEP 2000 provides controls to establish on what grounds an application for housing for older people or people with disabilities cannot be refused. In the case of the B2 locality, it is also relevant in terms of confirming the category and permissibility of the development.

The following table details compliance of the development against the various provisions of Clause 29:

Table 8: Compliance with Clause 29

Development Standard	Required	Proposed	Compliance
(a) Building Height (to ceiling)	8.0m	8m	Yes
(b) Density and Scale	FSR - 0.5:1	Site Area - 33,853 sqm Gross Floor Area - 6,446 sqm FSR - 0.2:1	Yes

(c)Landscaped Area	Min 35m ² per dwelling. Total required = 1,435m ² (based on 41 units).	Approximately 23,379 sqm or 69% of the total site area will be dedicated to landscape open space.	Yes
(d)Parking	in the case of dwellings, at least 0.5 car space for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider, or 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, the Department of Housing or a local government or community housing provider	Resident spaces: 82 Other spaces: 13 (2 of which are accessible) Total spaces: 95	Yes
(e)Visitor Parking	in the case of development that comprises less than 8 dwellings and is not situated on a clearway, no visitor parking is provided within the development.	13 spaces for non-residential use (including visitors) are proposed.	Yes
(f)Deep Soil Area	(a) Site width (W) = 199.9m (b) Site length (L) = 263m (when measured from western boundary) (c) W x 15% of L Total required = 7,886.1m ²	Approximately 23,379 sqm or 69% of the total site area will be dedicated to landscape open space. The site is therefore comfortably able to satisfy the deep soil area requirements.	Yes
(g) private open space for in-fill housing	Outlines private open space requirements for dwellings.	Not applicable - the development does not incorporate any dwellings.	N/A

The proposed development meets all of the above development controls.

4.7.4. Part 4 - General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of the LEP are applicable to the proposed development:

Table 9: Compliance Table - Part 4, Clauses 38-39

General Principle	Required	Proposed	Complies
38 Glare and reflection	Clause 38 requires that development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality	The development has included appropriate materials which will not generate adverse amounts of glare or reflection. Façade materials and finishes are provided in the Architectural Plans at Appendix 1 .	Yes
39 Local Retail Centres	Clause 39 outlines the requirements of local retail centres.	Not Applicable.	N/A

The following table details compliance of the development against the access provisions of Clause 40 under the LEP.

Table 10: Compliance with Clause 40

Control	Required	Proposed	Compliance
Support Services	Access is adequate only if: (a) the facilities and services referred to above are located at a distance of not more than 400 metres from the site of the proposed development, or (b) there is a transport service available to the residents who will occupy the proposed development: (i) that is located at a distance of not more than 400 metres from the site of the proposed development, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services, and (iii) that is available both to and from the proposed development during daylight hours at least once per day	The following is a list of shopping centres in proximity to the site (note: with exception to the Frenchs Forest Road East Local Retail Centre, distances are via straight line only): -837m to the Frenchs Forest Road East Local Retail Centre. -2km to Forestway Shopping Centre. -2km to the future Frenchs Forest Strategic Centre -2.7km to Warringah Mall. The closest bus stop to the site is 488 metres to the west on Iris Street. Whilst well serviced by reasonably proximate facilities,	Yes

	from Monday to Friday (both days inclusive).	there are none that are strictly within 400m of a shopping centre or bus stop. The requirement of the clause is however satisfied by the development being serviced by a dedicated private mini bus which will transport residents to and from local facilities including the Northern Beaches Hospital, as referenced in the Traffic Report at Appendix 5. Clause 40 does not specify a requirement for a 'public transport' service, therefore the proposal satisfies the requirement of "adequate access" under clause 40. The provision of a private bus for the previously approved DAs for a RACF was considered satisfactory by the LEC/Council. Whilst this proposal includes ILUs as opposed to a RACF, the provision of a private bus service will still provide a suitable transport service for the future occupants if and when required. The bus will run on a regular schedule, which residents can utilise at their choosing. In addition to the private bus service, the majority of residents will have their own private car parking spaces. Residents who are capable of driving will also be able to access the facilities and services via private means.	
	The consent authority must not consent to development for the purpose of housing for older people or people with disabilities on land that adjoins land in a locality used primarily for urban purposes unless the consent authority is satisfied, by written evidence, that	The following is a list of medical facilities in proximity to the site: -1.5km to the Northern Beaches Hospital on the corner of Warringah Road and Wakehurst Parkway.	Yes

	residents of the proposed development will have reasonable access to: (a) home delivered meals, and (b) personal care and home nursing, and (c) assistance with housework.	-2km to Forestway Medical Centre in the Forestway Shopping Centre. Residents will also have reasonable access to: -Meals which are prepared on-site and served in-room or in the communal dining room; -Personal care and on-site nursing; -Assistance with housework as the facility includes its own cleaning and laundry staff. -24-hour access to on-site medical and nursing staff.	
	In deciding whether the level of access residents have to each facility and service listed above is reasonable (whether provided by the management or by an external service provider) the consent authority will consider the following: • the type of housing proposed and the needs of the people who are most likely to occupy that type of housing, and • whether the type or scale of housing proposed could, or may reasonably be expected to, provide some facilities and services on-site in a cost-effective manner, and • the affordability of any relevant facility or service. If infrastructure for a facility or service is provided as part of the development, it will be available to residents when the housing is ready for occupation. In the case of a staged development, the buildings and works comprising the infrastructure can be provided proportionately according to the number of residents in each stage.	The proposed housing is serviced self-contained dwellings. Whilst notionally able to accommodate people over the age of 55, it is more likely that the resident profile will be aged over 75. They are likely to be reasonably healthy, independent and relatively mobile. Many may otherwise live in a family home, but may choose communal living for various personal reasons. Notwithstanding this, they may require assistance with some day to day activities and may have more reliance on health and other support services than the general population. The proposed development provides quality health and other support services on site as well as a reliable and frequent transport service to off site facilities. The cost of delivering these services will be affordable (value of money) in the context of the	Yes

		socio-economic makeup of likely future residents in this facility. These services will be available to occupants when the housing is ready for occupation.	
Wheelchair access	a) site gradient (i) if the whole of the site has a gradient of less than 1:10, 100% of the hostel or residential care facility beds and 100% of the dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road or an internal road or a driveway that is accessible to all residents, or (ii) if the whole of the site does not have a gradient of less than 1:10, a percentage (which is not less than the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and which in this subparagraph is called the specified minimum percentage) of any hostel or residential care facility beds and the specified minimum percentage of any dwellings must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road or an internal road or a driveway that is accessible to all residents, and	As shown in the Survey Plan at Appendix 2, the whole of the site has a gradient of 8.5%, which equates to a gradient of 1:12, therefore (i) applies. The development provides for a continuous path of travel for 100% of wheelchair bound residents of the facility to the driveway and adjoining public road.	Yes
	(b) road access at least 10% of any hostel or residential care facility beds and at least 10% of any dwellings which meet the requirements of paragraph (a) must have wheelchair access by a continuous path of travel (within the meaning of AS 1428) to an adjoining public road, and	The development provides for a continuous path of travel for 100% of wheelchair bound residents of the facility to the driveway and adjoining public road.	Yes
	(c) common areas access must be provided so that a person using a wheelchair can use	The development includes level access paths to the nearby	

	common areas and common facilities associated with the development, and	common areas located adjacent to the building. An Access Report has been prepared by Accessibility Solutions (NSW) Pty Ltd and provided at Appendix 14 . The report concludes that appropriate access can be provided in accordance with the relevant standards.	
	(d) adaptability 10% of any hostel or residential care facility beds and 10% of any dwellings which meet the requirements of paragraph (a) must also have, or be capable of being modified so that they have, wheelchair access by a continuous path of travel (within the meaning of AS 1428) to all essential areas and facilities inside the hostel, residential care facility or dwellings, including a toilet, bathroom, bedroom and a living area.	The accessibility of the site has been reviewed by the Access Report, enclosed at Appendix 14 confirms that the development will provide appropriate access for self contained dwellings in accordance with the relevant standards.	Yes
	Other principles and standards Development for the purpose of housing for older people or people with disabilities must also comply with the standards and principles in Schedule 16.	Refer to Appendix 16 .	Yes

Further assessment is provided under Schedule 16 of the – ‘Principles and Standards for Housing for Older People or People with Disabilities’ later in this report.

