

SJB Planning

**Preferred Project Report – Oxford Falls Seniors Living Resort
Oxford Falls Road, Oxford Falls
Part 3A Project Application No. MP 05_0113**



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Preferred Project Report

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1.0 INTRODUCTION

This Preferred Project Report (PPR) has been prepared by SJB Planning Pty Ltd on behalf of Tiffany Developments Pty Ltd following the public exhibition of the Part 3A Environmental Assessment (EA) for the construction of a Seniors Living resort comprising a nursing home facility, serviced apartments, self care dwellings and associated community, medical, recreation and retail facilities.

The EA was exhibited by the Department of Planning (DoP) from 14th January 2009 to 28th February 2009. During this period, the DoP received a total of 627 submissions, including those from various state agencies consulted as part of the exhibition process.

In response to the submissions, the Proponent has comprehensively reviewed the Project Application and submits this PPR in accordance with Section 75H (6) of the *Environmental Planning and Assessment Act 1979* and requests approval by the Minister for Planning.

This PPR comprises the following:

- Description of the Preferred Project outlining proposed amendments to the Project;
- Environmental Assessment of the Preferred Project;
- Response to the submissions received;
- Revised Statement of Commitments; and
- Revised technical reports supporting the Preferred Project (refer Attachments 1 to 10).



2.0 OVERVIEW OF PREFERRED PROJECT

In response to the submissions received, particularly the Agencies and Warringah Council the approach to the development of the site has been critically reviewed. This review has focused on the fundamental development capability of the subject land having regard to the environmental constraints of flora and fauna impacts, water quantity and quality management, riparian buffers, and site slope. These constraints, when overlaid with a considered approach to bushfire risk management, have established a development footprint within which the development can be accommodated.

A fundamental element of the revision of the application was established with the formulation of an approach to the management of the riparian areas and the required Asset Protection Zones (APZs) that were consistent with the requirements of the NSW Office of Water (NOW) and the Rural Fire Service (RFS). The resolution of these key, potentially conflicting site management requirements, set the framework within which the remaining environmental management issues could be accommodated and addressed. The establishment of the riparian buffers facilitated the refinement of a Water Quality Management and Stormwater Management approach that has ensured that the proposed seniors housing is clear of the PMF level, will incorporate water management approaches to improve water quality to Narrabeen Lagoon and will incorporate on-site water re-use options.

The approach to integrate the watercourses into the development concept has also facilitated the retention of bushland on the site and the confirmation from the Environmental Assessment that, under a maintain or improve assessment, the development will not have a significant impact upon any threatened species, population or endangered ecological communities.

The establishment of a development footprint (refer to Figure 1) having regard to the physical site considerations facilitated consideration of the proposed design having regard to the relationship and context of the development and has led to a reduction in the scale of the proposed built form and a rationalisation of the approach to the layout and configuration of the development.

Fundamentally the application continues to propose accommodation for seniors to facilitate aging in place and the adaptive re-use of existing dwellings on the higher western slopes to provide accommodation for the on-site medical staff, recreation and clubhouse facilities.

The proposed new works are confined to an area on the valley floor to the west of the riparian zone of the tributary of Middle Creek (that traverses the site in a south to north direction) and east of the minor escarpment that forms the western backdrop of the valley floor of the site.

The development provides a campus style built form that is similar to existing development in the local vicinity and within Locality B2 Oxford Falls Valley, under Warringah LEP 2000. The adjoining Locality B1 Frenchs Forest East, also permits a range of land uses that could be expected to comprise similar campus style configurations such as community facilities, schools and further education facilities, hospitals and places of worship.

The Preferred Project does not seek to substantially modify the original Concept Application in terms of basic development outcomes and accommodation types. The reductions in building footprint and building height are in direct response to the matters raised in the submissions received during the notification process.

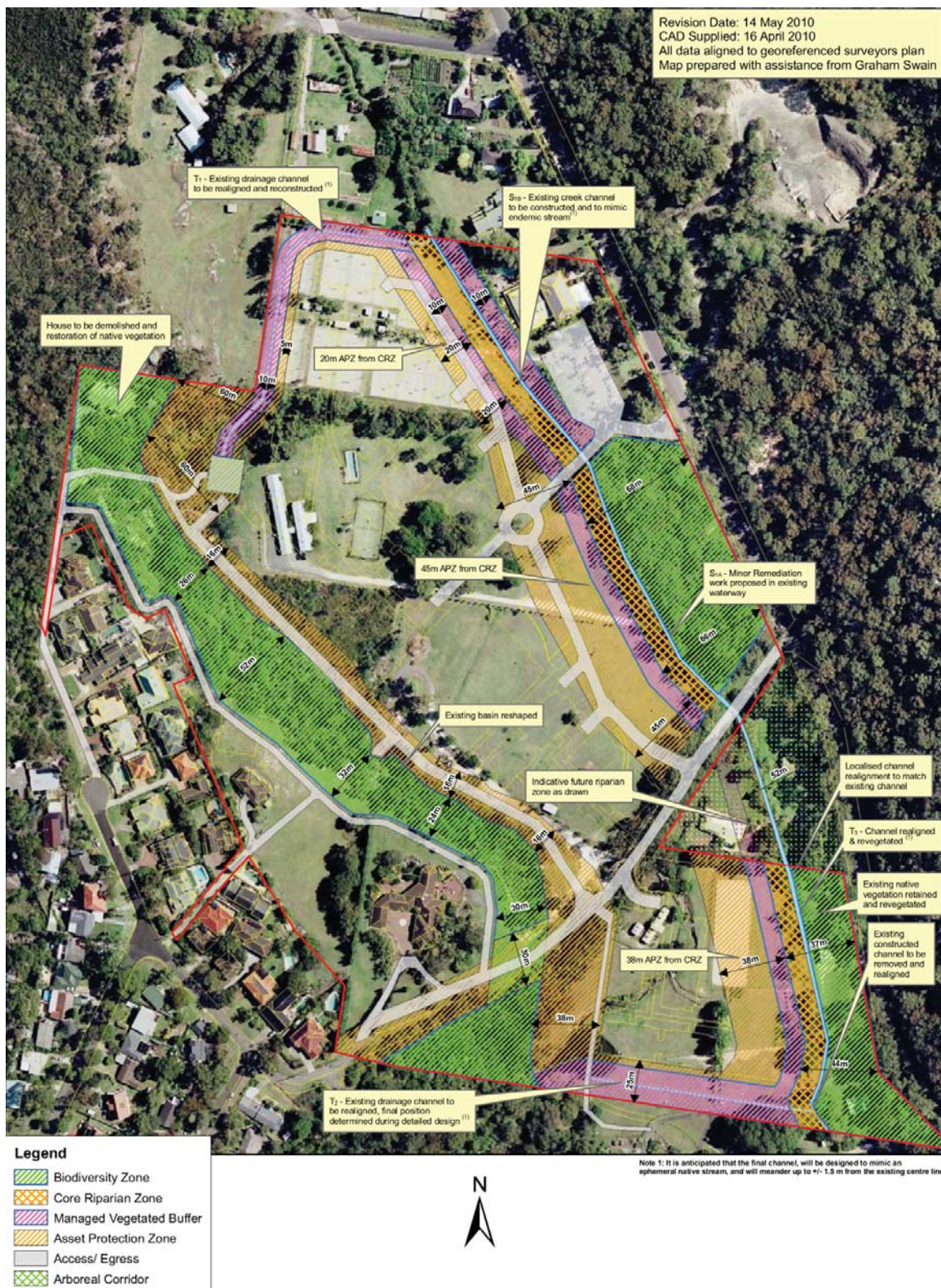


Figure 1: Bushfire and Riparian Constraints (Source: Travers Bushfire and Ecology).



2.1 Summary of the Preferred Project

To assist in comparison between the Concept Plan and the Preferred Project, the following table compares the accommodation proposed in the proposal as exhibited and this Preferred Project Report.

Element	Concept Plan	Preferred Project
Nursing Home	60 Rooms x 60 Beds	60 Rooms x 80 Beds
Serviced Apartments (1 Bed)	100 x 1 Bedrooms	100 x 1 Bedrooms
1x Bedroom Dwellings	9	0
2x Bedroom Dwellings	140	197
3x Bedroom Dwellings	242	196
Total Car Parking	656 spaces	607 spaces

Table 1: Comparison between Concept and Preferred Project Applications.

The development will be supported by a range of services including:

- Restaurants/Bistro
- Convenience Store
- Service Retail space such as Hair/Beauty
- Medical Centre
- Gymnasium
- Theatre
- Heated Pool
- Craft, Games and Library Room

The existing dwellings to be retained will be converted to provide:

- Doctor's Residence
- Caretaker's Residence
- Clubhouse comprising Billiards, Library and Lounge
- Administration/Marketing Facilities
- Security and Maintenance Facilities

The development of the complex will be undertaken by a Trust, which will raise the necessary capital for the construction, development and operation of the retirement resort. The wholly owned management company will be formed to employ all staff to manage and operate the retirement resort.

The proposal as amended is referred to as the Preferred Project in this report. The preparation of a Preferred Project Report (PPR) has also provided an opportunity to comprehensively address all issues raised in the submissions received by the DoP with respect to the Part 3A Major Project Application, referred to as the Project Application in this report.

Amended architectural plans have been prepared by in Technik Haus and have been included with this PPR submission (refer Attachment 1).



2.2 Site Description

The Preferred Project Plan seeks Concept Plan approval for the development of six contiguous land parcels comprising:

- Lot 1110 in Deposited Plan 752038
- Lot 1111 in Deposited Plan 752038
- Lot 1113 in Deposited Plan 752038
- Lot 1336 in Deposited Plan 752038
- Lot 20 in Deposited Plan 842523
- Lot 80 in Deposited Plan 846099

The current uses of the lots are:

- Lot 1110 – Private recreation facility comprising the Australian Tennis Academy and associated uses;
- Lot 1111 – rural residential use
- Lot 1113 – rural residential use
- Lot 1336 – rural residential use and stable and equestrian facilities
- Lot 20 – rural residential use
- Lot 80 – rural residential use

The combined holding enjoys frontages to both Oxford Falls Road and Barnes Road.

Running generally parallel to the Oxford Falls Road frontage of the site is a tributary of Middle Creek. Two other water courses feed into this tributary. The southern tributary runs generally parallel to the southern boundary of the site and is described in the various supporting documents as Tributary T2. The other water course runs generally parallel to the southern boundary of the Lot 1110 (the Tennis Academy) and is described in the accompanying reports as Tributary T1 (refer Figure 1).

The west and elevated section of the site is at elevations of between RL 110 and 113m AHD. This elevated and generally cleared area is separated by a small escarpment running in a generally north-westerly direction across the site. The elevated areas drop from an RL of 97m AHD at the top of the small escarpment, down to the cleared central area of the site that sits generally between RL 81 and RL 86m AHD.

The proposed new buildings, are located in the area to the north east of the escarpment and to the north west of the tributary of Middle Creek. The buildings are located generally centrally on the site, between the vegetated scarp and the vegetation band fronting Oxford Falls Road. This area is largely clear of significant vegetation and is dominated by grass species.



Figure 2: Site Location (Source: Google Maps).

2.3 Summary of the Key Changes

The Preferred Project includes the following key aspects:

- Expansion and incorporation of creekline setbacks as required by the NSW Office of Water (NOW) (formerly Department of Water and Energy (DWE));
- Integration of the Asset Protection Zones (APZs) as required by the NSW Rural Fire Service (RFS);
- The main south to north tributary of Middle Creek is now contained within a Core Riparian Zone (CRZ), that has been reviewed and endorsed by NOW;
- Relocation of drainage lines T1 and T2 (refer Figure 1) to provide an improved environmental outcome and to minimise the impact upon the developable area;
- Increased setbacks to the creekline, as well as an increase of the setback of development from Oxford Falls Road.
- Confirmation of emergency vehicle access only to Barnes Road.

In addition to the broad site planning improvements to accommodate and define the developable footprint, a review and reconsideration of the masterplanning of the proposed buildings has been undertaken. The key aspects of the review include:

- Utilisation of a more efficient building layout and configuration. This has included the consolidation of the nursing home and serviced apartments into a single centrally located building;



- The nursing home and service apartment building has also been designed as the central gathering point in the event of a bushfire and will function as a bushfire shelter;
- Re-configuration of the self care dwelling buildings to provide a more efficient layout and utilisation of the space. This has included amalgamation of some building modules to reduce the building footprints and improved separation between buildings; consistent with the Residential Flat Design Code (RFDC)
- The buildings have been reduced in height to three and four levels, further minimising their overall impact. The majority of proposed buildings are three storeys in height;
- The revised layout has addressed and is consistent with the design principles of SEPP 65 relating to building separation, privacy and solar access
- The total number of buildings proposed has been reduced from 37 to 20 in the Preferred Project
- The number of four level buildings has been reduced from 8 to 5 in the Preferred Project
- The number of three bedroom dwellings has been reduced from 242 to 196
- The number of two bedroom dwellings has been increased from 140 to 197.

2.4 Development Details

The following tables provide basic development information for the Preferred Project compared to the original Project Application.

Element	Concept Plan	Preferred Project
Site Area	141,120 m ²	141,120 m ²
Total Floor Space	67,360 m ²	63,550 m ²
Floor Space Ratio	0.48:1	0.45:1
Height	3-4 storey	3-4 storeys
Car Parking Spaces	656 Total Car Spaces	489 spaces at 3.2m wide 58 spaces at 3.8m wide
		547 Subtotal
		60 visitor spaces
		607 Total Car Spaces
		(including 58 disabled spaces)

Table 2: Summary of development information.

