

Appendix P



B.1 Warringah LEP – additional clauses for consideration

Clause	Requirement	Response
B2 Locality Statement		
Front building setback	The locality statement specifies a minimum front building setback to all roads of 20 metres.	The proposed development maintains a minimum 20 metre setback from Oxford Falls Road which, will be vegetated. A 20 metre setback to the Barnes Road reserve has not been provided, as this road is primarily for private access to the site.
Rear and side building setback	The minimum rear and side building setback is 10 metres within the locality.	The development provides a minimum 10 metre side from rear and side setbacks.
Landscaped open space	The minimum area of landscaped open space is 30 per cent of the site area	Yes
Clause 40 Housing for older people or people with disabilities	Development for the purpose of housing for older people or people with disabilities must provide residents with adequate access and services as outlined in Clause 40.	The Concept Plan has been designed in accordance with SEPP HSPD, as previously addressed.
Clause 44 Pollutants	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 Stormwater, Water Quality and Ecological Report all outline measures to prevent pollution for the site, improve water quality and enhance the Environmental corridors.
Clause 47 Flood affected land	Development on flood affected land is to be sited and designed to minimise impacts of flooding on property and have regard to the existing flood regime.	The Stormwater report addresses flood issues and concludes that the development is suitable for the site in relation to flooding.
Clause 48 Potentially contaminated land	The consent authority must not consent to the carrying out of development on land unless: <ul style="list-style-type: none"> it has considered whether the land is contaminated, and 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 if the land requires remediation to be made suitable for the development proposed to be carried out, it is satisfied that the land will be remediated before the development is carried out. 	A Preliminary Environmental Investigation has been provided and the potential for contaminated land has been addressed under SEPP 55, refer Section 10.17.
Clause 52 Development near parks, bushland reserves and other public open spaces	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.	The development will preserve the vegetated buffer along Oxford Falls Road and the escarpment to maintain the existing landscape setting. The Visual Impact Assessment concluded that the development would have low visual impact when viewed from the public domain.
Clause 54 Provision and location of utility services	If proposed development will involve a need for them, 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.	Can be provided, as described in Sections 10.18 and 10.20.

Clause 56 Retaining distinctive environmental features on sites and Clause 58 Protection of existing flora	<p>Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land.</p> <p>In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.</p>	The development will minimise the loss of vegetation and enhance the existing environmental features on site, including rehabilitation of drainage lines and the Middle Creek tributary.
Clause 57 Development on sloping land	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.	<p>The site is not identified on Council's landslip risk map. No new dwellings are proposed on the western side of the site, due to slope. These areas will only be used for permanent full time staff and club facilities. Residents will access this area via the shuttle service.</p> <p>Excavation and fill will be required on site in order to achieve a level platform, which is a key objective for the development to assist aged persons or people with a disability. A geotechnical report has been prepared by GeoEnviro Consulting, which is attached at Section 10.17. The report concluded that with the recommended measures the proposed development is achievable for the site.</p>
Clause 59 Koala habitat protection	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 for 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.	This Clause has been addressed in the Flora and Fauna Assessment provided within Appendix I and prepared by Travers Environmental. The Assessment concluded that the site is not considered to be potential koala or core koala habitat.
Clause 60 Watercourse and Aquatic Habitat	Development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.	The Waterway Impact Statement and Status of Drainage Lines Reports have considered and addressed this clause as previously discussed.
Clause 61 Views	Development is to allow for the reasonable sharing of views.	A Visual Impact Assessment has been provided. The Assessment found that the proposal will have a low visual impact when viewed from the public domain. Further the development will not encroach upon any significant view lines such as views to the Narrabeen lagoon or to the escarpment and existing bushland to the east of the site.
Clause 62 Access to sunlight	Development is not to unreasonably reduce sunlight to surrounding properties.	Shadow diagrams provided



Clause 63 Landscaped open space	<p>Landscaped open space is to be of such dimensions and slope and of such characteristics that it will:</p> <ul style="list-style-type: none"> ■ enable the establishment of appropriate plantings to maintain and enhance the streetscape and 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 on-site 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. 	<p>A Landscape Concept Plan has been prepared for the site that proposes the following:</p> <p>Creation of a wetland on the northern portion of the site;</p> <ul style="list-style-type: none"> ■ Revegetation of the existing vegetation corridors within the central northern, eastern and southern portions of the site; ■ Comprehensive landscape scheme around all buildings and the site;
Clause 66 Building bulk	<p>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.</p>	<p>The proposed building bulk is consistent with the density proposed within SEPP HSPD and Clause 40 of WLEP, being a maximum 0.5:1 FSR. While the height exceeds the 8 metre specified limit, it is considered acceptable given the intention of the development to create an acceptable urban design solution. This includes grouping the buildings together to make the most efficient use of space, to reduce the development footprint, which is similar to other institutional developments within the locality. Further the layout of the development will allow the retention of significant vegetation corridors that currently screen the site from Oxford Falls Road.</p>
Clause 68 Conservation of energy and water		<p>Further details regarding energy and water conservation will be provided within the project Application. The Water Quality Management report outlines measures that will be implemented to enable rainwater harvesting for use on-site.</p> <p>The buildings have been orientated to maximise solar access for living spaces, which will be further detailed within the Project Application.</p>
69 Accessibility—premises available to the public	<p>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.</p>	<p>In relation to siting standards for wheelchair access, the Accessibility Report states that wheelchair accessible paths of travel will be readily provided.</p>