Further assessment is provided regarding relevant and applicable controls for Housing for Older People or People with Disabilities as below.

Table 11: Compliance with Clause 41 to 83

Control	Required	Proposed	Compliance
Cl 41 Brothels	Clause 41 outlines the requirements of Brothels	No brothels are proposed	N/A
Cl 42 Construction	Clause 42 requires that construction sites are not to unreasonably impact on the	The proposed development is substantially set back from the surrounding dwellings.	Yes

Sites	surrounding amenity, pedestrian or road safety, or the natural environment.	Setbacks vary, with a minimum of 10 metres. Refer to Setback Plan in architectural plans at Appendix 1. Notwithstanding, the potential exists for the future demolition, excavation and construction to impact upon surrounding locality to the in terms of traffic, noise, dust, parking, accessibility and sediment. It is proposed that these issues will be addressed via a Construction Management Plan, which may be imposed as a Condition of Consent.	
CI 43 Noise	Clause 43 requires that development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants. In particular, noise from the combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise level by more than 5 dB (A) when measured in accordance with the Environment Protection Authority's Industrial Noise Policy at the receiving boundary of residential and other noise-sensitive land uses, and -development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise, and -waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10 pm and 6 am	The development includes the provision of 41 ILUs. The development includes new outdoor landscaped areas which are located a sufficient distance from the neighbouring residential zone. Given the intensity of the use, it is not envisaged that these areas will produce noise which will have an adverse impact upon neighbouring properties. Nonetheless, an acoustic report has been provided with this application at Appendix 6, which concludes that "the site is capable of complying with the relevant codes and criteria for the development". The loading dock and bin store is screened from the properties to the west which will adequately mitigate noise.	Yes

CI Pollutants	44	Clause 44 requires that no development is to be carried out which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the use from existing or likely future development on other land in the locality), would result in the emission of atmospheric (including odours), liquid or other pollutants which would unreasonably diminish the amenity of adjacent properties, the locality or waterways.	The proposed use is domestic in character and scale. It is not anticipated that there will be increase in potential pollutants associated with the proposal. Measures to manage any potential pollutants however, will be addressed in an Operational Management Plan, to be provided at CC. The Stormwater Report prepared at Appendix 4 proposes that a combination of the following treatment measures will effectively manage excess pollutants to result in a net reduction in annual pollutant loads of at least 80% for total suspended solids, 65% Total Phosphorus and 45% Total Nitrogen:- - A 150kL(min) rain water tank collecting roof water flows with stored water being reused for toilet flushing and laundry purposes, and - A bio-retention basin incorporating a minimum of 350m² of filter media (0.5m deep) with an extended detention depth above the filter media of 200mm. A Waterway Impact Study has been prepared by Travers Bushfire & Ecology and provided at Appendix 18. The study found that <i>"the development and the area extending out to the proposed APZ extents will not impact on any natural watercourses or riparian buffers."</i> It is therefore concluded that there will be no likely direct or indirect impacts on the identified natural and modified waterways that are located within or in close proximity to the site.	Yes
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CI Hazardous uses	45	Clause 44 requires development to not pose a significant risk in relation to human health, life or property, or the biophysical environment.	Not Applicable - the proposal is a low impact development.	N/A
CI Radiation emission levels	46	Clause 46 requires development to take into consideration radiation emission levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation.	Not Applicable.	N/A
CI 47 Flood affected land		Clause 47 requires development to be designed to minimise impacts of flooding on property and have regard to the existing flood regime.	The site is not located on a known flood affected area.	N/A
CI Potentially Contaminated Land	48	Clause 48 indicates that Council must determine whether the land is contaminated and whether it is suitable to accommodate the development.	Warringah Council's Assessment Report for DA 2014/1062 states that Council records indicate that <i>"the site has been used for residential purposes for a significant period of time. It is therefore considered that the site poses no risk of contamination and as such no further consideration is required"</i> . No further development of the land has taken place since the assessment of DA 2014/1062. Despite this, a Site Contamination Report prepared by Douglas Partners has been provided in Appendix 8 , which states <i>"potential sources of contamination [include] the aboveground storage tank, leaks or spills of oils and/or chemicals at the workshop, imported filling, (previous) pesticide storage and application, waste materials and previous structures. A detailed site investigation should be undertaken to assess the contamination from these potential sources (and should be designed to target these potential sources)".</i> These sources of	Yes

		contamination are considered minor and a detailed site investigation may be conditioned as part of any future consent consistent with the consent issued as part of DA 2017/0206.	
CI 49 Remediation of contaminated land	Clause 49 requires consideration of State Environmental Planning Policy No 55 - Remediation of Land.	Refer to Section 4.5.2.	Yes
CI 49A Acid sulfate soils	Clause 49A outlines the requirements for site subject to acid sulfate soils.	The subject site is not within a known acid sulfate soils category.	N/A
CI 50 Safety & Security	Clause 50 requires that development is to maintain and where possible enhance the safety and security of the locality.	The development consists of self contained dwellings and a Crime Prevention through Environmental Design (CPTED) review has been undertaken in Section 6.2.6 below under "Crime Prevention through Environmental Design".	Yes
CI 51 Front fences and walls	Clause 51 outlines the requirements if fencing is proposed.	As outlined in the Landscape Report at Appendix 3, new fencing is proposed, including a 1.8m high acoustic screen fence (timber lapped and capped or similar approved) is provided along the western side of the site between the south-west corner of Building 01 and the driveway ramp down to the basement car parking. It will run for a length of approximately 13 metres. This will protect the privacy and acoustic amenity of the adjoining property to the west. In addition, as outlined in the Biodiversity Management Plan at Appendix 19, new fencing is proposed on the perimeter of the proposed wildlife corridor, including:	Yes

		- Permanent 2m square x 1m high post and rail fence; - Temporary construction proof fence with sediment control fence (1.8m high and relocatable); and - Permanent rural type fence. Proposed fences will comply with this clause, in that it will be compatible with the existing streetscape and will encourage casual surveillance.	
CI 52 Development Near Parks, Bushland Reserves & other public Open Spaces	Clause 52 requires development adjacent to parks, bushland reserves and other public open spaces, including land reserved for public open space, is to complement the landscape character and public use and enjoyment of that land. In particular: -where appropriate, housing is to front public open spaces, -public access to public open spaces is to be maximised, -buildings are to be located to provide an outlook to public open spaces, without appearing to privatise that space, -development is to provide a visual transition between open space and buildings including avoiding abutting public open spaces with back fences, -views to and from public open spaces are to be protected, and -buffers for bushfire protection are to be provided on private land and not on public land. If public open space or land reserved for public open space contains bushland, development on that land is not to threaten the	With exception to the road reserves which abut the site, the site is a privately owned property which is surrounded by private properties. The closest public open space is the Garigal National Park which is located approximately 1.2km to the north of the site, and any development on the subject does not impact on the National Park. As indicated on the Landscape Plans at Appendix 3, a total of 124 trees require removal. These trees will be replaced with the planting of 288 new trees.	Yes

	protection or preservation of the bushland.		
CI 53 Signs	Clause 53 outlines requirements for signage.	No signs are proposed.	N/A
CI 54 Provision and Location of Utility Services	Clause 54 requires that utility services must be provided to the site of the development, including provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.	The proposed development will be fully serviced by water, gas, telecommunications, electricity, sewerage and drainage. A Stormwater Review has been prepared by JMD Development Consultants in Appendix 4. The investigation determined that "the development as proposed will result in a small increase in the peak stormwater runoff flows and stormwater pollutant loads due to an increase in the area of impervious surfaces. It is proposed that the increase in stormwater runoff from the site will be addressed by the construction of a small detention basin in the north-east corner of the site". Power is available to the site and any augmentation required will be carried out by the developer at their cost.	Yes
CI 55 Site Consolidation in "medium density areas"	Clause 55 outlines the requirements for apartment development in "medium density areas."	Not Applicable - apartment development is not proposed. The site is also not located in a "medium density area" or the identified localities.	N/A
CI 56 Retaining distinctive environmental features on the site	Clause 56 requires that development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land. In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.	The natural landform to the north of the site, including rocky outcrops in the east and the watercourse that traverses the site, are untouched by the proposed development. Care has been taken to protect the areas of natural beauty. The areas of natural beauty and any high points will continue to be visible from the surrounding areas. The development proposes significant revegetation and	Yes