Table 2 demonstrates the key changes between the Concept Plan and the Preferred Project in terms of basic development information; this demonstrates an increase in landscaped area, reduction in building footprint and expansion of the riparian corridors.

2.5 Documentation

The documentation supporting the Preferred Project submission comprises four (4) copies of the PPR and four (4) copies of the drawing package.



The drawing package comprises the following drawings:

1. Architectural drawings, prepared by Technick Haus:

Drawing No.	Drawing Title
A001	Site Context Plan
A002	Building Footprint Plan
A003	Staging & Communal Facilities Plan
A004	Site Layout/Accessibility Plan
A005	Platform Level Plan
A006	Car Park Layout Plan
A007	Building Type 1 Floor Plans
A008	Building Type 2 Floor Plans
A009	Building Type 3 Floor Plans
A010	Nursing and Serviced Units Typical Layouts
A011	Amenities/Nursing Ground and First Floor Plan
A012	Nursing Second and Third Floor Plan
A013	Cross Sections A-A, B-B
A014	Cross Sections C-C, D-D
A015	Cross Sections E-E, F-F
A016	Cross Sections G-G
A017	Shadows Winter and Equinox
A018	Perspectives 1 and 2
A019	Perspectives 3 and 4
A020	Photomontages

2. Attachments to this PPR include the following:

Document	Author
1. Architectural Plans	Technik Haus
2. Landscape Plan and Landscape Report	Narelle Sonter Botanica
3. Riparian Areas Assessment	GHD
4. Ecological Assessment	Travers Bushfire and Ecology
5. Water Quality Management	SEEC
6. Stormwater Concept Plan	JMD Development Consultants
7. Bushfire Report	Australian Bushfire Protection Planners
8. Visual Impact Assessment	Richard Lamb and Associates
9. Access Report	Accessibility Solutions
10. Aboriginal Archaeological Assessment	Mary Dallas and Dominic Steele



3.0 STATUTORY FRAMEWORK FOR THE PREFERRED PROJECT

3.1 Part 3A of the Environmental Planning and Assessment Act 1979

Part 3A of the *Environmental Planning and Assessment Act 1979* (The EP&A Act) requires that major projects obtain approval from the Minister for Planning. Development is defined as a 'Major Project' to which Part 3A applies, either by being identified within a State Environmental Planning Policy or by order of the Minister published in the Gazette.

In this instance the Minister for Planning, in December 2005, agreed to consider the proposal as a Major Project under Clause 6 of what is now State Environmental Planning Policy (SEPP) (Major Development) 2005 (SEPP Major Development).

3.2 Relevant Statutory and Policy Controls

The relevant planning instruments that apply to the site are:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No 19—Bushland in Urban Areas;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development;
- State Environmental Planning Policy No 55—Remediation of Land;
- State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development;
- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004;
- and
- Warringah Local Environmental Plan 2000.

3.2.1 State Environmental Planning Policy (Infrastructure) 2007

Consistent with the requirements of clause 104 of the SEPP, an expert Traffic Report, prepared by Colston, Budd, Hunt and Kafes, was submitted with the EA. The supporting information was referred to the RTA during the consultation phase. The RTA response confirmed that the application was acceptable subject to the imposition of requested conditions of consent.

This position is consistent with advice and feedback received in the preliminary consultation phase of the application.

3.2.2 State Environmental Planning Policy No 19 – Bushland in Urban Areas

The SEPP is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

The aim of this policy is to protect and preserve bushland within urban areas referred to in Schedule 1 of the SEPP. Identified bushland is sought to be protected due to the potential value to the community as part of the natural heritage, aesthetic value and value as a recreational, educational and scientific resource. The entire Warringah LGA is listed within Schedule 1 of the SEPP.

The application does not involve development of bushland zoned for open space purposes. The consideration of the application against the provision of the SEPP requires consideration against the aims and objectives outlined in clause 2 of the SEPP. The Preferred Project proposes the retention of bushland to the east of the main Middle Creek tributary in conjunction with the reinstatement and augmentation of the riparian corridors on the site.



The Ecological Assessment, prepared by Travers Bushfire and Ecology has concluded that the aims and objectives of SEPP 19 are not compromised as:

- The location of buildings has been focused upon the cleared areas of the site to minimise the removal of vegetation;
- Re-vegetation of environmental and riparian corridors, will be undertaken to preserve and improve habitat linkages;
- The bushland along the eastern portion of the site will be retained and augmented to preserve the visual character along Oxford Falls Road;
- The rehabilitation of the watercourses will provide an improved natural habitat and passive recreation opportunities; and
- The vegetation to be removed does not include any threatened trees listed under the Schedules of the TSC Act, 1995;

The revised and updated Ecological Assessment prepared by Travers Bushfire and Ecology addressed the removal of vegetation and has concluded that the impact of the proposed works is appropriate and acceptable.

3.2.3 State Environmental Planning Policy No 44 – Koala Habitat Protection

The site is required to be considered under the provisions of SEPP 44 as it falls within the Warringah LGA which is listed on Schedule 1 of the policy, and the total area of the development site is greater than 1 hectare.

The Ecological Assessment, prepared by Travers Bushfire and Ecology has addressed the requirements of Part 2 of the SEPP and has confirmed in both the original and the revised Flora and Fauna Assessment, that the site is not Potential Koala Habitat or Core Koala Habitat.

3.2.4 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of Clause 7 of the SEPP were addressed in the original EA lodged with the Department of Planning (DOP) and this was deemed satisfactory.

3.2.5 State Environmental Planning Policy (Building Sustainability index: 2004)

The proposed development includes buildings to which the provisions of the SEPP apply as outlined within Clause 6 of the SEPP. A specific commitment has been made to ensure that the proposal conforms to BASIX requirements and that the submission of BASIX certificates will be required with subsequent applications to develop each stage arising from any Concept Plan approval.

This PPR identifies the proposed building locations, orientation, envelopes and typical floor plans of Senior's housing. The scope of the application and the proposed building envelopes will not preclude the ability of subsequent applications to achieve the requirements of BASIX. The water management strategies prepared for the application also support opportunities for on-site water storage and re-use.

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

The requirements of the policy are addressed in detail at section 4.3 of this PPR.



3.2.7 State Environmental Planning Policy No.65 – Design Quality of Residential Development

The requirements of the policy are addressed in detail at section 4.4 of this PPR.

3.2.8 Warringah Local Environmental Plan 2000

The site lies within the Warringah Local Government Area (LGA) and is currently within locality B2 Oxford Falls Valley under the Warringah LEP 2000.

The requirements of the Warringah LEP are addressed in detail at section 4.5 of this PPR.



4.0 RESPONSE TO KEY ISSUES AND PREFERRED PROJECT ASSESSMENT

This section provides a summary of the key issues raised in the assessment and consideration of the application and as outlined in the letter from the Department of Planning dated 16 February 2010. It provides an overview of where and how the Preferred Project has been revised to address the key issues and where these revisions are supported by the consultant team for the proposal.

4.1 Planning Assessment Commission – Review of Four Sites within Oxford Falls Valley for Urban Development

The Planning Assessment Commission (PAC) in April 2009 released the findings of its investigation into the suitability of four separate sites in Oxford Falls Valley for urban development. The subject site was not one of the four sites investigated by the PAC. The DoP in the request for the preparation of a PPR required that the major issues and sustainability criteria considered by PAC be considered with reference to the proposed development.

The PAC report reached the following six key conclusions:

- 1. None of the four sites substantially meets the sustainability criteria as required by the Metropolitan Strategy. (The Commission notes that under the Strategy there is no need for any of the sites to be developed for urban purposes in the next 10 years. Although the Strategy plans to 2030, it will be reviewed in 5 and 10 years.)*
- 2. The sites fail to meet the sustainability criteria relating to access because of their distance from key centres and from public transport. Furthermore, the sites are too small and dispersed to justify increased public transport and local services and therefore too small to function as release areas.*
- 3. The low density housing generally proposed on the sites is not the kind of housing needed in the subregion.*
- 4. There is a potential land use conflict with the Earth Satellite station in Oxford Falls West, particularly for Lizard Rock and Oxford Falls West.*
- 5. Parts of the four sites may be able to meet the sustainability criteria relating to environmental constraints. However, the cumulative impact of development on the sites must be assessed before any decisions are made to release the land for urban development.*
- 6. The assessment of cumulative impact requires an assessment of the impact of future urban release areas in the whole Oxford Falls Valley area. This requires the update or completion of further studies.*

In addition to these six conclusions the PAC report made four recommendations to the Minister, which were:

Recommendation 1

To manage cumulative impacts, the following major studies need to be undertaken to determine the future development potential of the Oxford Falls catchment area as a whole:

- Transport and accessibility road network and bus-route potential in the Oxford Falls topography*
- Management of bushfire hazard*



- *Water quality, aquatic ecology and hydrology of the Lagoon and its catchment (see Appendix D)*
- *Flora and fauna protection*
- *Visual analysis*
- *Satellite communication buffer zones.*

Recommendation 2

The Minister request Warringah Council to carry out these studies (in conjunction with Pittwater Council where necessary) as part of its ongoing responsibilities as the planning authority for the area. The studies should be carried out in consultation with the major land holders in the area especially the Metropolitan Aboriginal Land Council and the Department of Lands. It may be appropriate to form a Task Force to oversee the completion of the studies.

Recommendation 3

Upon completion of these studies, the Council determine the appropriate areas to be zoned for conservation and if appropriate, and any areas suitable for urban development. For land to be zoned for conservation, land owners should be consulted about an appropriate management structure.

Recommendation 4

The Minister indicate to the land owners that land releases in the area are not required in the short term and will not be considered until the appropriate studies have been completed.

For the consideration of the current proposal Recommendation 1 is the one of greatest relevance to this application and will be considered in this section of the report.

4.1.1 Consideration of PAC Conclusions

Conclusion one of the PAC report states:

1. *None of the four sites substantially meets the sustainability criteria as required by the Metropolitan Strategy. (The Commission notes that under the Strategy there is no need for any of the sites to be developed for urban purposes in the next 10 years. Although the Strategy plans to 2030, it will be reviewed in 5 and 10 years.)*

A detailed consideration of the proposed development against the sustainability criteria has been prepared and is included at Sections 4.1.2 of this PPR. The detailed consideration against the sustainability criteria contained in the Metropolitan Strategy, has found that the site and proposed development does not conflict with these sustainability criteria. Of critical importance in this context is that the subject site is not isolated from existing urban development, rather abuts existing residential areas with resultant accessibility to physical infrastructure and services. The accessibility of the site to transport and services is addressed under Conclusion 2.

Conclusion two of the PAC report states:

2. *The sites fail to meet the sustainability criteria relating to access because of their distance from key centres and from public transport. Furthermore, the sites are too small and dispersed to justify increased public transport and local services and therefore too small to function as release areas.*



Unlike the four sites investigated by PAC, the subject site is proposed to be developed for Seniors Housing and is neither an isolated site nor remote from services. As detailed in this PPR, the development proposes the creation of a self-contained retirement community which is capable of providing the majority of its own day to day needs on-site. This includes small scale retail services, medical services and a broad spectrum of recreation facilities.

In addition to the facilities to be accommodated on-site, linkages have been designed and will be provided through a network of pedestrian and cycle paths throughout the site. These paths also link to the surrounding street network. Access to public transport will be facilitated by the provision of a dedicated shuttle bus that provides access to the existing STA bus routes in nearby Iris Street as well as continuing on to Dee Why town centre and Warringah Mall. These destinations provide access to major retail and commercial services as well as to additional public bus routes linking the Northern Peninsula to the Sydney CBD. The bus routes in Iris Street also provide direct bus service linkages to the town centre of Manly and the major centre Chatswood.

The site is a consolidated parcel that abuts the existing urban areas and will serve as a natural infill to the urban area. Unlike the four sites investigated by PAC, the subject site is a distinct stand alone development providing housing for seniors with associated facilities. The site may be too small to function as a release area but is of a sufficient size to accommodate the proposed seniors living development with the proposed three stages of care. The approach to the site has allowed for the accommodation of seniors housing over a relatively small building footprint of 21,180m² (15% of the site), leaving the majority of the site as managed landscape open space, retained bushland or riparian corridor restoration areas.

Conclusion three of the PAC report states:

3. The low density housing generally proposed on the sites is not the kind of housing needed in the subregion.

This application has specifically been formulated to provide a form and style of accommodation that is in increasing demand across the greater metropolitan region and the north east subregion. The application proposes the development of seniors housing in a form, scale and style to ensure functional provision of on-site support services allowing residents to age in place in a development that is well served by on-site facilities as well as having an excellent location and proximity to facilities such as medical, retail, commercial and social infrastructure.

The application has sought to maximise the residential density on those areas of the site that are free of environmental constraints. This approach ensures that the maximum development value is achieved on the site in a setting with many natural locational advantages, while also contributing to the demand for this form of housing in the subregion.

Unlike the four sites considered by PAC, the development seeks to maximise the development of constraint free land in a location that is ideally located and suited to urban infill development.

Conclusion four of the PAC report states:

4. There is a potential land use conflict with the Earth Satellite station in Oxford Falls West, particularly for Lizard Rock and Oxford Falls West.

The location of the site will present no land use conflicts with the Earth Satellite station at Oxford Falls West.