Clause 71 Parking facilities (visual impact)	Parking facilities (including garages) are to be sited and designed so as not to dominate the street frontage or other public spaces.	Parking for residents will be available in a basement car park that connects to all buildings above. Visitor parking will be located at ground level within the site, with no parking proposed within the front setback of the development of Oxford Falls Road.
Clause 72 Traffic access and safety	<p>Vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimise:</p> <ul style="list-style-type: none"> ■ 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. <p>Where practical, vehicle access is to be obtained from minor streets and lanes.</p>	A new access point in the form of a bridge is proposed off Oxford Falls Road, with the existing access point to be removed. To the south of the site, access will be retained through the Barnes Road Reserve. However, only emergency access will be available for the western portion of the site that connects to Barnes Road for the new emergency access route. The Traffic Report has addressed traffic access and safety issues and concluded that the proposed development will be designed in accordance with the relevant Australian Standards and the surrounding road network will be able to cater for the traffic generation without causing traffic hazards.
Clause 74 Provision of car parking	<p>Adequate off-street carparking is to be provided within the subject property boundaries having regard to:</p> <ul style="list-style-type: none"> ■ the land use, and ■ the hours of operation, and ■ the availability of public transport, and ■ the availability of alternative carparking, and ■ the need for parking facilities for courier vehicles, delivery/service vehicles and bicycles. 	Off street car parking has been provided in accordance with the rates specified within SEPP HSPD.
Clause 76 Management of stormwater	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 control measures are to be provided in accordance with the Northern Beaches Stormwater Management Plan.	<p>A Stormwater Management Plan has been prepared by JMD and Associates that demonstrates proposal will not adversely impact on stormwater flows in the area.</p> <p>The Waterway Impact Statement and Status of Drainage Lines report outline the measures proposed to protect downstream water quality.</p>
Clause 78 Erosion and sedimentation	Development is to be sited and designed, and related construction work carried out, so as to minimise the potential for soil erosion.	The Soil and Water Management Plan prepared by SEEC outlines measures to be implemented to protect water quality during construction.
Clause 79 Heritage control	<p>In relation to heritage, development is to:</p> <ul style="list-style-type: none"> ■ conserve the environmental heritage and cultural significance of Warringah, and ■ conserve existing significant fabric, settings, relics and views associated with the heritage significance of heritage items and heritage conservation areas, and ■ not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings, and ■ ensure that archaeological sites and places of Aboriginal significance are conserved, and ■ ensure that the heritage conservation areas throughout Warringah retain their heritage significance. 	The site is not located within a Heritage Conservation Areas and no heritage items are located on site or within the vicinity of the site.

<p>Clause 82 Development in the vicinity of heritage items</p>	<p>Development in the vicinity of heritage items or heritage conservation areas is to complement the character of the heritage item or buildings of heritage significance within that area in terms of its architectural style, scale, setback, siting, external materials, finishes, colours and setting. Significant views to and from heritage items or heritage conservation areas, are not to be adversely affected.</p>	<p>The Oxford Falls Public School along Dreadnought Road is located over 500 metres from the site. It is not considered that the proposal will affect the heritage significance of this item given the separation between these two sites and the proposed implementation of landscaping buffers and vegetated areas outlined in the Visual Impact Assessment (refer to Appendix C) to minimise visual impact.</p>
<p>Clause 83 Development of known or potential archaeological sites</p>	<p>Before granting an application for consent to development on an archaeological site or a potential archaeological site (except if such development does not disturb below-ground relics and any above-ground relics would not be adversely affected) the consent authority must:</p> <ul style="list-style-type: none"> ■ consider a heritage impact statement explaining how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, and ■ in the case of an archaeological site that has Aboriginal cultural heritage significance or of a potential archaeological site that is reasonably likely to have Aboriginal cultural heritage significance, notify the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent, and ■ in any other case, notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent. 	<p>An Aboriginal Archaeological Assessment has been prepared by Mary Dallas Consulting Archaeologists. The Assessment found that:</p> <p><i>"no Aboriginal sites or evidence of past Aboriginal visitation or use of the subject lands, nor any areas of definite Aboriginal Archaeological Potential were located during the surveys"(p. 1)</i></p> <p>Three areas were assessed to possess low Potential Archaeological Sensitivity, which were mapped. The areas do not contain any identified Aboriginal relics, but are sensitive because they contain sandstone features which can contain occupation deposit or axe grinding grooves. The development does not propose any buildings within these areas and does not impact on these areas of sensitivity.</p>