		rehabilitation works, in additional to extensive landscaping works. This will provide a positive net environmental benefit.	
CI 57 Development on Sloping Land	Clause 57 requires that on sloping land, the height and bulk of development, particularly on the downhill side, is to be minimised and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular: -the amount of fill is not to exceed more than 1 metre in depth, and -fill is not to spread beyond the footprint of the building, and -excavation of the landform is to be minimised. The geotechnical stability of sloping land to support development is to be demonstrated. Consent must not be granted for development involving the erection of a structure, including additions to an existing structure, on land identified as being potentially subject to landslip on the Landslip Hazard Map unless the consent authority has considered a report from a suitably qualified engineer as to the geotechnical stability of the land to support such development and an assessment of stormwater prepared by a suitably qualified hydraulic engineer.	The site generally slopes downwards from the south-western corner to the north-eastern corner by 27m over a distance of 280m. This represents a slope of 9.6% which is considered to be gradual. The estimated amount of excavation for external works including hard areas (that is roads, basements, car parks and patios) and soft areas (landscape, lawns and planter beds) is a total of approximately 16,823 m³. Details of cut and fill are noted and will be demonstrated on the Construction Certificate drawings. The site is not identified as being subject to Landslip. A Geotechnical Assessment has been prepared by Douglas Partners and provided at Appendix 12. This report provides advice on the present and long-term stability of the site following development. The slope stability assessment for the three regions comprising the site have a moderate or low risk. This is further detailed at Section 6.3.4 and 6.3.2.	Yes
CI 58 Protection of Existing Flora	Clause 58 requires that development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.	The application is accompanied by a detailed Biodiversity Management Plan prepared by Travers Bushfire & Ecology and provided at Appendix 19. This report outlines a proposed restoration strategy for the site,	Yes

		including restored wildlife corridors, removal of exotic species and weeds and bushland regeneration works.	
CI 59 Koala Habitat Protection	Clause 59 applies to parcels of land, being all adjacent or adjoining land held in the same ownership, that are: -greater than 1 hectare in area, and -potential koala habitat. Before granting consent to development on land to which this clause applies, the consent authority, on information obtained from a person with appropriate qualifications and experience in biological science and fauna survey and management, must be satisfied as to whether or not the land is core koala habitat.	The site has a total area of 33,853 sqm and therefore is subject to the provisions of this clause and Schedule 11 under WLEP 2000 (Schedule 11 includes a list of feed tree species). Note: as per Clause 5 of WLEP 2000, SEPP 44 does not apply due to the inclusion of Clause 59 as a General Principle of Development Control) and Schedule 11. The application is accompanied by a detailed Biodiversity Assessment Report prepared by Travers Bushfire & Ecology and provided at Appendix 7 which stated the following: "A habitat assessment for this species according to the definitions of SEPP 44 - Koala Habitat Protection is provided within this section of the document. Under SEPP 44 the subject site is not considered to provide potential koala habitat". Therefore, the proposal is not likely to significantly impact on a local population of Koalas".	Yes
CI 60 Watercourses & Aquatic Habitats	Clause 60 requires that development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat. (Note. Development within 40 metres of a watercourse requires a permit pursuant to the Rivers and Foreshores Improvement Act 1948, from the Department of Land and Water Conservation.)	The development is not within 40 metres of a natural watercourse and the OSD basin is also greater than 40m from the nearest watercourse. Also, additional riparian and habitat corridor plantings are proposed.	Yes

CI 61 Views	Clause 61 requires that development is to allow for the reasonable sharing of views.	The development does not have any adverse impact on view sharing. The proposal complies with the overall Building Height Built Form Control. Additionally, given the location of the site within a landscaped setting, it is considered that the development will not have any significant adverse impact on view sharing. The buildings are terraced down the slope, reducing visual impact and potential view impacts. The proposal has no adverse view impacts as assessed under the Planning Principle – Tenacity v Warringah Council. Refer to photomontages in the Architectural Plans in Appendix 1.	Yes
CI 62 Access to Sunlight	Clause 62 'Access to Sunlight' under WLEP 2000 requires that "development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing: -sunlight, to at least 50% of the principal private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21, and -where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%".	The development will not unreasonably reduce sunlight access to surrounding properties, as the majority of shadowing falls within the existing site. The proposal will not result in shadowing to habitable buildings located on adjacent sites. Refer to Architectural Plans in Appendix 1 for shadow diagrams and setback diagram which illustrates shadowing and distance to neighbouring sites.	Yes
CI 63 Landscaped Open Space	Clause 63 requires that "landscaped open space is to be of such dimensions and slope and of such characteristics that it will: -enable the establishment of appropriate plantings to maintain and enhance the streetscape and	The proposal involves a high degree of landscaping. Approximately 69% of the site will be landscaped areas. This provision will enable the retention of significant natural features and the establishment of appropriate plantings to maintain	Yes

	the desired future character of the locality, and -enable the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale, and -enhance privacy between dwellings, and -accommodate appropriate outdoor recreational needs and suit the anticipated requirements of dwelling occupants, and -provide space for service functions, including clothes drying, and -facilitate water management including onsite detention and the infiltration of stormwater, and -incorporate the establishment of any plant species nominated in the relevant Locality Statement, and enable the establishment of indigenous vegetation and habitat for native fauna, and -conserve significant features of the site".	and enhance the desired future character of the locality. Appropriate perimeter planting have also been incorporated which will assist in minimising any privacy impacts. The proposed buildings are of a scale and density commensurate with the building height, bulk and scale of the surrounding area, being 'domestic' in character. The site has been designed to accommodate appropriate outdoor recreational needs for the residents. Laundry facilities are provided within the development and there is an on-site detention system, details of which are provided in Appendix 4. Details of the plant species to be planted on the site are contained within the Landscape Plan in Appendix 3. The application is also accompanied by a detailed Biodiversity Management Plan prepared by Travers Bushfire & Ecology and provided at Appendix 19. This report outlines a proposed restoration strategy for the site, including restored wildlife corridors and riparian zones, removal of exotic species and weeds and bushland regeneration works.	
63A Rear building setback	Clause 63A outlines the objectives of the rear building setback controls.	Appropriate setbacks incorporating substantial landscaping have been incorporated along boundaries including the rear boundary. This will ensure privacy between neighbouring dwellings is	Yes

		maintained whilst any visual impact is minimised.	
CI 64 Private open space	Apartment style housing (excluding town houses and villa homes) 10m 2 with minimum dimensions of 2.5 metres	Not applicable	N/A
CI 65 Privacy	Clause 65 requires that “development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings. In particular: -the windows of one dwelling are to be located so they do not provide direct and close views (i.e. from less than 9 metres away) into the windows of other dwellings, and -planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment”.	The development is located at a sufficient distance from other residential properties such that it will not result in any unreasonable direct overlooking into habitable rooms and principal private open spaces. The ILUs are designed and sited as such as to not overlook onto other units within the wider property. The ILUs are provided with adequate separation between buildings, and have also carefully positioned windows and habitable areas to minimise overlooking to dwellings within the site. No additional architectural privacy treatments are considered to be required. Refer to Appendix 1 for a setback diagram. A minimum 10 metre setback has been provided to all boundaries. The distances are greater when measured to the neighbouring buildings.	Yes
CI 66 Building bulk	Clause 66 requires that “buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, unless the applicable Locality Statement provides otherwise. In particular:	The setbacks proposed are considered to be sufficient for the scale of the buildings. Refer to Appendix 1 for the setback diagram. The built form has been broken down into a series of separate smaller domestic forms within a landscaped setting. Refer to Architectural Plans and photomontages at Appendix 1.	Yes