Conclusion five of the PAC report states:

- 5. Parts of the four sites may be able to meet the sustainability criteria relating to environmental constraints. However, the cumulative impact of development on the sites must be assessed before any decisions are made to release the land for urban development.*

A detailed consideration of the site against the sustainability criteria has been undertaken at Section 4.2. The proposed development is effectively an infill development and a logical extension to the residential areas of Beacon Hill and Frenchs Forest.

The proposed development will not result in a failure of the local road network, has existing access to bus routes, is able to effectively manage bushfire risk, can result in a demonstrable improvement to the quality of the receiving waters of Narrabeen Lagoon, provides for flora and fauna protection and will not result in an unacceptable visual impact on the outlook enjoyed from public places or from the elevated residential areas that abut the site.

Conclusion six of the PAC report states:

- 6. The assessment of cumulative impact requires an assessment of the impact of future urban release areas in the whole Oxford Falls Valley area. This requires the update or completion of further studies.*

The application is supported by numerous detailed studies and investigations into the potential impact of the development on the local area.

The consideration of the application against the issues identified in Recommendation 1 of the PAC assessment are addressed in the following sections.

4.1.2 Consideration of PAC Recommendation

Recommendation 1 of the PAC report is most relevant to the consideration of the subject site.

Recommendation 1 states:

To manage cumulative impacts, the following major studies need to be undertaken to determine the future development potential of the Oxford Falls catchment area as a whole:

- *Transport and accessibility –road-network and bus-route potential in the Oxford Falls topography*
- *Management of bushfire hazard*
- *Water quality, aquatic ecology and hydrology of the Lagoon and its catchment (see Appendix D)*
- *Flora and fauna protection*
- *Visual analysis*
- *Satellite communication buffer zones.*

Each of these key issues is addressed below in relation to the subject site.

4.1.2.1 Transport and Accessibility

The consideration of the application against the Metropolitan Strategy Sustainability criteria has identified that the development will be serviced by a dedicated on-site bus service. This bus service will provide access to the regional centres of Warringah Mall and Dee Why town centre for major health, retail and business service access. In addition the on-site bus service will provide



access to existing bus routes in nearby Iris Street which provide access to Manly and Chatswood. The on-site bus service, connection to Dee Why and Warringah provides connection to the major bus routes that service the Northern Beaches peninsula and provide linkages to Palm Beach, Manly, Sydney CBD and Manly Ferry connections. The site is considered to be accessible and with an on-site facility, in the form of a bus, the range of transport options made available to residents will be superior to comparable developments.

The consideration of the development by the RTA has determined that with a minor upgrade of local road treatments and intersections, the local road network will operate at acceptable levels of service and performance.

4.1.2.2 Management of Bushfire Hazard

The consideration of potential bushfire impact has been addressed by Australian Bushfire Protection Planners Pty Ltd (ABPP) in the report at Attachment 7. The report, considers the differentiation between the site and the four sites considered by the PAC. The consideration by ABPP states at pp 6-8:

The PAC report identified that support could not be given to the rezoning of the four sites and identified bushfire risk as one of the determining factors.

Australian Bushfire Protection Planners Pty Limited prepared a submission, on behalf of the landowners of West Oxford Falls and 'Red Hill', on the bushfire risk and bushfire protection measures required to be implemented to mitigate the potential risk on development in these areas.

The Director of Australian Bushfire Protection Planners Pty Limited had previously provided similar advice to the Cromer Golf Club on the Club's intention to develop the residue land to the west of the existing Clubhouse/Fairways, north from Cromer Road.

The Lizard Rock site has been inspected with a view of determining the bushfire risk and appropriateness of this site for a Seniors Living development.

The West Oxford Falls report identified that this precinct is located 'below' the surrounding land to the north and west, had a moderate/high bushfire risk and could support residential development provided that appropriate Asset Protection Zones were applied. However, there was no safe evacuation route from this precinct, unless access could be achieved by purchasing an existing lot in the adjoining residential estate which adjoins the south-western corner of the precinct.

The 'Red Hill' report identified this site to be at extreme risk, being located on top of the ridgeline to the east of the Oxford Falls Retirement Resort site, exposed to an uphill fire path from the west, northwest, north and northeast. The report recommended the application of maximum width Asset Protection Zones and a road network which provided a perimeter road linked to an inner access road capable of providing alternate egress for residents. The report also recommended that the site was not suitable for Seniors Living Development due to the extreme level of risk and the lack of alternate safe egress.

The previous investigation into development on the Cromer Golf Club land identified that this site is exposed to an uphill fire path from the northwest and west with a resultant extreme level of risk necessitating the application of maximum width of Asset Protection Zones for residential and 'Special Fire Protection Purpose Development' which limit the viability of achieving even residential development on the residue parcel of land.

Although this site provides safe egress into the neighbouring residential development, the provision of the maximum 100 metre wide Asset Protection Zone would make the construction of a



retirement village not viable on this land, added to which is the obvious concern for the requirement to evacuate the residents during major fire events which will directly impact the site from the northwest and west.

The Lizard Rock site is owned by the Metropolitan Local Aboriginal Land Council and occupies 57 hectares of land on both sides of Morgan Road, including the steep land within the Snake Creek valley. The bushfire risk to the site is identified by the PAC as extreme with the resultant requirement to provide additional protection to 'Special Fire Protection Purpose Development' exposed to the undeveloped edges of this precinct, including the northern, north-eastern and southeastern edges. The topography would also limit the provision of Asset Protection Zones and therefore the available area for development.

The PAC report states 'a key factor in bushfire risk management is establishing emergency evacuation routes from peninsular type urban developments in the Valley'.

The significant difference between the precincts examined by the PAC and the proposed Oxford Falls Retirement Resort is that the resort is not a 'peninsular' development as it is within an existing built environment which is protected from the predominant northwest fire path by well managed residential/school developments.

Furthermore, it is located in the 'floor' of the valley and not exposed to uphill burning fire paths.

The bushfire risk to the site is not extreme as it is with three of the four sites examined by the PAC and safe alternative egress [& access] is available, via Barnes Road, directly to the existing urban development within the suburb of Frenchs Forest, unlike three of the four sites examined by the PAC.

4.1.2.3 Water Quality

A Water Quality Management Strategy has been prepared for the project by SEEC. The assessment has, amongst many considerations, sought to investigate the potential impacts of the development upon the water quality of the receiving waters of Narrabeen Lagoon. The paramount approach to Water Quality Management has been to achieve a neutral or beneficial effect on water quality and to adopt water quality targets specified by DECC for Total Suspended Solids (TSS), Total Phosphorus (TS) and Total Nitrogen (TN) and gross pollutants.

The MUSIC modelling undertaken by SEEC has considered the on-site water runoff generated on-site and the water run off generated from surrounding lands that have been previously developed.

The assessment of the site catchments confirms that the implementation of the water management approach will improve TSS, TP and TN levels of the waters delivered from the site to the Narrabeen Lagoon receiving waters. The water management plan for the development has been modelled and has identified a reduction in TSS from 5770kg/yr to 2910kg/yr. This is a reduction of 2850kg/yr of suspended solids per year being delivered to Narrabeen Lagoon.

The management of the adjoining catchment of streams T1 and T2 has the potential to deliver much more significant improvements. The surrounding residential catchments are delivering TSS of 54,900kg/yr to the Narrabeen Lagoon catchment. The proposed water management plan has been modelled to reduce the TSS delivered to the Narrabeen Lagoon to 38,500kg/yr. This equates to a reduction of 16,400kg/yr of suspended solids per year to the receiving waters. A total of 19,250 kilograms of sediment per year can be prevented from entering into the receiving waters of the lagoon by the implementation of these measures.



The proposed development's Water Management Strategy has the capacity to improve the water quality from water generated on the site as well as delivering significant improvements to the quality of the water being directed onto the site from upstream existing residential development.

The proposed development has a demonstrable positive impact upon water quality being delivered to Narrabeen Lagoon. Further positive outcomes from the reinstatement and treatment of the riparian corridors could be expected through reduction in stream erosion. These positive outcomes are unable to be modelled.

4.1.2.4 Flora and Fauna Protection

The proposed development of the site has been subject to extensive Flora and Fauna assessment and consideration by Travers Bushfire and Ecology. The summary conclusions of the Ecological Assessment contained at Attachment 4 are that:

1. The site passes the "Maintain or Improve" test as set out in the *Environment Protection and Biodiversity Conservation Act 1999*.
2. Development maintains three (3) vegetation corridors.
3. Development rehabilitates on site streams including the Middle Creek corridor.
4. Riparian restoration will occur on site in accordance with the Water Management Act.
5. Asset protection zones have been located external to riparian zones however they enhance arboreal connectivity with the riparian zones.
6. There is no loss of riparian habitat on the site.
7. Conserved bushland has been increased from 3.47ha to 3.80ha.
8. Native vegetation retention is improved across the site.
9. Loss of exotic grasslands on the site is of no impact on ecological outcomes.
10. Restoration of threatened species habitat is planned.
11. Restoration works on site will increase Swamp Mahogany habitat and the capability for the two threatened bird species e.g. Regent Honeyeater and Swift Parrot.
12. Restoration will also provide a greater presence of Grey Gum *E. punctata* as a koala feed tree.
13. Four (4) threatened fauna species were recorded at the site and these are Powerful Owl, Grey-headed Flying-fox, Eastern Bentwing-bat and Glossy Black-Cockatoo.
14. No threatened flora species and no endangered ecological communities within or in close proximity to the site.
15. Of the community / threatened species recorded, the site achieved an "improve" outcome on 18 out of 19 species – a very good ecological outcome.
16. Two site dams present within the site will be rehabilitated and retained.
17. Best-practice stormwater management is planned and will utilise local species and retain over 85% of the hollow-bearing trees identified on site.
18. A Vegetation Management Plan will be prepared in accordance with DECCW guidelines.
19. All buildings works are specifically designed not to impact on riparian / wildlife corridors in accordance with DECCW requirements.
20. All significant trees on site have been protected.
21. Replacement of 201 trees is proposed within conservation zones.
22. Reused hollows will be relocated to natural areas near the site and replaced at a 1:1 ratio.
23. The "maintain or improve" test has been fulfilled and therefore the proposed
24. Development will not have a significant impact on any threatened species, populations or endangered ecological communities.
25. There will not be a significant impact due to the proposed development on any matters of environmental significance
26. The conservation value of the site has been fully assessed by this report.



Further the assessment has concluded that:

“The proposed development aims to maximise the level of native vegetation onsite post development such that biodiversity is enhanced for wildlife utilisation and riparian protection.”

4.1.2.5 Visual Analysis

The development of the site is focused upon the provision of buildings within the cleared areas of the site and located on the floor of the valley.

The Preferred Project has comprehensively revised the proposed building form. The majority of buildings proposed are of three level constructions, with the four level buildings limited to the central serviced apartment and nursing home building and the proposed accommodation in the southern portion of the site which is also of four storey form. In addition to the reduction in the overall building heights, the current residential entrances along Oxford Falls Road will be removed and revegetated. This approach reinforces the vegetation screen along the Oxford Falls Road frontage and presents a bushland setting to the road. The building form and materials have been designed to not dominate the vegetation on the site.

The surrounding residential areas to the south and west enjoy an expansive outlook down the valley to the north and to the vegetated hillsides of Red Hill. The site sections at C-C and D-D (refer Attachment 1 – Sheet A014) clearly demonstrate the relative levels between the surrounding residential development and the proposed development. The site levels and local topography confirm that the outlook from the surrounding residential uses will not significantly alter. The existing outlook will remain across the site towards the district valley view and vegetated hillsides. The proposed development will not be the dominant visual element in the locality. The visual impact of the development has been described in detail in the Visual Impact Statement by Dr. Richard Lamb, who has concluded that the Preferred Project has greater merits than the original Concept Plan and a relatively reduced visual exposure and it responds in an improved way to the sites visual opportunities and constraints.

4.1.2.6 Satellite Communication Buffer Zones

The subject site is remote from the Satellite communications facility and buffer zones are not required.



4.2 Metropolitan Strategy Sustainability Criteria

4.2.1 Criteria and Measurable Explanation

CRITERIA and MEASURABLE EXPLANATION

1. Infrastructure Provision

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way

- a. Development is consistent with any residential development strategy, subregional strategy, regional infrastructure plan and Metropolitan Strategy

Required Demonstration

Metropolitan Strategy

Objective C2.2 of the Metropolitan Strategy seeks to ensure that self care housing for seniors and people with a disability is provided. This provision is currently facilitated by the provisions of SEPP (HSPD) 2004. In addition Warringah LEP 2000 currently permits as Category Two development on the subject land, "housing for older people or people with disabilities".

The strategy is silent on the specific needs for providing accommodation for older people, and for the provision of opportunities to age in place with access to specialised facilities and support services.

The expected need is demonstrated by the Community profile for the Warringah LGA. At the 2001 census 31.4% of the Warringah population was aged over 50 years, with this figure increasing to 31.5% in the 2006 census. In the 2006 census it was identified that 23.3% of the population was in the 35 to 49 year age group, demonstrating the existence of a large latent demand for suitable accommodation in the forthcoming period. The statistical analysis also identified that 19.8% of the population is over 60 years compared to the Sydney Statistical Division average of 16.7% being over 60 years of age.

North East Subregion Draft Subregional Strategy

The Draft Subregional Strategy identifies that, in the period to 2031, the population within the North East region over the age of 60 will increase from 14.3% of the population to 19.6% of the population. The strategy identifies that enabling residents to age in place is a significant issue and is identified as a Key Direction for the subregion.