	-side and rear setbacks are to be progressively increased as wall height increases, -large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief, and -appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works”.	The proposed buildings are 2 storeys in height, which is consistent with the built form approved by the LEC in the previous application. This ensures that the proposal remains within the 8.5 metres height limit stepping down the slope. Two storey buildings are common within an ordinary low density residential environment. This relatively low height, dispersed massing and substantial articulation breaks down the overall bulk and scale of the development so that it is compatible with adjoining structures and buildings within both the wider site and the locality.	
CI 67 Roofs	Clause 67 requires that “roofs are to complement the local skyline. Lift overruns and other mechanical equipment is not to detract from the appearance of roofs”.	The development includes a series of pitched roofs which are consistent with other traditional pitched roof forms in the area. The style of roofing is consistent throughout the development.	Yes
CI 68 Conservation of Energy and Water	CL 68 requires a “development to make the most efficient use of energy and water. In particular: -the orientation, layout and landscaping of buildings and works and their sites are to make the best use of natural ventilation, daylight and solar energy, -site layout and structures are to allow reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties, -buildings are to minimise winter heat loss and summer heat gain, -landscape design is to assist in the conservation of energy and water,	The development includes a stormwater detention basin in the north-eastern corner of the property. The Stormwater Review prepared by JMD Development Consultants in Appendix 4 indicates that the detention basin will address the increase of stormwater runoff as a result of the development. Additionally, the development includes bio retention basins (rain gardens). In terms of the re-use of rainwater, the Stormwater Concept Plan states that a 150kL (minimum) stormwater collection tank will be incorporated into the development. The Plan states that “the tank will be reticulated back through the development for re-	Yes

	-reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks, -subdivision of land must be generally in accordance with the guidelines set out in the document published by the former Sustainable Energy Development Authority under the title Solar Access for Lots: Guidelines for Residential Subdivision, copies of which are available at the offices of the Council".	use in toilet flushing and laundry use". Refer to the BASIX and Nathers Statements provided in Appendix 10 and 13 respectively for further information.	
CI 69 Accessibility – Public and Semi-Public Buildings	Clause 69 requires that "the siting, design and construction of premises available to the public are to ensure an accessible continuous path of travel, so that all people can enter and use the premises. Such access is to comply with the requirements of the Disability Discrimination Act 1992 of the Commonwealth and with Australian Standard AS 1428.2—1992, Design for access and mobility—Enhanced and additional requirements—Buildings and facilities".	This DA includes an Accessibility Report at Appendix 14 which has reviewed the plans and confirmed appropriate access for self contained dwellings in accordance with the relevant standards, including Clause 40 and Schedule 16 of the Warringah LEP, accessibility requirements of the BCA 2019 and the DDA Premises Standards.	Yes
CI 70 Site facilities	Clause 70 requires that "site facilities including garbage and recycling bin enclosures, mailboxes and clothes drying facilities are to be adequate and convenient for the needs of users and are to have minimal visual impact from public places".	The development provides for all required site facilities which may be situated such that they are convenient to the needs of users and have minimal visual impact from public places. A Waste Management Plan has been prepared and provided at Appendix 17. Garbage rooms are provided within all buildings for waste management and disposal.	Yes
CI 71 Parking facilities (visual impact)	Clause 71 requires that "parking facilities (including garages) are to be sited and designed so as not to	The proposed development includes 95 car parking spaces, which are predominantly located	Yes

	dominate the street frontage or other public spaces". In particular "car parking is to be provided underground or in semi basements for apartment buildings and other large developments"	within basement levels under the building footprints below ground level. This results in an improved outcome to DA2017/0206 which included 36 spaces at-grade. The proposed parking will be discreet and not visible from the street frontage.	
CI 72 Traffic access & safety	Clause 72 requires that "vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimise: -traffic hazards, and -vehicles queuing on public roads, and -the number of crossing places to a street, and -traffic and pedestrian conflict, and -interference with public transport facilities. Where practical, vehicle access is to be obtained from minor streets and lanes.	Vehicular access is proposed to be provided from Barnes Road, using the existing driveway to the site. The driveway will provide for two-way traffic and vehicles will be able to enter and exit the site in a forward direction. As outlined in the Traffic Report at Appendix 5, access, servicing and internal layout will be provided in accordance with the relevant Australian Standards.	Yes
CI 73 On-site Loading and Unloading	Clause 73 requires that "facilities for the loading and unloading of service, delivery and emergency vehicles are to be appropriate to the size and nature of the development. On-site facilities are to be screened from public view and designed so that vehicles may enter and leave in a forward direction".	As outlined in the Traffic Report at Appendix 5, a "loading bay will be provided to accommodate delivery and garbage collection vehicles. The bay will cater for small rigid trucks up to 6.4 metres long, in accordance with the Australian Standard for Parking Facilities (Part 2: Off-street commercial vehicle facilities), AS 2890.2 – 2002. Service vehicles will include garbage collection, linen, food and other delivery and maintenance vehicles. Service vehicles will be able to enter and exit the site in a forward direction." Appropriate screening has been provided from public view.	Yes

CI 74 Provision of Carparking	Clause 74 requires that the design of car parking areas is to be provided in accordance with the most recent "Guide to Traffic Generating Developments" (NSW Roads and Traffic Authority).	The design of the car park and driveway will enable safe and convenient pedestrian and traffic movement. Vehicles will be able to enter, drop off residents and goods at the front door and leave the site in a forward direction. A total of 95 car parking spaces are provided. As outlined in the Traffic Report at Appendix 5, access, servicing and internal layout arrangements can be provided in accordance with the relevant Australian Standards.	Yes
CI 75 Design of carparking areas	Clause 75 outlines the requirements for carparking areas.	As outlined in the Traffic Report at Appendix 5, 95 car parking spaces has been accommodated in the development, satisfying the LEP requirements, which specify that a minimum of 46 spaces is required. Suitable access provisions have also been accommodated for, allowing all vehicles to enter and exit the site in a forward direction. Minimum car parking dimensions have also been adhered to, ensuring that each individual space is adequate for the needs of residents and visitors. As outlined in the Landscape Plan at Appendix 2, generous landscaped areas have also been provided to ensure minimal impacts are associated from public view.	Yes
CI 76 Management of Stormwater	Clause 76 requires that stormwater runoff from development is to discharge to a Council drainage system approved by the Council for the purpose and is to have minimal impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake, waterway or the like. Water quality	The proposed development includes a stormwater detention basin in the north-eastern corner of the Property. The Stormwater Report prepared by JMD Development Consultants at Appendix 4, indicates that the detention basin will address the	Yes

	control measures are to be provided in accordance with the Northern Beaches Stormwater Management Plan.	increase of stormwater flow off as a result of the development. Additionally, the development includes bio retention basins (rain gardens) which are designed to treat stormwater runoff from landscaped areas.	
CI 77 Landfill	Clause 77 outlines that landfill is to have no adverse impact upon the visual and natural environment.	Land fill is not proposed.	N/A
CI 78 Erosion & Sedimentation	Clause 78 requires that development is to be sited and designed, and related construction work carried out, so as to minimise the potential for soil erosion.	The proposed development will comply with any erosion and sedimentation requirements and will be addressed at CC stage. Details relating to erosion and sedimentation control are provided in the stormwater plans accompanying the stormwater report at Appendix 4 .	Yes
CI 79 - 83	Clause 79 to 83 outlines heritage controls, controls for development in the vicinity of a heritage item and development which may have archaeological significance.	The site is not a heritage item or within a heritage conservation area. No heritage items are located in the vicinity of the site. Warringah Council's Assessment Report for DA 2013/0575, noted that the site was referred to the NSW Aboriginal Heritage Office on 21 May 2013 pursuant to the provisions of Clause 80 of the Warringah Local Environment Plan 2000 as the site may contain or may be within the vicinity of an Aboriginal place or place of Aboriginal cultural significance. The NSW Aboriginal Heritage Office advises that: "No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites."	Yes

4.7.5. WLEP 2000 Schedules

Schedule 5 - State policies

The below table outlines a response to the applicable State Policies as outlined in Schedule 5.

Table 12: State Policies

State Policy	Response
Housing for older people or people with a disability It is State policy to encourage the provision of housing that will: (a) increase the supply and diversity of housing that meets the needs of older people or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design.	The proposed development will increase the supply of seniors housing in the form of independent living units in an appropriate location, utilising existing infrastructure and in relatively close proximity to services such as the Northern Beaches Hospital. It incorporates an excellent design which is sympathetic to its context whilst comprising of high quality materials.
Koala habitat protection It is State policy to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.	The application is accompanied by a detailed Biodiversity Development Assessment Plan prepared by Travers Bushfire & Ecology and provided at Appendix 5. This report found that the site is not considered to comprise koala habitat as defined under SEPP 44 and no further assessment under this Policy is required. As such, the proposal is not likely to significantly impact on a local population of koalas.

Schedule 6 - Preservation of bushland

A Biodiversity Management Plan has been prepared by Travers Bushfire and Ecology and provided at **Appendix 19**.

Refer to Section 6.1.2 for further details.

Schedule 8 - Site analysis

Clause 22(2) (a) of WLEP 2000 requires that the consent authority must consider a Site Analysis prepared in accordance with the criteria listed in Schedule 8. It is considered that the submitted Site Analysis within the Architectural Plans, **Appendix 1** adequately addresses how the development responds to its surrounds and the locality.

Clause 22(2)(b) requires a description of how the design responds to the site analysis and the development controls in Part 4 and the Locality Statement.

It is considered that throughout this SEE, a descriptive response has been provided outlining how the design responds to Council's LEP and specifically the Locality Statement.

Schedule 11 - Koala feed tree species and plans of management

Refer to Section 4.6.4 above.

Schedule 16 - Principles and standards for housing for older people or people with disabilities

As the proposed development is for seniors housing in the form of ILUs, Schedule 16 of the WLEP 2000 applies to the proposal. An Access Report prepared by Accessibility Solutions forms part of this application at **Appendix 14** which finds that the proposal complies with the relevant provisions outlined in Schedule 16 of the WLEP 2000.

Marchese Partners have also prepared a compliance table in **Appendix 16** demonstrating that the proposal either complies or is capable of complying with these provisions.

Schedule 17 – Car parking provision

A Traffic Report has been prepared by Colston Budd Rogers & Kafes Pty Ltd and provided at **Appendix 5**.

The provision of car parking is also discussed in Section 6.2.8.

5. OTHER PLANNING CONSIDERATIONS

The relevant planning framework considered in the preparation of this report comprises:

- A Metropolis of Three Cities - the Greater Sydney Region Plan;
- North District Plan; and
- Warringah Development Control Plan 2000 (WDCP 2000).

5.1. Greater Sydney Region Plan and North District Plan

A Metropolis of Three Cities - the Greater Sydney Region Plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City (see figure over page). It is envisioned that people of Greater Sydney will live within 30 minutes of their jobs, education and health facilities, services and great places.

Relevant sections of the Draft Greater Sydney Region Plan are outlined in the table below.

Table 13: Consistency with the Greater Sydney Region Plan

Direction	Comment
Chapter 4 – Liveability A city for the people Housing for the city A city of great places	Greater Sydney is forecast to grow from 4.7 million people to 8 million people by 2056. Housing targets include 750,000 additional homes over the next 20 years and 817,000 new jobs to meet the needs of a changing economy.
Chapter 5 – Productivity A well-connected city Jobs and skills for the city	Integration of land use and transport will mean more people have access to jobs, education, health and other services by public transport within 30 minutes of their homes.
Chapter 6 – Sustainability A city in its landscape An efficient city A resilient city	The draft Plan looks to manage the effects of urban development on the natural environment, as well as to reduce costs, carbon emissions and environmental impacts and contribute to a target towards net-zero emissions by 2050.

The subject site is within the Greater Sydney Commission's North District Plan. The subject site is also in close proximity to the 'Northern Beaches Hospital' which has been identified as a 'Strategic Centre', as it will provide an increase in the number of jobs and health services to the district population, once the hospital has opened.

The Plan outlines that the "projected growth in people aged 65+ in the North District means that there must be more emphasis on planning for housing diversity particularly seniors housing and aged care options that allow people to age in place."

As a result, the Plan in accordance with priority 4.2, outlines the following liveability priority for the district:

Support planning for adaptable housing and aged care

The proposed development will directly contribute to this priority by providing aged care beds near the Northern Beaches Hospital Strategic Centre.

5.2. Warringah Social Plan, 2010

The Warringah Social Plan (WSP), 2010 notes that Warringah's population is ageing at a higher rate than the national average, and generally living longer. The WSP notes it is important that healthy ageing be encouraged and that services and infrastructure further support this, as well as catering for those with additional needs such as for home-based or residential care.

The strategic directions include, 'facilitate healthy and active lifestyles for older people which encourage ageing in place, participation and reduce the potential for social isolation'.

In order to achieve this objective, the following two actions are proposed;

"1. Plan for a range of housing types and densities in Warringah, to best meet existing and future housing needs and targets.

2. Review opportunities in particular for increased housing choice and accessibility for older people and people with a disability. Facilitate the ability of people to be able to 'age in place' here in Warringah".

The development will provide a total of 41 ILUs and ancillary services which will contribute to providing accommodation and a sense of community for the target group. The additional provision of seniors housing contribute to meeting the strategic objectives of the Social Plan.

5.3. Warringah Council's Ageing Strategy

Warringah Council's Ageing Strategy has been informed by relevant State Government legislations and reflects the priority areas most relevant to the community.

The following statement from the Strategy is most relevant to the subject development:

"There does not appear to be enough suitable accommodation to keep ageing people in their existing neighbourhoods."

The Strategy is mainly focused on encouraging more independent style housing options within the LGA. This development however, will assist in accommodating the evolving needs of the community by providing additional aged care beds.

5.4. Warringah's Community Strategic Plan

The Community Strategic Plan 2023 sets out the long term aspirations of the Warringah community, in addition to outlining key services and pressures currently being experienced by the community.

One key pressure has been outlined below:

"....our community is evolving. We are living longer; the number of people aged over 65 years is forecast to grow. We need to adjust to these changes so support services reflect the needs of the community and our public spaces are accessible."

The subject development will assist in meeting the increasing demand for aged care facilities. It provides a high-quality accessible facility, with generous landscaped areas and associated support facilities.

5.5. Warringah Development Control Plan 2000

The only applicable instrument is the Warringah Development Control Plan 2000 (Notification).

The development will be notified in accordance with this Plan.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

6.1.1. Flora and Fauna

A Bushland Regeneration and Biodiversity Management Plan (BMP) has been prepared by Travers Bushfire and Ecology and provided at **Appendix 19**.

The BMP outlines the proposed revegetation works as part of this development. It has been prepared in accordance with the following objectives for management of the site:

- Weed control targeting noxious and environmental weeds,
- Revegetation of the 30m wide biodiversity corridor with sandstone gully forest vegetation,
- Restoration and stabilise the riparian zone,
- Pocket planting of the area between the buildings and the biodiversity corridor;
- Hollow-bearing tree protection works, supervision of dismantling and nest box installation,
- Fuel reduction in asset protection zones to be achieved by selective vegetation removal to be mostly achieved through the removal of understorey weeds, and
- Undertake monitoring, auditing and maintenance activities to ensure an effective and a stable restoration outcome ensuring compliance with the BMP specifications.

As outlined in the BMP, prior to commencement of any works on site, a team of bushland regenerators and an independent ecologist will be appointed and will be responsible for undertaking most of the ameliorative works on the bushland and establishment of wildlife corridor.

A summary of the proposed works has been provided in **Figure 10** below and includes:

- Zone 1 - Northern biodiversity corridor and shrub and ground layer planting;
- Zone 2 - Riparian restoration and revegetation;
- Zone 3, 4, 5, 6 and 7 - Asset Protection Zones;
- Zone 6 - Landscaping;
- Zone 8 - Landscaping with Native Canopy Planting;
- Basin and embankment planting; and
- Macrophyte planting.



Figure 10: Vegetation Management Zones (Source: BMP, Travers Bushfire & Ecology)

In addition, a Biodiversity Development Assessment Report has been prepared by Travers Bushfire and Ecology and provided at **Appendix 5**.

Assessment has been undertaken in consideration to the Biodiversity Conservation Act 2016 through the relevant process outlined by the EP&A Act.

The direct impacts of the proposal within the subject site are considered as:

- Removal of three (3) hollow-bearing trees with potential habitat for threatened species.
- Removal / modification of 0.45ha of PCT1250 Sydney Peppermint - Smooth-barked Apple - Red Bloodwood shrubby open forest
- Clearing of 0.45ha poor-quality non-TEC vegetation.
- Subsequent removal of threatened fauna species foraging habitat

The proposal does not trigger biodiversity offsets, does not cause a significant impact or a serious or irreversible impact upon threatened species, endangered populations or threatened ecological communities and is unlikely to have a significant impact on threatened or migratory fauna species listed as matters of national environmental significance under the EPBC Act. As such, a referral to the Commonwealth Department of Environment and Energy (DOEE) is not required.

The report found that to minimise adverse ecological impacts, the following mitigation measures are proposed:

1. Retention of hollow-bearing trees where possible.
2. Replacement landscaping should consider the use of locally occurring (endemic) native species commensurate with PCT 1250 including trees, shrubs and ground covers to encourage local fauna use, to consolidate remnant vegetation linkages and to provide 'island' refuges for native flora and fauna species within the locality.
3. Sediment and erosion control measures in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) to minimise impact of possible sedimentation to local drainage lines.
4. Control and eradication of noxious and other invasive ecological weeds should be undertaken to prevent further invasion by these species. Invasive species such as Lantana and Privet were observed within the study area.