Warringah Council Housing Strategy

Council is yet to adopt or finalise a housing strategy, however work has commenced on the development of a strategy. A report was presented to Council's meeting of 28 April 2009 on the progress towards engaging the community on the forthcoming Housing Strategy. The report specifically acknowledged the changing demographics of the area and the need to provide accommodation for the ageing population and the need to provide alternative accommodation for the ageing population to free up existing family housing stock for family household groups. The report stated:

"Warringah's demographics are changing and the type of housing people want for themselves and their families changes. Analysis of Warringah's demographics show that the population is ageing and the younger population is declining. Although the two parent family type is still the most significant in Warringah, the emerging trend is for smaller households. Statistics show that there is an increased preference for people to live alone or as a couple without children and this is reflected in Warringah's occupancy rate which is 2.58 people / dwelling. Without attractive, alternative housing options for the ageing population, Warringah's housing stock will not be effectively freed up to attract new family households to the area. (Warringah Council report 28 April 2009 Item 9.4)"



The proposed development is consistent with facilitating these desired outcomes in providing accommodation for ageing households and freeing up existing housing stock.

Warringah 1998 Non-Urban Lands Study (NULS)

The 1998 Non-Urban Lands Study (NULS) compiled a series of environmental constraints to identify the development capability of land within Oxford Falls Valley. The study identified five categories of constraint to development being:

1. No significant constraints;
2. Moderate constraints;
3. Significant constraints;
4. Severe constraints; and
5. Prohibitive constraints

The key factors utilised in the NULS in determining the development constraints of non-urban land related to:

- Riparian corridors and buffer zones;
- Significant vegetation or threatened communities;
- Site slope;
- Designated Wildlife Corridor; and
- Flooding

The site planning for the subject development is consistent with these criteria in that development is setback from or totally outside the riparian corridors and buffers that have been agreed by the NSW Office of Water (NOW). The proposal is not located on land effected by flooding, has avoided significant vegetation and has, through the retention of a large riparian corridor along the eastern site boundary, provided linkages and potential habitat for fauna to utilise. The detailed site investigations have not revealed the presence of any threatened flora populations or communities on the site.

Four threatened fauna species were observed on the site and the potential impact upon these species has been addressed in detail within the Ecological Assessment, prepared by Travers Bushfire and Ecology.

The conclusions of the assessment are, that based upon the maintain or improve test, the proposal will not reduce the long term viability of any local populations.

The development has avoided utilising areas of the site that are greater than 30% (19°) in slope, with the majority of the development located on land which is less than 20% (11°) in slope.

Under all of these categorisations, the land under the NULS would be identified as land with moderate or no significant environmental constraints to development.

Using the NULS categories, the constraint that identifies the land as less suitable for development under the NULS approach, is the identification by council that the land is within a Priority 1 Wildlife Corridor. Land identified as Priority 1 corridors in the Warringah Natural Area Survey Vegetation History and Wildlife Corridors report of August 2005 are actually highly disturbed and cleared areas that are further bisected by significant road infrastructure, not the pristine vegetation corridors that the nomenclature may suggest.

To be categorised as a Priority 1 Wildlife Corridor land, a site needs only to provide a “link” to two or more of the four largest bushland areas in Warringah LGA being:



- Ku-ring-gai Chase National Park,
- the western section of Garigal National Park,
- the eastern section of Garigal National Park plus the extensive, continuous bushland to the south of the park, and
- Manly Dam Reserve.

The Warringah Natural Area Survey History and Wildlife Corridors report states:

All the priority 1 corridors are areas of patchy and disturbed vegetation interrupted by major roads and development. None is a continuous corridor. However, they are important linkages that require recognition, protection and enhancement through bushland rehabilitation or revegetation, supplemented by garden, park and street plantings. Possible means of facilitating fauna movements under or over busy roads should also be investigated. In some cases the marked corridors incorporate possible alternative routes between the same two core bushland areas, shown either as separate corridors or as a broad or branching corridor. It may be necessary to concentrate on just one of these routes as the main priority to achieve the desired linkage, although the more routes there are for fauna movements, the better the linkage.

The proposed site layout reinforces the connectivity and rehabilitation of bushland along the riparian corridor of the Middle Creek Tributary adjacent to the Oxford Falls Road frontage of the site. This rehabilitation reinstates and provides for connectivity and linkage opportunities, consistent with the desired outcome and approach from the study.

CRITERIA and MEASURABLE EXPLANATION

1. Infrastructure Provision

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way

- b. The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution

Required Demonstration

The utility authorities have confirmed the ability to service the site utilising or augmenting at the proponents cost existing infrastructure. This is consistent with the overall government strategy of maximising the utilisation of existing infrastructure and avoiding the provision of new infrastructure that does not have a sustainable demand level.

The RTA has confirmed that there is existing capacity in the existing local road network to accommodate the expected traffic generation from the proposal with the implementation of minor local upgrade works such as seagull intersections, again at the cost of the proponent.

The application is for a discreet stand alone facility and will provide, a diverse range of passive and active recreation opportunities ranging from pedestrian cycle paths circulating throughout the site, to open sport areas and or recreation club house. The range of recreation facilities proposed will accommodate the anticipated demand of the future residents.

CRITERIA and MEASURABLE EXPLANATION

1. Infrastructure Provision

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way

- c. Preparedness to enter into development agreement.



Required Demonstration

The offer to enter into the payment of contributions remains unchanged from the original Environmental Assessment (EA).

CRITERIA and MEASURABLE EXPLANATION

2. Access

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.

- a. Accessibility of the area by public transport and appropriate road access in terms of:
 - i Location/land use: to existing networks and related activity centres.
 - ii Network: the area's potential to be serviced by economically efficient public transport services.
 - iii Catchment: the area's ability to contain, or form part of the larger urban area, which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.

Required Demonstration

As demonstrated in the assessment of the accessibility of the site undertaken for the SEPP (HSPD) 2004, the site and proposed development is accessible to public transport and nearby commercial and retail facilities.

The development provides a range of services on-site including medical care and assistance, day to day convenience retail and facilities such as cafés and restaurants. The complex is to be serviced by a shuttle bus service that will provide residents with access to the bus stops in Iris Street, these comprise Routes 136 (Manly Wharf to Chatswood Station) and Routes 137 and L60 (Chatswood Station to Mona Vale).

The shuttle bus service will also provide linkage to Warringah Mall and Dee Why Town Centres, which contain a full range of retail and commercial services, as well as access to the northern beaches bus routes running between Palm Beach and the Sydney CBD.

The location of the development on the fringe of an established residential area also provides the capacity for residents to maintain or establish linkages to a diverse range of sporting, recreation and service clubs within close proximity of the site.

Criteria two relates to the ability to provide efficient public transport networks into Greenfield land release areas. The on-site shuttle bus service will provide simple and efficient linkages into an extensive public transport network that facilitates the links to the Sydney CBD, North Sydney and Chatswood. The shuttle bus service will also provide direct linkage to Warringah Mall and the Dee Why town centre.

Considering criteria three, the proposed built form will not be physically contiguous with the current urban area. Despite this, the land on which the development will be accommodated has been demonstrated, using Council's criteria from the NULS, to be land that has low to moderate constraints for development. The land that may otherwise be categorised as having greater constraints to development is proposed to be utilised as open space or has been incorporated into the proposed riparian corridor and riparian buffers traversing the site. This physical disconnection allows the development to be accommodated primarily on the floor of this small valley, such that the amenity of the existing traditional residential development remains unaltered. The elevation of these existing residential areas on the upper valley slopes allows the outlook across the site to the east towards the western slopes of Red Hill and to the north, down the valley towards Garigal National Park (refer Attachment 1 for photomontages 7, 8, 9 and 10 – Sheet A020).



Considering criteria four, the linkage of the site and proposed development to transport and retail and commercial services has been thoroughly addressed. The provision of an extensive range of services on-site such as medical and recreation facilities will also contribute to the reduction in travel demand.

CRITERIA and MEASURABLE EXPLANATION

2. Access

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.

- b. No net negative impact on performance of existing Subregional road bus rail ferry and freight network.

Required Demonstration

The expected demand is not of a magnitude that would result in the failure of the service levels of the existing road networks or existing public transport facilities. On the contrary, the development and proposed shuttle bus service could be expected to deliver additional potential users to existing public transport, particularly in non-peak travel periods.

Unlike potential land releases proposed for other areas within the Oxford Falls Valley, the development of this site would not result in any need to provide economically unviable, new public transport services or extensions to utility infrastructure.

The proposed density ensures that the development is accommodated on land that is physically capable of accommodating it and in a location that does not burden existing public infrastructure.

CRITERIA and MEASURABLE EXPLANATION

3. Housing Diversity

Provide a range of housing choices to ensure a broad population can be housed

- a. Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.

Required Demonstration

By definition the development provides accommodation to a limited population range, that is, people over 55 or people with a disability. This fact needs to be considered in the context of the range of accommodation and services proposed for the site. The development has been structured and configured to provide the opportunity for people to age in place and for residents to draw upon a diverse range of services as their circumstances change over time.

This ranges from fully independent living through to full care nursing home accommodation with on-site full time medical and nursing care. This is consistent with target C2.2 of the Metropolitan Strategy and a key direction from the North East Subregion draft Subregional Strategy to enable communities to age in place.

As identified by Warringah Council in a report on the proposed housing strategy for the LGA, alternative housing options for the ageing population need to be provided which will also assist in recycling existing housing stock to attract new family households to the area.

The proposed development will positively contribute to the supply of housing other than single family residential dwellings as well as assisting in the recycling of family accommodation dwelling stock.



CRITERIA and MEASURABLE EXPLANATION

4. Employment Lands

Provide regional/local employment opportunities to support Sydney's role in the global economy.

- a. Maintain or improve the existing level of subregional employment self containment.

Required Demonstration

No employment lands are proposed. The level of employment generated by the tennis academy is likely to be replaced and increased arising from the broad range of support services required for the aged care facility. These are provided as part of the proposed retirement and nursing home services.

The range of employment opportunities will include medical and nursing staff, administration staff, catering staff, maintenance and ground staff. These are permanent on-going employment opportunities that would continue after the completion of the building works.

CRITERIA and MEASURABLE EXPLANATION

4. Employment Lands

Provide regional/local employment opportunities to support Sydney's role in the global economy.

- b. Meets subregional employment capacity targets:
 - Employment related land is provided in appropriately zoned areas.

Required Demonstration

Not applicable.

CRITERIA and MEASURABLE EXPLANATION

5. Avoidance of Risk Avoidance of Risk

Land use conflicts, and risk to human health and life, avoided.

- a. Available safe evacuation route (Flood and Bushfire).

Required Demonstration

A comprehensive bushfire assessment has been prepared by Australian Bushfire Protection Planners. The approach to bushfire management has been endorsed by the RFS.

The detailed water management considerations have included the modelling of the site for various potential rainfall scenarios which have demonstrated that the area proposed to be developed is not liable to flood inundation. The site configuration is also such that in the event that access over the Middle Creek tributary became blocked, emergency ingress and egress remains free of any potential flood inundation via the Barnes Road frontages of the site.

CRITERIA and MEASURABLE EXPLANATION

5. Avoidance of Risk Avoidance of Risk

Land use conflicts, and risk to human health and life, avoided.

- b. No residential development within 1:100 floodplain.

Required Demonstration

No development in the 1:100 floodplain is proposed, as detailed within the report of JMD Development Consultants.



CRITERIA and MEASURABLE EXPLANATION

5. Avoidance of Risk Avoidance of Risk

Land use conflicts, and risk to human health and life, avoided.

- c. Avoidance of physically constrained land: high slope; highly erodable.

Required Demonstration

High slope and erodable land has been avoided in the site planning. The development is predominantly confined to the floor of the small valley with site slopes of less than 30% (19 degrees).

The site is not known to be subject to highly erodable soils as detailed in the report of GeoEnviro Consultancy Pty Ltd dated 3rd September, 2008 and submitted with the original EA.

CRITERIA and MEASURABLE EXPLANATION

5. Avoidance of Risk Avoidance of Risk

Land use conflicts, and risk to human health and life, avoided.

- d. Avoidance of land use conflicts with adjacent, existing or future land use and rural activity as planned under regional strategy.

Required Demonstration

The development will not introduce any land use conflicts. The site layout provides extensive buffers between the proposed development and existing, surrounding residential development.

The avoidance of land use conflict is further aided by the site topography and the location of the buildings on the valley floor. The predominant outlook and aspect of surrounding development remain unaltered.

Further, the proposed treatment to the Oxford Falls Road frontage will increase the vegetated screening along this road, reinforcing the desired outcome of Council to retain the vegetated character of the road frontages in the area.

CRITERIA and MEASURABLE EXPLANATION

6. Natural Resources

Natural resource limits not exceeded/environmental footprint minimised.

- a. Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows.

Required Demonstration

Sydney Water has identified the capacity to service the proposed development.

The proposed treatment of the Middle Creek tributary reinstates a highly altered creek into a more natural state, with the associated flow on benefits of riparian vegetation, and water quality improvements as demonstrated in the Riparian Areas Assessment prepared by GHD and the Water Quality Management Strategy prepared by SEEC.

CRITERIA and MEASURABLE EXPLANATION

6. Natural Resources

Natural resource limits not exceeded/environmental footprint minimised.

- b. Demonstrates most efficient/suitable use of land:
- Avoids identified significant agricultural land.
 - Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining, and quarrying.



Required Demonstration

The development does not displace current productive agricultural land and does not sterilise any known natural resource deposits.