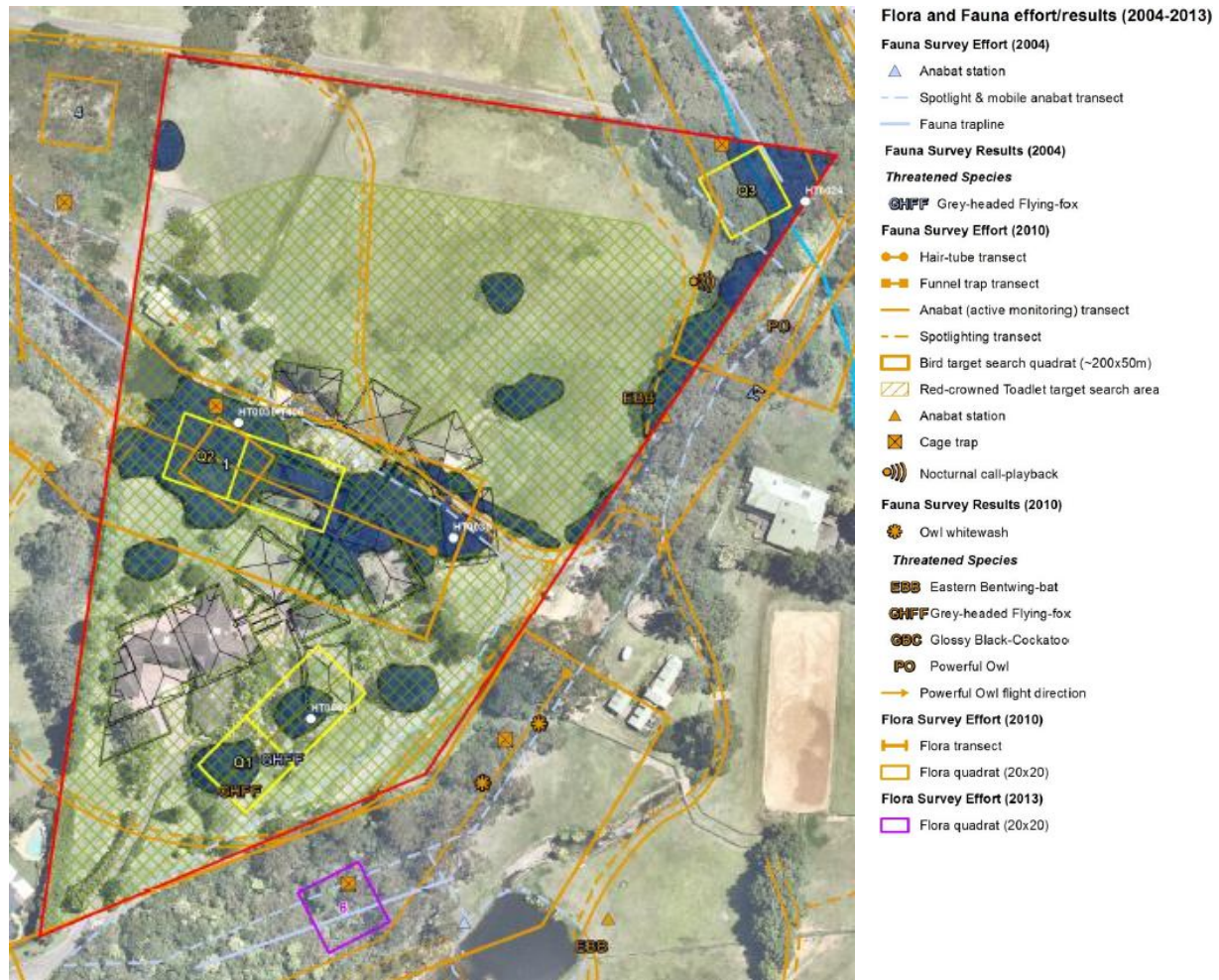


Figure 11: Extract from the Flora and fauna survey effort and results (Source: Travers Bushfire and Ecology)

6.1.2. Bushfire

A review of the proposal was undertaken by Travers Bushfire and Ecology and provided at **Appendix 9**. A separate Bushfire Protection Assessment Report was prepared for DA 2017/0206, with this report providing the primary bushfire assessment for this proposal.

As outlined in **Figure 12** below, the subject site is partially classified as bushfire prone.



Figure 12: Bushfire Prone Land Map (Source: Bushfire Protection)

The bushfire review states that when compared to the building footprint of the previous approval, it is not located any closer to the bushfire hazard and does not encroach within the approved APZs. There were also no proposed changes to the internal access road, which maintains the minimum 6.5m carriageway, 12m turning circle and internal evacuation routes as per the previous NSW Rural Fire Service (RFS) approval. Travers confirmed that the proposal complies with the conclusions and recommendations outlined the bushfire report issued with DA 2017/0206.

The previous assessment found that the risk of bushfire could potentially impact the proposed development from the vegetation to the north west, the vegetation associated with the creek line to the north-east and the forest within the adjoining residential land to the south, resulting in possible ember and radiant heat attack.

This risk can however be effectively mitigated if appropriate bushfire protection measures are put in place and managed in perpetuity.

The report states that the development will provide compliance with the Planning for Bushfire Protection, 2006 (PBP), through:

- The application of APZs with the provision of an 88b easement agreement within Barnes Road reserve (Lot 1113 in DP 752038) as per Council condition.
- On site safety through the implementation of an emergency incident and evacuation plan in accordance with the NSW Rural Fire Service evacuation planning guidelines;
- Compliance with the access provisions of PBP.
- Compliance with the NSW Bushfire Safety Authority.

Additionally, the assessment outlines additional recommendations to ensure compliance with the greater requirements of the PBP.

6.1.3. Landscape Setting

A Landscape General Arrangement Plan and a Landscape Report have been prepared by John Chetham and Associated and provided at **Appendix 3**.

The key landscape outcomes have been summarised below:

- Landscape open space: approximately 69% of the total site area;
- No. of existing trees to be removed: 124 trees;
- No. of existing trees to be retained: 62 trees; and
- Total number of proposed new trees: 288 trees

As outlined in Section 3, different areas of the site will be landscaped, receiving a separate landscape treatment to reflect their unique character and proposed use. The proposed species selection and design has been specifically chosen to provide a range of plants suitable for aged care residents and the natural environment. The designed landscape has retained and followed the existing topography and grades as closely as practicable.

A number of trees and smaller shrubs are nominated for removal, including a number of trees within the remnant open forest/woodland. A woodland rehabilitation program is specified with the clearance of the prolific exotic weed species on the woodland floor. This will be followed by replanting with locally endemic trees and understorey species.

Particular consideration has been given to limit views into the site from the surrounding residential properties, streets and Oxford Falls Road, so that visual impacts will be minimised. This has been achieved through the following:

- **South Entrance Views:** The southern end of the Cypress hedge adjoins the entrance driveway. Cypress trees immediately within the site will be replaced with broad leaved trees so that views into the site from the Barnes Road Entrance will be heavily obscured. Refer to Figure below.



Figure 13: Photomontage of south entrance

- **Western Views:** Views from the west into the site are already substantially screened by tall and mature vegetation. The proposed trimming of the Cypress hedge will not expose any additional views. Refer to Figure below.



Figure 14: Photomontage of western views

- **Northern Views:** Views from the north are limited to a small section of Barnes Road. A 5-metre-wide mixed native screen planting has been included along the north-eastern boundary. Refer to Figure below (showing trees once matured).



Figure 15: Photomontage of northern views

Easterly Views: Easterly views towards the site from the western side of Oxford Falls Road are effectively blocked by a continuous strip of native woodland trees, except from a gateway entrance driveway leading into 1884 Oxford Falls Road. At this point the subject site is at a substantial distance from Oxford Falls Road, with a belt of woodland trees on the western boundary of No. 1336-1337

Oxford Falls Road. Views into the site presently are mostly obscured and this will increase as the proposed landscaping matures. Refer to Figure 16 below.



Figure 16: Photomontage of easterly views

The above demonstrates that views into the site from the surrounding streets and properties are already predominantly obscured and will become further screened when the proposed landscape planting grows and matures.

6.1.4. Waterways

A Waterway Impact Study has been prepared by Travers Bushfire & Ecology and provided at **Appendix 18**.

As outlined in the figure below, there are three drainage lines/streams relevant to the subject site, including:

- Drainage Line 2 - a natural watercourse to the south which flows to the east and into a dam and managed rural landscape on the adjacent property. The drainage then follows modified portions as it flows beyond the dam to the east. This watercourse will not be impacted by the proposal in any direct or indirect manner;
- An ephemeral stormwater channel flowing into Drainage Line 2 that has been constructed from a roadside culvert to the south which flows into the natural channel mentioned above. The road entry to the site for the proposal will be modified at this location and the stormwater drainage will be redirected along Barnes Road into the development landscape where the water will be treated; and
- Middle Creek Tributary - a modified drainage channel recognised as a watercourse (Warringah Creek Management Study 2004) that bisects the north eastern corner of the site. This drainage will not be directly or indirectly impacted by the proposal and channel bed and riparian restoration works are proposed that will be specifically outlined in a Vegetation Management Plan.

Another drainage line described as 'Drainage Line 1' is located approximately 100m to the north of the site boundary. Each of the drainages described are shown on Figure 17.

As outlined in the study, "the development and the area extending out to the proposed APZ extents will not impact on any natural watercourses or riparian buffers. As such, the existing vegetation is able to be managed to the standards of an asset protection zone (inner and outer protection area). The impacts of the current proposal are generally consistent with that identified to the previous approval". It is therefore concluded that there will be no likely direct or indirect impacts on the identified natural and modified waterways that are located within or in close proximity to the site.



Figure 17: Proposed development, APZ's and surrounding drainages (Source: Waterway Impact Study, Travers Bushfire & Ecology)

6.1.5. Soil Stability

A Geotechnical Report has been prepared by Douglas Partners and provided at **Appendix 12**.

This report provides information on the subsurface conditions and groundwater levels for the preliminary design of the basement excavation, shoring systems and foundations. This report finds the following:

- Following demolition of the existing buildings, removal of sandstone boulders, above ground fuel storage tanks and small piles of demolition rubble, excavations are likely to encounter up to 1.3 m of sandy filling and clayey sand residual soil for the basements and lower levels, then rock of varying strength, including high strength sandstone. Thicker soils, possibly including cobbles and large boulders, may be encountered in the steeply sloping area of the site (i.e. within the footprints of Buildings 04 and 05).
- It is considered that the medium and high strength sandstone within the footprint of the proposed basement can be cut vertically and left unsupported as the excavation progresses, subject to a detailed assessment of jointing and rock conditions by a suitably qualified geotechnical engineer/engineering geologist during excavation, who will advise on any rectification works considered necessary to maintain stability (such as spot bolting or installation of shotcrete).

It is noted that additional supplementary geotechnical investigation will be required for detailed design, to determine the geotechnical profile in areas where there are data gaps. The supplementary investigations include:

- investigation of the sloping area of the site (i.e. the footprint of Buildings 04 and 05), where rock levels and the depth of weathering of the sandstone could be different to other parts of the site;
- investigation and assessment of rock mass permeability, to refine the assessment of likely groundwater flows into the excavation;
- investigation of the northern portion of the Building 06-09 footprints, where historical test pits indicate a thicker soil profile; and
- further testing of the filling and sandstone, and the depth to the top of rock, for other areas of the building footprints.

These investigations may be conditioned in the event of DA approval.

Refer to the Geotechnical Report in **Appendix 12** for further details.

6.1.6. Stormwater

A Stormwater Report has been prepared by JMD Development Consultants and provided at **Appendix 4**.

The report concludes the following:

"Increases in water quality and quantity impacts from a development are driven by the area of impervious surfaces in that development rather than the floor area or number of beds/rooms/units contained within the development. The impervious surfaces of the current proposal have been compared to that in the July 2014 proposal and found to be comparable in scale. Further, previous stormwater studies undertaken by JMD in this catchment have shown that the stormwater flows in the local tributary system are relatively insensitive to the scale of development on this site. As such, the current proposal will not significantly alter the findings of the July 2014 stormwater report prepared by JMD and water quality and quantity issues for the proposed development can be

managed to comply with current standards by the provision of re-use tanks and a rain garden and detention basin similar to that specified in the annexed JMD report."

The impact on water quantity is to be managed by the construction of a detention basin. Stormwater pollutant loads contained within the discharge are addressed through the re-use of roof water and the provision of a small rain garden treating stormwater flows from the development prior to discharge to the existing drainage path on site.

As such the development will have "a very minor impact on the peak stormwater flows in the vicinity of the project."

6.2. Built Environment

6.2.1. Built form

Building height, bulk and scale

Building height, bulk and scale have been fully discussed in Section 4.7.2 and concluded to be appropriate for the site and within its surrounding context.

Materials and Finishes

The facades respond to the semi-rural setting, with a palette of materials typical of the area.

These materials draw reference from the peri-rural feel of the area and neighbouring residences. The new facades will be light and have a domestic residential quality. The combination of materials provides greater articulation and architectural interest to the buildings.

Roof form

The main roof over the development is visually expressed as a series of separate hipped structures, which is consistent with the surrounding residential locality. The roof heights vary and step down in response to the natural topography of the site.

Setbacks

The proposed development is substantially set back from the surrounding dwellings, which assists in minimising impacts such as shadowing and privacy, to the surrounding environment.

As indicated in the Architectural Plans **Appendix 1**, the development incorporates a minimum of a 10 metre setback from the side and 20 metres from the road boundaries, compliant with the WLEP minimum requirements. It should be noted that the separation distances are more when measured from the surrounding dwellings.

6.2.2. Overshadowing

Shadow diagrams have been prepared by Marchese Partners and are provided at **Appendix 1**. The shadow diagrams demonstrate that minimal shadowing to the property to the west occurs between 9am and 11am. At all other times, given the generous side and rear setbacks and low building heights, any shadowing associated with the proposed development falls entirely within the existing site.

6.2.3. Privacy

Given the large site area and generous side setbacks there will be minimal direct overlooking associated with the new buildings onto surrounding dwellings. The proposed ILUs have been carefully designed to ensure that habitable spaces (windows/balconies/openings) are located to prevent adverse amenity and overlooking impacts within the site.

6.2.4. Acoustics

An Acoustic Assessment has been prepared by Renzo Tonin & Associates and provided at **Appendix 6**. The assessment concludes the following:

"The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated into the building design to achieve compliance with acoustic requirements of SEPP (Infrastructure) 2007 and the Department of Planning's Interim Guideline.

In addition, an assessment of any noise from mechanical plant equipment servicing the buildings shall be undertaken during the detailed design and equipment selection stages to ensure that plant and equipment is designed in accordance with the relevant acoustic criteria.

In conclusion, the site is capable of complying with the relevant codes and criteria for the aged care facility."

6.2.5. Access

An Access report has been prepared by Accessibility Solutions (NSW) Pty Ltd and provided at **Appendix 16**.

As outlined in the Access report, the development will *"provide appropriate access for a Residential Aged Care Facility that complies with the various accessibility requirements of the BCA 2016, DDA Premises Standards and the Warringah LEP – Section D18 Accessibility"*.

6.2.6. Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

The safety and security of all residents and staff (including the perception of safety and security that the facility will provide) is of paramount importance to the amenity of the facility.

The 4 principles which guide CPTED are noted in the table below:

Table 14: Crime Prevention through Environmental Design

Principles	Objectives	Response
Surveillance	The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.	CCTV will be installed in appropriate locations to ensure entrances to the site and around the development are appropriately monitored. The areas surrounding the buildings will be well lit and landscaped, and the use of the site will cause passive surveillance opportunities. Further, there is only 1 main entrance and exit point into the site, this will ensure that visitors to the facility are easily identified.
Access control	Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.	The existing perimeter fencing with landscaping will be retained. The existing fencing aids in achieving an appropriate level of access control and establishes territorial reinforcement of the facility. The individual buildings will be fitted with secure doors that provide restricted access to areas that are not for public use. Individual dwellings are secured with doors and windows that are lockable.
Territorial reinforcement	Territorial reinforcement	As the site is fully fenced and has one access point, the development clearly delineates between public/semi-private/private spaces between the public domain and the development itself.
Space management	Ensures that space is appropriately utilised and well cared for. Strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.	In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting will be provided in accordance with the relevant Australian Standards to all common areas and accessways. Such lighting will be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Landscaping design and lighting will be co-ordinated together to ensure they collaboratively provide a safe place, particularly during the evenings; Adequate directory signage is to be provided within the development to identify facilities, entry / exit points and direct movement within the development;

6.2.7. Heritage and Archaeology

The site is not a heritage item or within a heritage conservation area. No heritage items are located in the vicinity of the site.