CRITERIA and MEASURABLE EXPLANATION

6. Natural Resources

Natural resource limits not exceeded/environmental footprint minimised.

- c. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.

Required Demonstration

Energy Australia has already identified the capacity to service the development. Future buildings will also be required to comply with BASIX requirements in reducing energy demand.

CRITERIA and MEASURABLE EXPLANATION

7. Environmental Protection

Protect and enhance biodiversity, air quality, heritage, and waterway health.

- a. Consistent with Government approved Regional Conservation Plan (if available).

Required Demonstration

No Regional Conservation Plan applies to or affects the site.

CRITERIA and MEASURABLE EXPLANATION

7. Environmental Protection

Protect and enhance biodiversity, air quality, heritage, and waterway health.

- b. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats.

Required Demonstration

Council has identified the land as containing local habitat and no threatened or endangered communities. The land is mapped as a Priority 1 Wildlife Corridor area by Council, however, the treatment and management of the Middle Creek tributary achieves the goals of the Priority 1 corridors, by providing linkages to the major bushland areas in the Warringah Council area.

The impact upon the four identified threatened species has been addressed in detail and it has been concluded that the viability of the local population will not be threatened.

CRITERIA and MEASURABLE EXPLANATION

7. Environmental Protection

Protect and enhance biodiversity, air quality, heritage, and waterway health.

- c. Maintain or improve existing environmental condition for air quality.

Required Demonstration

The development is residential in nature and is considered of a scale that would not significantly contribute to adverse air quality impacts. The design and facilities provided have been configured to minimise the required vehicle trips generated and to maximise the connectivity into the surrounding extensive public transport options.

In terms of acoustic impacts, the proposal does not include elements or facilities that would be considered to be significant noise generators that would contribute to any diminishing of the amenity of the acoustic environment.



CRITERIA and MEASURABLE EXPLANATION

7. Environmental Protection

Protect and enhance biodiversity, air quality, heritage, and waterway health.

- d. Maintain or improve existing environment condition for water quality and quantity:
- Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).
 - Consistent with catchment and stormwater management planning (CMA and local council).

Required Demonstration

As detailed the Water Quality Management Strategy, (SEEC) the predicted water quality, post development will provide a beneficial effect on the catchment to Narrabeen Lagoon. Not only will the site itself be improved but gross pollutant traps placed on two off-site catchments will significantly reduce the amount of suspended solids entering the lagoon catchment.

In relation to suspended sounds the implementation of the development has the capacity to deliver substantial improvements to the receiving waters of Narrabeen Lagoon by treating currently unmanaged urban run-off.

CRITERIA and MEASURABLE EXPLANATION

7. Environmental Protection

Protect and enhance biodiversity, air quality, heritage, and waterway health.

- e. Protects areas of Aboriginal cultural metres or more have been incorporated into the design of the development, and the intention to construction)

Required Demonstration

The Aboriginal Archaeological Assessment (refer Attachment 10) has identified that the development of the site will not impact upon any archaeological sites (Mary Dallas and Dominic Steel December 2006).

There are three identified locations that have been determined to have a low potential for evidence of past use. These locations are not in the vicinity of where works are proposed in relation to the proposed development. Indeed location 1 from the Archaeological Assessment is located on land that is no longer part of the application.

CRITERIA and MEASURABLE EXPLANATION

8. Quality and Equity in Services

Quality health, education, legal, recreational, cultural and community development and other government services are accessible.

- a. Available and accessible services.
- Do adequate services exist?
 - Are they at capacity or is some available?
 - Has Government planning and budgeted to further service provision?

Required Demonstration

Services exist and will be accessible to the occupants. More importantly those services, for which demand is likely to be highest, such as medical assistance, will be provided directly on-site for the benefit of the residents.

The complex does not seek to, or need to, rely upon any Government funded services.



CRITERIA and MEASURABLE EXPLANATION

8. Quality and Equity in Services

Quality health, education, legal, recreational, cultural and community development and other government services are accessible.

- b. Developer funding for required service upgrade/access is available.

Required Demonstration

Contributions have been proposed in the EA submission provided.

Table 3: Assessment against the Metropolitan Strategy Sustainability Criteria.

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

As required by the DGRs, this Section provides a detailed assessment of the application against the provisions of SEPP (Housing for Seniors or People with a Disability) 2004, (SEPP (HSPD) 2004).

4.4 Assessment against SEPP (HSPD) 2004

The provisions of SEPP (HSPD) 2004 includes, at Chapter 3, the objectives for the development of housing for seniors.

The objective is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both seniors who are independent as well as those who are frail and other people with a disability, regardless of age.

On land adjoining land zoned for urban purposes (clause 17) the SEPP is explicit in precluding development for seniors housing unless the development is for a hostel, residential care facility or serviced self care housing.

The concept of these forms of housing for seniors, explicitly require the provision of support services in the form of meals, cleaning services, personal and nursing care, laundering and 24 hour staff attendance.

The provision of this breadth of service and living support, dictates the provision of larger scale facilities to permit the economic delivery of the services. It also recognises that housing for seniors with this range of services and the capacity to age in place cannot be delivered economically in existing urban centres. Clause 17 of the SEPP is a tacit recognition of the potential for this range and scale of facilities to be accommodated on land that adjoins existing urban areas.

Clause 4 Land to which Policy applies

The provisions of SEPP (HSPD) 2004 apply to the site, being land that adjoins land zoned primarily for urban purposes. The subject land is not located within land described in Schedule 1 of the SEPP nor is it within any of the localities from Warringah LEP 2000 (WLEP 2000) that are specifically excluded from the application of the SEPP. The site adjoins land identified as locality B1 Frenchs Forest East, which for the purpose of clause 4(8) is taken to be land zoned primarily for urban purposes.

Clauses 8 to 13 Key Concepts

Clauses 8 to 13 comprise Chapter 2 of the SEPP and detail the key concepts. The proposed development of the land comprises a nursing home and serviced apartment component as Stage



1 of the development (refer Attachment 1 – Sheet A003). Further stages will include expanded support, recreation, and retail services along with self care accommodation. Under the key concepts, the Stage 1 accommodation would be categorised as “residential care facilities” and “hostels”. The self care accommodation proposed for the following stages, would be categorised as “self-contained dwellings” or “residential care facilities”.

Clause 15 What Chapter does

Clause 15 states:

This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:

- (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*
- (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

The subject land is land that adjoins land zoned primarily for urban purposes and therefore permits seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.

Clause 17 Development on land adjoining land zoned primarily for urban purposes

Clause 17 relates to matters that must be considered for development for seniors housing on land adjoining land zoned previously for urban purposes.

This development is on land that adjoins land zoned primarily for urban purposes and includes a hostel and residential care facility and serviced self care housing. The proposal includes a nursing home and serviced apartments in stage 1 that provide a high level of care and service provision, to support an aging community the subsequent stages will be serviced self care or self care dwellings that have access to and are able to utilise the range of services available on-site. The proposal is consistent with all of these concepts.

Clauses 24 and 25 Site compatibility certificates

The application as a declared Part 3A Project is not subject to the requirement for the issuance of a Site Compatibility Certificate. However for completeness of the assessment of the proposal against the provision of the SEPP the matters for consideration in a site compatibility certificate have been addressed.

It is also noted that clause 24(1A) states:

“(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.”

The land is located within locality B2 Oxford Falls Valley under WLEP 2000. Identified as a Category two development, which is development that may be consistent with the desired future character of the locality, is “housing for older people or people with disabilities” where the land adjoins land zoned primarily for urban purposes. Therefore even if the application was not being assessed under Part 3A of the EPA Act 1979, a Site Compatibility Certificate would not be required.



When a Site Compatibility Certificate is required, the matters contained within clause 25 (5) (b) are required to be considered. The following table 4 addresses these criteria.

Assessment against Compatibility Certificate requirements	
Criteria	Comment
(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,	The accompanying technical reports have comprehensively addressed the issues of bushfire risk, flood hazard, riparian zones, and flora and fauna impact. These reports have identified a developable footprint that ensures that the environmental attributes of the site worthy of retention or augmentation are retained, and all potential hazards have been accommodated and avoided.
(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,	The proposed retirement complex will be largely self-contained and incorporates significant physical buffers and setbacks to neighbouring, primarily residential development. The development can be undertaken without undue impacts to the amenity of surrounding development and without significant alterations to the outlook enjoyed across the site to opposite ridges and bushland areas.
(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,	<p>The site is serviceable by all required utility services.</p> <p>The proposal includes the on-site provision of medical assistance as well as support services such as cleaning, meal provision and 24 hour care access.</p> <p>The range of on-site amenities include recreation facilities, walking and cycling paths, club house, restaurants cafes and day to day retail services.</p> <p>The complex will be serviced by a dedicated shuttle bus service providing access to the Sydney Buses routes in Iris Street, as well as to the major centre of Brookvale, Dee Why (Warringah Mall and Dee Why Town Centre).</p>
(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,	The land is not zoned open space or special uses.



Assessment against Compatibility Certificate requirements	
Criteria	Comment
(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,	The revised application has responded to concerns with the original proposal by reducing the proposed buildings to predominantly three storey forms, with some four storey elements. The four storey elements are the serviced apartments and nursing home building located centrally on the site and the group of buildings proposed for the southern corner of the site, and located to minimise potential impacts.
(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the <i>Native Vegetation Act 2003</i> —the impact that the proposed development is likely to have on the conservation and management of native vegetation.	The Native Vegetation Act 2003 does not apply to the Warringah LGA (Schedule 1 – Land excluded from operation of Act)

Table 4: Site Compatibility Certificate criteria.

Clause 26 Location and Access to Facilities

Clause 26 requires the consent authority to be satisfied that access is available to:

- (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) *community services and recreation facilities, and*
- (c) *the practice of a general medical practitioner.*

For development on land that does not adjoin land zoned for urban purposes, access is deemed to comply if the site is within 400m of the required facilities or the site is within 400m of public transport.

Part 5 of SEPP (HSPD) 2004 applies specifically to development on land adjoining land zoned primarily for urban purposes. *Clause 43 Transport services to local centres* provides that access is compliant if the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development.

The Plan of Management and Statement of Commitments both provide for the operation of a shuttle bus service for the residents of the complex. The shuttle bus will provide residents with access to the bus stops in Iris Street (route 136 (Manly Wharf to Chatswood Station)) and routes 137 and L60 (Chatswood Station to Mona Vale).

The shuttle bus service will also provide access to Warringah Mall and Dee Why Town Centres, providing access to retail and commercial services as well as the northern beaches bus routes running between Palm Beach and Sydney CBD. The ready access of the site to these centres and transport links is supplemented by the proposed on-site provision of amenities such as swimming pools, gymnasiums, club house, restaurants and cafes and 24 hour, on-site medical facilities.

The provision of a bus service is consistent with the circumstance of other retirement villages in the region, including, Belrose Country Club, Dee Why Gardens, Glenaeon Retirement Village,

Maybrook Manor, Pacific Lodge Aged Care Hostel, RSL ANZAC Village, Scalabrini Village, Warringah Place, Wesley Gardens Aged Care, WG Taylor Village, Willandra Bungalows Retirement Village, Bayview Gardens, Minkara Resort, Peninsula Gardens, Pittwater Palms, Pittwater Village and Seaside Retirement Village.

Clause 27 Bushfire prone land

The site has been identified as part “Bush fire prone land—vegetation category 2”, located in the southern section of the site and part “Bush fire prone land—vegetation buffer” being the frontage to Oxford Falls Road and part of the property adjacent to the western boundary (refer to Figure 3).

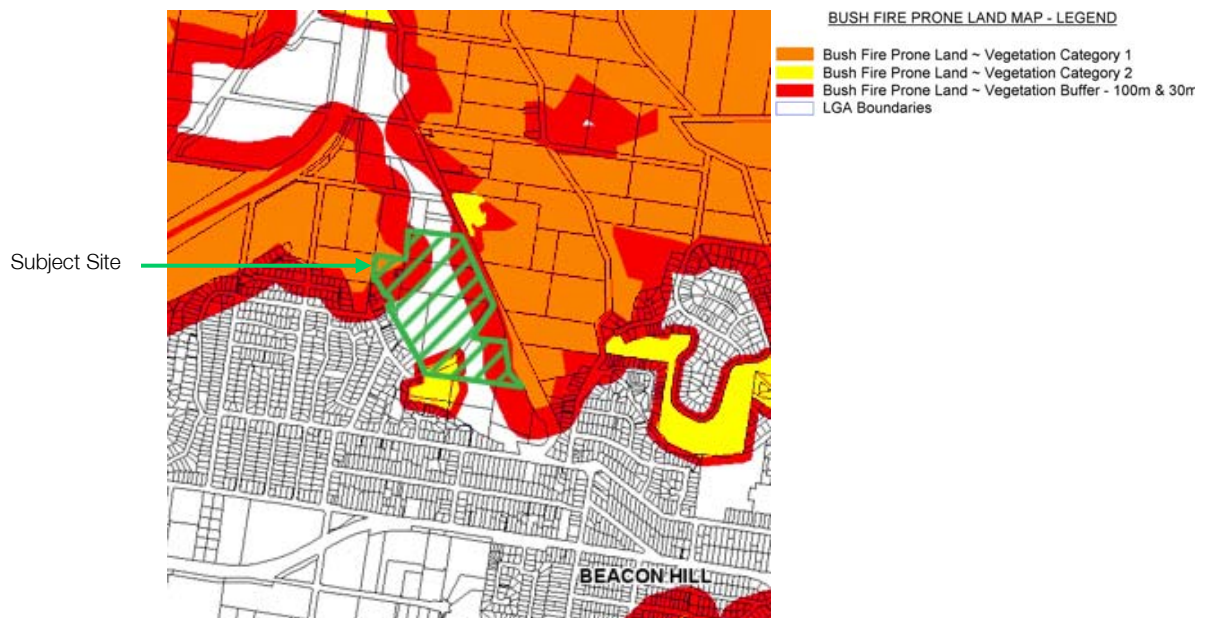


Figure 3: Extract of Warringah Bushfire prone land map.