6.2.8. Traffic and Parking

A Traffic Report has been prepared by Colston Budd Rogers & Kafes Pty Ltd and provided at **Appendix 8**.

Parking

The following parking provisions have been accommodated:

- It is proposed to provide 95 on-site parking spaces; and
- A mini-bus space

Access

The following access arrangements have been accommodated:

- Vehicular access is proposed from Barnes Road. The driveway will provide for two-way traffic;
- A pick up and drop off point has been provided at the main entrance to the building, including for an ambulance;
- A loading bay has been provided to accommodate delivery and garbage collection vehicles; and
- An internal road has been provided for access to the southern part of the site for maintenance vehicles and access to on-site parking spaces.
- The development will be serviced by a dedicated private mini bus which will transport residents to and from local facilities, as referenced in the Traffic Report at **Appendix 5**.

Traffic

Based on 0.2 vehicles per hour per dwelling (in accordance with RMS surveys), the proposed development would generate approximately eight vehicles per hour two-way during peak hours.

This is considered a low generation of traffic.

As concluded in the Traffic Report, such *"a low generation would not have noticeable effects on the operation of the surrounding road network."*

It is noted that the previous traffic report submitted with the approved DA 2017/0206 found that *"housing for aged and disabled persons generates 0.1 to 0.2 vehicles per hour per dwelling during peak periods. Based on 0.2 vehicles per hour per bed, the proposed development would generate some 15 vehicles per hour two-way during peak hours. This is a low generation... such a low generation would not have noticeable effects on the operation of the surrounding road network."*

As such, the proposal would have fewer vehicular movement related impacts when compared to the previous proposal, which is considered acceptable and meet requirements relating to low impact, low density development as specified in the Oxford Falls Locality Desired Future Character Statement.

6.2.9. Building Code of Australia

The proposed development has been designed in accordance with all the relevant controls of the BCA.

A BCA Statement has been prepared by Advance Building Approvals Pty Ltd and provided at **Appendix 11**.

The Statement indicates that the development *"can generally comply with the Deemed-to-Satisfy requirements of Building Code of Australia – BCA 2016 (amendment 1). However, where required, "Alternative Solutions" may be employed in accordance with the BCA"*.

6.2.10. Construction Management

A Construction Management Plan (CMP) will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

6.2.11. Waste

A Waste Management Plan has been prepared by Henroth and provided at **Appendix 17**. Garbage rooms have been provided within each basement below the dwellings. Residents will transport waste from their units to the waste storage rooms. Waste management staff will transfer waste from the individual waste storage rooms to the large temporary waste room adjacent the loading dock, where it will be collected by Council's waste collection service.

Any waste generated during construction will comply with the relevant guidelines. Materials will also be recycled where possible.

6.3. Site Suitability

The suitability of the site for a seniors housing has been established by previous approvals on the site (DA2010/371, DA2014/1062 and DA2016/0206). The proposed development involves seniors housing in the form of ILUs, and the site remains to be suitable for this use.

6.3.1. Natural Hazards

The site is not classified as flood prone, subject to mine subsidence or other significant hazard that would prevent the use of the site for the proposed development.

6.3.2. Soils/Contamination

The previous Development Assessment Report by Warringah Council DA2014/1062 stated that, "Council records indicate that the site has been used for residential purposes for a significant period of time. It is therefore considered that the site poses no risk of contamination and as such no further consideration is required".

Notwithstanding a Preliminary Site Investigation (PSI) addressing contamination matters has been prepared by Douglas Partners and provided at **Appendix 8**.

The objectives of the PSI were to:

- Identify potential sources of contamination and the potential contaminants from a review of limited history and a site walkover;
- Identify potential human and ecological receptors; and
- Provide recommendations for further work.

The report found that “a review of limited site history information and a site walkover has revealed potential sources of contamination to be the aboveground storage tank, leaks or spills of oils and/or chemicals at the workshop, imported filling, (previous) pesticide storage and application, waste materials and previous structures. A detailed site investigation should be undertaken to assess the contamination from these potential sources (and should be designed to target these potential sources)”.

A separate Geotechnical Report has also been prepared by Douglas Partners and provided at **Appendix 12**. This report outlines several recommendations in relation to excavation, vibration, retaining walls, foundations and stormwater. These sources of contamination are considered minor and a detailed site investigation may be conditioned as part of any future consent consistent with the consent issued as part of DA 2017/0206.

As outlined in the supporting documentation and once the proposed recommendations are implemented, the site is capable of accommodating the proposed development.

6.4. Public Interest

Pursuant to *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is “whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

The proportion of the Northern Beaches population aged 55 and over and the percentage of people over 80 years old is significantly higher than the NSW and Australian population.

There is therefore an increasing demand for suitably designed aged care living facilities, which this development seeks to support.

It is considered that the social impacts of the proposed development will be positive within the context of an identified ageing population within the region and the demand for high quality seniors housing such as those proposed.

No public disadvantages have been identified as it has been demonstrated that any environmental or other impacts associated with the development are minimal and/or can be adequately managed.

Furthermore, the proposal meets the aims, objectives and controls set out in the prevailing planning instruments. It is not expected that the proposed development will create any significant impacts on the surrounding area. It is therefore considered that the proposed development will have an overall public benefit and its approval is in the public interest.

7. CONCLUSION

This SEE has been prepared for Dukor 24 Pty Ltd to accompany a Development Application for 41 independent living units and associated works, including landscaping and the revegetation of the site located at Lot 1113 Oxford Falls Road, Frenchs Forest.

The proposed application seeks to replace the previously approved DA2017/0206 for a 72 bed aged care facility. The design intent of the proposal has been to maintain a similar built form to that previously approved on the site, and to maintain a low impact and low intensity development on the site.

Considerable attention was given in the design of the proposal to ensure it maintained the general external appearance of detached style housing. The separate 'low slung' pavilion style buildings, domestic in design, roof forms and materials, that follow the slope of the land, successfully achieve that outcome.

As outlined in this SEE and the specialist consultant reports that accompany this application, the impacts associated with the proposal are minor and do not generate any adverse impacts on the site or its surrounding environment.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and environmental assessment as required under the heads of consideration under 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- comply with all standards and controls as outlined in the Warringah Local Environmental Plan 2000, including building height, minimum landscaped areas, setbacks, car parking and the like. It is also consistent with State and local strategic planning policies and strategies;
- provide high quality seniors housing in the form of ILUs to support the independent living of seniors, with excellent amenity, facilities and access to services for its residents, within a generous natural landscaped setting;
- provide an increase in residential aged care housing to assist in meeting growing demands for such important and necessary facilities within the local community;
- provide a net environmental benefit, by providing significant rehabilitation and revegetation works within largely cleared and degraded parts of the site;
- respond to the conditions of the site by providing an appropriate built form, compatible with its context, without adverse overshadowing or other amenity impacts on surrounding properties; and
- demonstrate that all potential impacts from the development are able to be managed and mitigated to reasonable and acceptable levels by appropriate design and recommended conditions of consent.

The significant social benefits provided by the proposed development outweigh any potential impacts and therefore, in our opinion, its approval is in the public interest.



APPENDIX 1

Architectural Plans



APPENDIX 2

Survey Plan



APPENDIX 3

Landscape Plan



APPENDIX 4

Stormwater Report



APPENDIX 5

Traffic Report



APPENDIX 6

Acoustic Report

APPENDIX 7

Biodiversity Development Assessment Report



APPENDIX 8

Contamination Report



APPENDIX 9

Bushfire Report



APPENDIX 10

BASIX Certificate



APPENDIX 11

BCA Report



APPENDIX 12

Geotechnical Report



APPENDIX 13

Nathers Certificate



APPENDIX 14

Access Report



APPENDIX 15

QS Report



APPENDIX 16

WLEP 2000 Schedule 16 Compliance Table



APPENDIX 17

Waste Management Plan



APPENDIX 18

Waterways Impact Study



APPENDIX 19

Biodiversity Management