The application has been referred to the NSW Rural Fire Service (RFS) and the RFS response of 25th November 2009, has been provided detailing the required APZs to the riparian zones, standards of construction and on-going management requirements, such as the preparation of an emergency/evacuation plan. These requirements have been fully incorporated into the Statement of Commitments. The emergency/evacuation plan will be updated with each stage of development as full details of the proposed buildings are understood and the plan revised accordingly.

Clause 28 Water and Sewer

The site is capable of being provided with reticulated water supply and sewerage infrastructure, as confirmed by Sydney Water.

Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

Clause 24 would not apply to the development under the provisions of SEPP (HSPD) 2004, and therefore requires consideration against the criteria set out at clause 25 (5) (b) (i), (iii) and (v).

The assessment against these criteria has been undertaken above and is repeated for the purpose of completeness.



Assessment against Clause 24 Assessment	
Criteria	Comment
(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,	The accompanying technical reports have comprehensively addressed the issues of bushfire risk, flood hazard, riparian zones, and flora and fauna impact. These reports have identified a developable footprint that ensures that the environmental attributes of the site worthy of retention or augmentation are retained, or the potential hazards have been accommodated and avoided.
(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,	<p>The site is serviceable by all required utility services.</p> <p>The proposal includes the on-site provision of medical assistance as well as support services such as cleaning, meal provision and 24 hour care access.</p> <p>The range of on-site amenities include recreation facilities, walking and cycling paths, club house, restaurants cafes and day to day retail service needs.</p> <p>The complex will be serviced by a shuttle bus providing access to the Sydney Buses bus routes in Iris Street, as well as continuing on to the major centres of Brookvale and Dee Why (Warringah Mall and Dee Why Town Centre).</p>
(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,	The revised application has responded to the concerns of the original proposal by reducing the proposed buildings to predominantly three storey forms, with some four storey elements, being the serviced apartment and nursing home building located centrally on the site and the group of buildings proposed for the southern corner of the site.

Table 5: Site Compatibility Certificate criteria (Clause 29).

Clause 30 Site Analysis

A detailed site analysis was provided with the original environmental assessment.

Clause 32 Design of residential development

Clause 32 requires an assessment against the principles set out in Division 2 (clauses 33 to 39). The assessment of the principles is set out in the following table.



Principle	Comment	Consistent
33 Neighbourhood amenity and streetscape The proposed development should:		
(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area,	<p>The development is located centrally within a large land holding. This has the benefit of not causing any impact to the low density residential dwellings that adjoin the land, and as a result of the site, topography, maintains the outlook across the site to Red Hill and down the Oxford Falls Valley to the north.</p> <p>The layout and site planning will lead to the embellishment and rehabilitation of the riparian corridor along the tributary of Middle Creek that traverses the site in a south to north direction. This action will also lead to an expansion of the vegetated frontage to Oxford Falls Road as detailed within the Landscape plan at Attachment 2 and the Ecological Assessment at Attachment 3.</p>	Yes
(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan,	<p>There are no heritage items on the subject land or on adjoining land. The nearest heritage item is the former Oxford Falls Public School in Dreadnought Road to the north of the site.</p>	Yes
(c) maintain reasonable neighbourhood amenity and appropriate residential character by:	<p>The proposed development will not impact on neighbourhood amenity as set out below:</p>	
(i) providing building setbacks to reduce bulk and overshadowing,	<p>The proposed buildings are located and configured so that no overshadowing will result.</p>	Yes
(ii) using building form and siting that relates to the site's land form,	<p>The building platform is located predominantly within existing cleared areas of the site and sitting below and to the east of, an existing escarpment that traverses the site.</p>	Yes
(iii) adopting building heights at the street frontage that are compatible in scale with	<p>The development, due to the setbacks proposed, will not be readily discernable from Oxford Falls</p>	Yes



Principle	Comment	Consistent
adjacent development,	Road or Barnes Road. The buildings will occupy the valley floor, with the residential development predominantly occupying the upper slopes of the valley.	
(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours	The buildings are positioned on the site to avoid any impacts upon adjoining dwellings.	Yes
(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,	The building setback to Oxford Falls Road is approximately 100m which exceeds Council's minimum requirement and assists in achieving the Desired Future Character statement to protect and where possible enhance the vegetated presentation to public roads.	Yes
(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape	The planting proposed will provide an augmentation to and re-establishment of a riparian landscape to the Middle Creek Tributary on the site. This will provide expanded flora and fauna habitat and maintain and enhance the vegetated linkages through the site.	Yes
(f) retain, wherever reasonable, major existing trees, and	Significant existing vegetation will remain on-site as detailed in the Ecological Assessment prepared by Travers Bushfire and Ecology. The landscape plan prepared by Botanica details the additional planting to be undertaken on the site to enhance the landscape setting where bushfire management allows, as well as providing a buffer to neighbouring land holdings.	Yes
(g) be designed so that no building is constructed in a riparian zone.	No buildings are proposed within a riparian zone.	Yes
34 Visual and acoustic privacy		
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:		



Principle	Comment	Consistent
(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping,	<p>The proposed dwellings are well set back from the majority of nearby dwellings with the horizontal distance ranging from 60m to over 100m. The setback is further assisted by the drop in site levels, with dwellings from Barnes Road at between RL 109 and RL 120. The main building group below the central escarpment are located at between RL 83 and RL 86 (refer Attachment 1 – Sheet A014).</p> <p>The closest dwelling is at Lot 1125 at the corner of Oxford Falls Road and Barnes Road. This dwelling is located to the north of the proposed four storey buildings in the southern portion of the site. The existing dwelling and the proposed buildings are separated by vegetation and this buffer is to be reinforced through additional plantings (refer to Botanica Landscape Plan at Attachment 2).</p> <p>Building separation within the site is greater than 12m, consistent with and exceeding the rule of thumb for building separation contained with in the SEPP65 Residential Flat Design Code.</p>	Yes
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The proposal relies upon basement car parking, avoiding noise conflicts between car circulation and bedrooms.	Yes
35 Solar access and design for climate The proposed development should:		
(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space,	The location of the proposed dwellings will not alter the level of daylight or sunlight enjoyed by neighbours in the vicinity, and will provide access to sunlight for future residents.	Yes
(b) involve site planning, dwelling design and landscaping that reduces energy use and	The site layout is consistent with the principles of the Residential Flat Design Code (RFDC).	Yes



Principle	Comment	Consistent
makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	<p>The layout of the buildings has ensured all dwellings will receive natural ventilation and has sought to maximise the access to natural light for the proposed dwellings. The typical layouts demonstrate a high proportion of dual aspect dwellings.</p> <p>Future Project Applications will be required to provide BASIX certification as well as confirmation of consistency of the detailed design with the principles for residential flat design contained within SEPP 65 Design Quality of Residential Flat Development.</p>	
36 Stormwater The proposed development should:		
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas,	The application is subject to a comprehensive water management strategy to control and manage the water run-off and to ensure water quality is maintained or improved. The proposal has a building footprint of 15% of the site, leaving the majority of the site available for landscaping and bushland retention and rehabilitation.	Yes
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	The water management strategy includes water storage and water re-use options that will work in conjunction with the on-going BASIX requirements, which the development will be required to be consistent with.	Yes
37 Crime prevention The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:		
(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a	The comprehensive development includes the provision of 24 hour staff care and “panic” alarm response. Access to dwellings will be located within the individual building groups, from common entry	Yes



Principle	Comment	Consistent
dwelling that adjoins any such area, driveway or street,	lobbies. The accommodation of staff on-site ensures that access will be available to residents should the need arise and that activity and casual surveillance will occur throughout the complex.	
(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked,	The entry lobbies to each block are readily able to be secured and provided with controlled access.	Yes
(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The dwellings are not “townhouse” style dwellings, however access to dwellings is capable of being controlled via restricted lobby access into each building.	Yes
38 Accessibility The proposed development should:		
(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities,	The site is to be provided with a network of cycle and walking paths that serve both as connections to the surrounding areas and as fitness trails. Wider access will be facilitated by the on-site shuttle service.	Yes
(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The layout of the complex seeks to separate vehicle and pedestrian traffic to avoid conflict. Vehicle access is essentially provided by a perimeter network which affords access to the basement car parking areas. Pedestrian access is provided by a series of above and below ground linkages which provide pedestrian paths of travel, that accord with all the relevant standards for maximum grades. Visitor and staff parking is primarily located in the vicinity of the current car park area for the existing tennis academy.	Yes



Principle	Comment	Consistent
39 Waste management The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The EA was exhibited with a Waste Management Plan and confirmation of an agreement for the provision of waste and recycling services with URM.	Yes

Table 6: Assessment against clause 32 requirements.

Clause 40 Development Standards

The site accommodating the development has an area of 141,120m² and a frontage of 226m to Oxford Falls Road complying with clauses 40(2) and 40(3). The site is not located within a residential zone and therefore clause 40(4) in relation to the height of buildings does not apply.

Requirement	Comment	Consistent
Site size The size of the site must be at least 1,000 square metres.	The site has an area of 141,120m ² .	Yes
Site frontage The site frontage must be at least 20 metres wide measured at the building line.	The application has two frontages to Oxford Falls Road of, 175m and 226m.	Yes
Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: <ul style="list-style-type: none"> (a) the height of all buildings in the proposed development must be 8 metres or less, and (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and (c) a building located in the rear 25% area of the site must not exceed 1 storey in height. 	The application is not located within a residential zone and the controls therefore do not apply. Regardless of the applicability of the standard, the buildings have been configured to maximise separation and achieve the intent of the controls which is to avoid overshadowing of adjoining residential development.	N/A

Table 7: Clause 40 Development Standards Assessment.

Clause 41 Standards for Hostels and Self Care Dwellings

Clause 41 requires Hostels and self care dwellings to comply with the requirements of Schedule 3 of the SEPP. The following table addresses the requirements of Schedule 3.



Requirement	Comment	Consistent
2 Siting standards		
(1) Wheelchair access: If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.	The whole of the site does not have a gradient of less than 1:10, and therefore this provision does not apply	N/A
(2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and	The entire complex will be accessible in accordance with AS 1428.1, thus exceeding the requirement of this provision (as confirmed in the Access Report prepared by Accessibility Solutions at Attachment 9).	Yes
(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.	The facility has been designed to provide continuous paths of travel throughout the site and access to on-site facilities, the driveways and the shuttle bus pick up location.	Yes
(3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	All common areas and facilities will be accessible.	Yes
3 Security		
Pathway lighting: (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.	The detail of the pathway lighting is yet to be finalised as the proposal is a Concept Application. The comprehensive approach to the site layout and the integration of the pedestrian circulation paths into the landscape, will not preclude future Project Applications being able to comply with these requirements.	Yes



Requirement	Comment	Consistent
4 Letterboxes Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.	There are no matters in the Concept Plan layout that would preclude future Project Applications being able to comply with these requirements.	Yes
5 Private car accommodation If car parking (not being car parking for employees) is provided: (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.	There are no matters in the Concept Plan layout that would preclude future Project applications being able to comply with these requirements. The Concept Plan details the provision of 58 car parking spaces at 3.8m wide, complying with the accessible space design requirements.	Yes
6 Accessible entry Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Access throughout the complex and into the dwellings will be accessible in accordance with the relevant requirements of AS 4299 (as detailed in the access report prepared by Accessibility Solutions at Attachment 9).	Yes



Requirement	Comment	Consistent
7 Interior: general (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1. (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres. (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.	Access to and within the dwellings will be accessible in accordance with the relevant requirements of AS 1428.1. (as detailed in the access report prepared by Accessibility Solutions at Attachment 9).	Yes
8 Bedroom At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel—a single-size bed, (ii) in the case of a self-contained dwelling—a queen-size bed, and (b) a clear area for the bed of at least: (i) 1,200 millimetres wide at the foot of the bed, and (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and (f) wiring to allow a potential illumination level of at least 300 lux.	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements. (as detailed within the access report prepared by Accessibility Solutions at Attachment 9).	Yes
9 Bathroom (1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these	Yes



Requirement	Comment	Consistent
<p>arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> (a) a slip-resistant floor surface, (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1, (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future: <ul style="list-style-type: none"> (i) a grab rail, (ii) portable shower head, (iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, (e) a double general power outlet beside the mirror. <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>requirements. The ability for the layout to conform is outlined in the Access Report prepared by Accessibility Solutions at Attachment 9.</p>	
<p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	<p>The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements. (as detailed in the access report prepared by Accessibility Solutions at Attachment 9).</p>	Yes
<p>11 Surface finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p>	<p>The application is only a Concept Plan; however the proposed layout will present no impediments to future Project application complying with these requirements.</p>	Yes
<p>12 Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p>	<p>The application is a Concept Plan; however the proposed layout presents no impediments to any future project plans complying with these requirements.</p>	Yes



Requirement	Comment	Consistent
13 Ancillary items Switches and power points must be provided in accordance with AS 4299.	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements.	Yes
Additional standards for self-contained dwellings		
15 Living room and dining room (1) A living room in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telephone adjacent to a general power outlet. (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements.	Yes
16 Kitchen A kitchen in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a circulation space at door approaches that complies with AS 1428.1, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and (e) general power outlets: (i) at least one of which is a	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements.	Yes



Requirement	Comment	Consistent
double general power outlet within 300 millimetres of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.		
17 Access to kitchen, main bedroom, bathroom and toilet In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements. All dwellings are proposed as single level accommodation providing accessible kitchen, bedroom and toilet on the single level.	Yes
18 Lifts in multi-storey buildings In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i> .	Each building is proposed to be serviced by lift thus providing access to every dwelling and facility.	Yes
19 Laundry A self-contained dwelling must have a laundry that has: (a) a circulation space at door approaches that complies with AS 1428.1, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling.	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements.	Yes



Requirement	Comment	Consistent
20 Storage for linen A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements.	Yes
21 Garbage A garbage storage area must be provided in an accessible location.	The application is a Concept Plan; however the proposed layout presents no impediments to future project plans complying with these requirements.	Yes

Table 8: Schedule 3 of SEPP (HSPD) 2004 compliance.

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

Clause 42 Serviced self-care housing

Clause 42 requires that development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes, must not be approved unless the consent authority is satisfied that 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.

The accommodation proposed on-site is intended to service the needs of the elderly. It includes the three stages of care and contains a diversity of housing needs for seniors with sufficient flexibility to cater for changing circumstances. These facilities include on-site medical staff and consulting rooms, 24 hours on-site security, recreation facilities and amenities and service retail needs as well as a dedicated shuttle bus service.

The plan accommodates 3 bedroom and 2 bedroom independent-living apartments. The residents of these dwellings have access to the full range of community, recreation and support services provided on the site, including meals, cleaning, nursing and medical services as required and depending upon the residents needs and circumstance. These dwellings are for the more active residents who are able to cater for themselves, but provides for care to be tailored.

Higher level care is also provided in the scheme with 100 x 1 bedroom serviced apartments, located within the proposed stage 1 complex. This accommodation provides a transitional level of care and assistance between fully the independent living and nursing home care.

The third category of accommodation proposed is the 60 room, 80 bed nursing home facility providing full service support and medical care to residents.

The range of services and facilities proposed on-site to cater for the residents exceeds the minimum requirements of clause 42.



Clause 43 Transport services to local centres

The complex will be provided with a shuttle bus service providing residents with access to the bus stops in Iris Street and to Warringah Mall and Dee Why Town Centres. These centres provide access to regional retail and commercial services as well as to the northern beaches bus routes running between Palm Beach and Sydney CBD. The ready access from the site to these centres and transport links is supplemented by the proposed on-site provision of amenities such as swimming pools, gymnasiums, club house, restaurants and cafes and 24 on-site medical facilities.

Clause 44 Availability of facilities and services

Clause 44 requires that the consent authority must be satisfied that any facility or service provided as a part of a proposed development on land that adjoins land zoned primarily for urban purposes, will be available to residents when the housing is ready for occupation.

The staging of the Concept Plan proposes to first provide the higher level care facilities, comprising the nursing home and serviced apartment accommodation. The first stage building also accommodates food services, medical centre, retail services, library and games rooms. This building is intended to be a focus of the entire complex and therefore is provided as part of the initial offering.

This building also serves as the central evacuation point for residents to be moved to in accordance with the Bushfire Emergency Management Plan for the site as required by the RFS.

In addition to the services and facilities provided in Stage 1, existing buildings on-site will be adapted for re-use. These include the conversion of the existing Tennis Academy buildings into administration and marketing facilities for the development in conjunction with staff and nursing staff accommodation. Additionally, the existing dwellings on the western periphery of the site, will be converted to a recreation club house, caretaker's residence and doctor's residence.

This approach allows for the majority of the facilities to be in place and available as the self care accommodation stages are undertaken.

The requirements of this clause are met by the proposal.

Clause 48 Standards that cannot be used to refuse development consent for residential care facilities

A residential care facility is defined in Clause 11 of the SEPP:

Residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*

not being a dwelling, hostel, hospital or psychiatric facility.

The complex could be considered to be a residential care facility if assessment under SEPP (HSPD) 2004 only was required.



Control	Guideline	Proposed
Building height	8.0m	Maximum 8.5-15.0m above existing ground level
Density	1:1	0.45:1
Landscaped area	Minimum 25m ² /bed (29,050m ² (1162 beds x 25m ²))	In excess of 7.0ha
Parking	1 space/ 10 beds (180 beds); 1 space/2 employees; (18 staff) 1 ambulance bay	(180 ÷ 10) 18 spaces; (18 ÷ 2) 9 spaces; 7 ambulance bays; Bicycle storage provided.

Table 9: Summary Clause 48 standards that cannot be used to refuse a development.

Clause 50 Standards that cannot be used to Refuse Development Consent for Self Contained Dwellings

Development on the land to accommodate the self care or serviced self care housing cannot be refused if the proposal complies with the following guidelines.

Control	Guideline	Proposed
Building height	Maximum 8.0m	Maximum 8.5-15.0m
Density	0.5:1 (below which consent can not be refused)	0.45:1
Landscaped area	Minimum 30% (42,336m ²)	<50% (includes of 7.0ha)
Deep Soil	Minimum 15% (21,168m ²)	<50% (in excess of 7.0ha)
Solar Access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	Greater than 70% of dwellings will be capable of receiving 3 hours of direct sunlight at mid- winter between 9.00am and 3.00pm, complying with the requirement.
Private Open Space	Minimum 6m ² and minimum depth of 2m	Greater than 6m ² can be provided for all dwellings
Parking	0.5 spaces/ bedroom (974 bedrooms) Requires 487 spaces.	Total parking required = 514 (18+9+487) Provided = 607 spaces (includes allowance for staff and visitor parking)

Table 10: Summary Clause 50 controls.

These provisions are not development standards which must be complied with, but are provisions that if complied with cannot be used as reasons for refusal. Nonetheless, the project is consistent with the guidelines.



Schedule 1 Environmentally sensitive land Development Consent for Self Contained Dwellings

Clause 4 (6)(a) of the SEPP identifies that the provisions of SEPP(HSPD)2004 do not apply to any land identified in another environmental planning instrument (EPI) by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions. As set out in the following table the subject land is not identified in any EPI as comprising any of the relevant descriptions.

Description	Comment
(a) coastal protection,	The land is not identified in an EPI as coastal protection.
(b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),	The land is not identified in an EPI as being of conservation value.
(c) critical habitat,	The land is not identified in an EPI as critical habitat.
(d) environment protection	The land is not identified in an EPI as Environment protection.
(e) open space,	The land is not identified in an EPI as open space.
(f) escarpment,	The land is not identified in an EPI as escarpment.
(g) floodway,	The land is not identified in an EPI as a floodway.
(h) high flooding hazard,	The land is not identified in an EPI as high flooding hazard.
(i) natural hazard,	The land is not identified in an EPI as comprising or being affected by a natural hazard.
(k) scenic (but not land that is so identified if: (i) the land is within a residential zone in which development of two storeys or more in height is permitted, or (ii) an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),	The land is not identified in an EPI as scenic protection, foreshore scenic protection or harbour scenic protection.
(l) water catchment,	The land is not identified in an EPI as being within a designated water catchment area.
(m) natural wetland.	The land is not identified in an EPI as containing or comprising natural wetland.
Land shown cross-hatched on the bush fire evacuation risk map.	The land is not shown cross hatched on the bushfire evacuation risk map.

Table 11: Consideration against Schedule 1 SEPP (HSPD) 2004.



4.5 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No 65 – Residential Design Quality aims to improve the design quality of residential flat developments in the State. SEPP 65 applies to all applications that involve the erection of a residential flat building. The SEPP defines residential flat buildings as any building that includes:

- 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops).

SEPP 65 accordingly applies to the application. The application is a Concept Plan that will be subject to future Project Applications for the identified stages. The Project Applications will require the provision of design verification statements from qualified designers detailing the compliance of these proposals with the provisions of SEPP 65 and consistency with the Residential Flat Design Code (RFDC).

This consideration of SEPP 65 is considered in the context of the application being a Concept Plan under Part 3A of the EP & A Act 1979 and the ability of the subsequent Project Applications to conform with the SEPP 65 requirements.

4.5.1 Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of the area.

The subject site has an area of 141,120m² located in Frenchs Forest. The site is within an urban transition area that is currently occupied by large lot residential dwellings and a commercial business known as the Australian Tennis Academy and function rooms. Similar large institutional uses in the vicinity include the Oxford Falls Grammar School, the Christian City Church complex and the St Pius X sporting facilities.

Development on the subject site is characterised by the use and development of the cleared and levelled areas, which have allowed for the retention of large vegetated setbacks to Oxford Falls Road and generally large setbacks to residential development fronting Barnes Road to the west.

The Concept Plan proposes to locate new buildings on the valley floor, between the Middle Creek Tributary and the small scarp that traverses the site in a generally south to north direction.

The key design response therefore has been to work with the site's key natural feature, namely the Middle Creek tributary traversing the site. There is a recognised opportunity to restore the riparian corridor to the tributary, as well as the enhancement of the vegetated setback to Oxford Falls Road. The proposal purposefully avoids development on the steeper areas of the site.

This approach will facilitate significant improvements to the riparian environment and facilitate the provision of housing for seniors in a manner that has minimal or no impacts upon surrounding residential development. As detailed at Section 4.5, the PPR has addressed the Desired Future Character Statements of the Warringah LEP 2000 and the Draft Warringah LEP 2009 and is consistent with these requirements.

This has been aided by the approach to the site of utilising predominantly three storey building forms and the incorporation of a range of materials and landscape treatments that allow the sites



vegetated character to dominate the built form when viewed from public areas. The elevated outlook of the residential areas to the west in Barnes Road will continue to be dominated by the vegetated outlook to the surrounding hillsides, with this outlook being across the subject site, not down into the site.

4.5.2 Scale

Good design provides an appropriate scale in terms of bulk and height that suits the scale of the street and the surrounding buildings.

The proposed buildings are setback in excess of 100m from Oxford Falls Road and 50m from the property boundary of the dwellings in Barnes Road. In addition to the horizontal setbacks from the Barnes Road properties the site topography falls from the Barnes Road dwellings down to the location of the proposed housing for seniors buildings. The closest dwelling at 4A Barnes Road has a ground RL of 109.3, 22.0 m above the ground RL of the closest building on the site of RL 87.

The development, in relation to the integration of built form, has minimal integration with surrounding development. The proposed buildings are considered to be in context with the scale of the retained and proposed vegetation, which in conjunction with the setbacks provides a scale of development appropriate for the site's size, and provides an appropriate relationship with adjoining development.

4.5.3 Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and manipulation of building elements.

The proposed building forms will allow the site's natural features to dominate the buildings. The development will result in a campus style complex set within an expansive landscape setting. The proposed location of the buildings allows for the retention and reinforcement of the vegetated bushland setback to Oxford Falls Road, along with the retention of the open landscaped setbacks to the residential development in Barnes Road.

The size of the site allows the development to be independent from the surrounding built form and to address its context internally. Viewed from public places the development will have minimal impact. When viewed from Oxford Falls Road the bushland and riparian zone treatment will reinforce the dominance of this vegetated element. The buildings have been located to respect both the riparian corridors and the associated APZs.

The configuration of the buildings on-site has been approached through the provision of modules which relate to the centralised nursing home and serviced apartment facilities. This building also includes recreation and food outlets servicing the full complex. The site layout allows at grade pedestrian access to and between all buildings and facilities. This has been a fundamental design requirement in the provision of housing for seniors on the site.

The location of the buildings is generally to the east of the scarp traversing the site and therefore avoids impacts to dwellings to the west in Barnes Road.

4.5.4 Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or numbers of units or residents).



The application proposes residential accommodation for seniors comprising:

- 196 x 3 bedroom dwellings;
- 197 x 2 bedroom dwellings;
- 100 x 1 bedroom serviced apartment dwellings;
- 1 x 60 room nursing home comprising 80 beds.

Due to the large site area available, the dwelling density is able to be accommodated without significant adverse impact. The large site area has allowed for the development of the site with the incorporation of large setbacks and separation to avoid and minimise potential impacts in relation to overshadowing, visual privacy or aural privacy. The density proposed does not exceed the 0.5:1 guideline contained in SEPP (HSPD) 2006.

4.5.5 Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy, and water throughout its full life cycle, including construction.

Each element of the development is subject to subsequent Project Applications and will be required to demonstrate compliance with the targets set out in SEPP Building & Sustainability Index (BASIX) 2004.

The Concept Plan provides a layout where the internal separation of the buildings is at 12.0m to 15.0m, allowing maximisation of dual aspect living spaces, solar access, daylight penetration and natural ventilation.

Detailed design of subsequent Project Applications will address further matters such as:

- Selection of low embodied-energy materials
- Passive solar gain and loss properties
- Sun-screening devices and shuttering elements
- Cross ventilation to habitable rooms
- Collection and reuse of rainwater.

This application is supported by a detailed Water Management Strategy based upon Water Sensitive Urban Design (WSUD) principles that allow for and anticipate the collection and on-site re-use of stormwater (refer Attachment 6).

4.5.6 Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both the residents and for the public domain.

The large site area allows for the provision of a campus style development set within open space parkland to the west and restored riparian bushland along the eastern boundary of the site. Internal landscaping provides a contextual setting for the buildings as well as affording shade to the buildings and open space areas.

The landscape treatment, riparian habitat and fauna linkages provide amenity for residents and enclosed walking trails. The open space sporting fields provide informal opportunities for a variety of recreation and relaxation opportunities.



4.5.7 Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

The residential units comprise 100 x 1 bedroom serviced apartment dwellings, 197 x 2 bedroom dwellings and 196 x 3 bedroom dwellings. The layout has been developed to maximise amenity, minimise the number of single aspect dwellings and to minimise apartment depths. The internal separation of the buildings has sought to provide separation of 12-15m, which is in excess of the RFDC rule of thumb of 12.0m separation of habitable rooms to habitable rooms in four storey of buildings of up to 12.0m in height.

Detailed design consideration will be required at the Project Application stage. However, the layout of the Concept Plan embeds separations and layouts facilitating subsequent compliant dwellings.

4.5.8 Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain.

The design proposes the following security measures to restrict and control communal access around the proposal:

- The site will be managed by full time staff, with staff on-site and available 24 hours a day;
- The site will be well illuminated and way finding signage will be provided;
- Each residential block will be provided with secure entry lobby areas;
- The inclusion of central community facilities and retail facilities reinforces the establishment of a local community and casual surveillance;
- The internal pathway network encourages casual surveillance from the private open space of the proposed dwellings; and
- Generous windows and balconies provide natural surveillance to the communal open space and communal circulation space;

4.5.9 Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

The development proposes the provision of seniors living housing structured to facilitate ageing in-place. The range of accommodation ranges from independent living, through to assisted living and, onto high care nursing home accommodation, supported by on-site medical staff and services, retail facilities for day to day needs and cafes and restaurants. The site is to include recreation facilities and amenities such as an on-site bus providing access to public transport nodes and retail and commercial services at Warringah Mall and Dee Why.

The development is intended to service a rapidly emerging demand for housing suitable for seniors which also facilitates the recycling of existing family dwellings stock in the area.

4.5.10 Aesthetics

Quality aesthetics require the appropriate composition of building elements, texture, materials and colours and reflect the use, internal design and structure of the development



The final building design and external appearance are intended to be fully and finally resolved at subsequent Project Application stages. The Concept Plan design anticipates the provision of a combination of masonry and painted rendered finishes. The vegetated setting is best served through the use of neutral tones that recede from the dominant landscape and bushland setting. The palette of finishes reflected in the montages prepared in support of the application support this outcome.

The PPR provides the opportunity for further design resolution and finessing of the architectural finishes and overall design appearance of the buildings within the development.

4.5.11 Residential Flat Design Code

The following table provides a consideration of the Preferred Project against the guidelines contained with the Residential Flat Design Code that supports the provisions of SEPP 65.

Standard	Objective	Comment	Consistent
PART 1 – LOCAL CONTEXT			
Building height	To ensure the proposed development responds to the desired scale and character of the street and local area, and to allow reasonable daylight access to all developments and the public domain.	The separation of the buildings from surrounding development negates the need to provide consistent scale and height. The proposed building heights are appropriate for the site context. The buildings are configured to provide appropriate spatial separation between buildings and to ensure future access to sunlight and ventilation.	Yes
Building depth	Generally, an apartment building depth of 10–18 metres is appropriate	No apartment exceeds 14m in depth.	Yes
Building separation	As the building increases in height, differing separation distances are required. For the section of the building up to 12 metres in height, separation between habitable rooms/balconies must be a minimum of 12 metres.	The buildings are provided with internal separation of 12.0–15.0m, in excess of the rule of thumb guideline.	Yes
Street setbacks	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.	The setbacks to Oxford Falls Road are in excess of 100m, complying with the guideline of 20m from Warringah LEP 2000. The setback provides an opportunity to improve the riparian corridor adjacent to the Oxford Falls Road frontage.	Yes
Side and rear setbacks	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including	The separation of the buildings from surrounding properties is sufficient to protect light, air, sun, privacy, views and outlook for	Yes



Standard	Objective	Comment	Consistent
	future buildings.	neighbouring properties. The closest dwelling is at 1125 Oxford Falls Road. This dwelling is located to the north of the southern most group of buildings on-site. The dwelling, being to the north of this group of buildings will not be affected by a loss of solar access or daylight. The proposed closest buildings to lot 1125 are setback a minimum of 8.0m from the boundary which provides ample opportunity for the provision of planting to augment the current stand of acacias. The proposed APZ treatment will permit the retention and augmentation of the screen planting in this location.	
Floor Space Ratio	To ensure that development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the Design Code.	The proposed FSR is consistent with the guideline contained within SEPP (HSPD) 2004, with a total FSR of 0.45:1.	Yes
PART 2 – SITE DESIGN			
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	The proposed development occupies less than 50% of the site which is in excess of 7.0ha of the site as deep soil landscaped area. The undeveloped area of the site is retained as bushland, riparian corridor or managed landscaped open space.	Yes
Fences and walls	To define the edges between public and private land	The development is a self contained facility, in a campus style setting. The delineation between the public and private domains will be clearly defined by the landscape treatment of the site, identification of the main car park entry and directional signage.	Yes
Landscape design	To add value to residents' quality of life within the development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals	The proposed landscape treatment has sought to merge the managed landscape with the rehabilitated bushland and riparian treatment. The resulting landscape outcome	Yes



Standard	Objective	Comment	Consistent
		has provided a series of passive recreation opportunities in the form of walking trails and paths adjacent to the creekline, through to managed active open space areas.	
Open space	Communal open space may be accommodated on a podium of roof in a mixed-use building, provided it has adequate amenity	<p>The development does not need to rely upon the provision of open space on podiums.</p> <p>The proposed development has the advantage of a large campus style setting within which a diverse range of passive and active recreation opportunities have been provided.</p> <p>The landscape treatment serves multiple functions as a setting for the development, bushland and riparian corridor retention and rehabilitation and recreation amenity for the future residents.</p>	Yes
Orientation	To protect the amenity of existing development, and to optimise solar access to residential apartments within the development and adjacent development	<p>The development will not impact upon the solar access enjoyed by surrounding existing residential development.</p> <p>The layout of the proposed buildings and internal separation has been maximised to ensure that subsequent Project Applications are able to be designed to ensure maximum solar access, natural ventilation and passive solar design to proposed dwellings.</p>	Yes
Planting on structures	To ensure sufficient soil depth is provided to facilitate adequate planting.	Due to the expansive campus style setting there are extensive areas of the site that are to be utilised for bushland retention and rehabilitation or managed landscape treatments.	Yes
Stormwater management	To ensure adequate stormwater management.	The proposal is supported by a comprehensive stormwater concept plan prepared by JMD. This report has considered the impact of the development on stormwater flows, ensuring the probable maximum flood is managed within the riparian	Yes



Standard	Objective	Comment	Consistent
		<p>corridor and that the water quality of water discharged from the site into the receiving waters of Narrabeen Lagoon is improved.</p> <p>The Water Quality Management Strategy includes proposed measures that deliver significant benefits in relation to water quality being discharged to Narrabeen Lagoon. The modelling indicates that 19,250 kilograms of sediment per year can be prevented from entering into the receiving waters of the lagoon by the implementation of these measures.</p> <p>The strategy also provides for stormwater harvesting and on-site re-use.</p>	
Safety	To ensure residential developments are safe, and contribute to public safety	<p>The complex will be staffed by 24 hour on-site staff and professionals, including medical and nursing care assistance and support.</p> <p>The entry lobbies to the residential buildings will be security controlled to ensure resident's safety.</p> <p>The site will be provided with way finding signage to aid pedestrian navigation and circulation.</p>	Yes
Visual privacy	<p>To provide reasonable levels of visual privacy externally and internally, during the day and at night.</p> <p>To maximise outlook and views from principal rooms and private open space without compromising visual privacy</p>	<p>The configuration of the buildings allows for building separation in excess of the RFDC rules of thumb of 12.0m, with the typical separation being 15.0m. This physical separation in conjunction with typical design treatment will ensure internal privacy for future residents.</p>	Yes
Building entry	To create entrances with identity and assist in orientation for visitors	<p>The main entry to the complex off Oxford Falls Road will be delineated and sign posted. Internal circulation will be aided by way finding signage.</p> <p>Each residential building block</p>	Yes



Standard	Objective	Comment	Consistent
		will have a delineated building entry which will be security controlled.	
Parking	To minimise car dependency, whilst still providing adequate car parking	Car parking for 607 vehicles is provided in a series of basements to cater for both resident and staff parking demand. An existing open car park is retained to serve visitors and staff which utilises the current tennis academy car park at the entrance to the site off Oxford Falls Road.	Yes
Pedestrian access	Connect residential development to the street. Provide barrier free access to 20% of dwellings	A well defined main pedestrian circulation network has been provided which is further benefited by the separation of vehicle traffic from the pedestrian circulation network. Every dwelling proposed within this proposal will be accessible dwellings.	Yes
Vehicle access	Limit width of driveways. Locate driveways away from main pedestrian entries, and on secondary streets	The internal road network is provided in a perimeter form to minimise and avoid conflict between pedestrian and vehicle traffic. The use of basement car parking, avoids the conflict between vehicles circulating in the vicinity of sensitive bedrooms and building entries.	Yes

PART 3 – BUILDING DESIGN

Apartment layout	Depth of single aspect apartment – 8 metres. Back of the kitchen not more than 8 metres from a window. Width of cross-over apartments over 15 metres deep should be min. 4 metres. Housing Affordability suggests the following sizes: <ul style="list-style-type: none"> • Studio apt – 38.5m² • 1 B/R apt – 50m² • 2 B/R apt – 70m² 	All proposed dwellings are single level dwellings to maximise accessibility and adaptability. The layouts minimise the provision of single aspect dwellings and the provision of kitchens in locations that will benefit from natural ventilation (refer architectural plans at Attachment 1 – Sheets A007, A008, A009 and A010). Full design details will be provided with future project applications.	Yes
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Standard	Objective	Comment	Consistent
Apartment mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.	The accommodation provided on-site include 2 and 3 bedroom self care dwellings that have access to support services such as meals, cleaning and medical support. More intensive support is able to be provided within the 1 bedroom serviced apartment dwellings, with the highest level of support and care provided within the proposed nursing home accommodation.	Yes
Balconies	A balcony shall be provided with min. 2 metres in depth	The balconies provided will all have a minimum depth of 2.0m.	Yes
Ceiling heights	FFL to FCL (Minimum only) Residential flat buildings or residential floors: In general min 2.7m to all habitable rooms on all floors 2.4m for all non-habitable rooms	The floor to ceiling clearance of the residential accommodation is 2.7m.	Yes
Flexibility	Encourage housing design that meet the broadest range of the occupants' needs	All dwellings are single level and specifically designed to be consistent with the requirements of SEPP (HSPD) 2004. This SEPP requires the layout be designed to cater for people with a disability and ensure that the accommodation provided will cater for the future changing needs and capabilities of residents.	Yes
Ground floor apartments	Design front gardens which contribute to spatial and visual structure of the street by promoting ground floor entry to apartments Ensure adequacy and privacy of ground floor apartments located in urban areas with no setbacks by: Stepping up the ground floor from the level of the footpath by max. 1.2 Optimise the number of ground floor apartments with separate entries and consider requiring an	For safety and security, the entry to ground floor dwellings will be retained through the security lobby area. This also ensures that all dwellings are provided with a level and accessible path of travel with no steps. All ground level dwellings will still be located within a landscaped setting with the opportunity for access to ground level private open space.	Yes



Standard	Objective	Comment	Consistent
	appropriate percentage of accessible units		
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden		
Internal circulation	Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8	The proposed layout typically provides access to four dwellings off each corridor on a single level.	Yes
Mixed use	<p>To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses.</p> <ul style="list-style-type: none"> • Building layout which promotes variable uses or tenancies; • Optimal floor to ceiling heights, e.g. 3.3-4m for active public uses such as retail, etc • Optimal building depths such as 10-18m for residential or other smaller commercial uses; • Extra care when larger uses of commercial spaces – cinemas, supermarkets etc integrated with residential uses. 	Not applicable	Not applicable
Storage	<p>To provide adequate storage for everyday household items within easy access of the apartment, and to provide storage for sporting, leisure, fitness and hobby equipment.</p> <p>At least 50% of required storage should be within each apartment.</p>	<p>The typical dwelling layouts and basement configuration provides ample opportunity for the provision of storage areas as required.</p> <p>Final details will be required with subsequent Project Applications.</p>	Yes
Acoustic privacy	To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces	<p>The site layout has separated the potentially conflicting noise generating uses of vehicle circulation and the residential accommodation.</p> <p>The construction will be required to comply with the requirements of the BCA in relation to sound</p>	Yes



Standard	Objective	Comment	Consistent
		transmission between dwellings.	
		Final details will be required with subsequent applications.	
Daylight access	Min. 3 hours direct sunlight between 9am, and 3pm midwinter to living rooms and private open space of at least 70% of units. Single aspect apartments with SW-SE aspect limited to 10%	The site planning and building layout has been configured to maximise internal spatial separation and to maximise the access of dwellings to direct sunlight. All future Project Applications will confirm that over 70% of dwellings will achieve access to direct sunlight for a minimum of 3 hours in mid-winter. The layouts proposed will not preclude achievement of this requirement.	Yes
Natural ventilation	Limit building depth from 10 to 18 metres 60% should be naturally cross ventilated 25% of kitchens should have access to natural ventilation	Individual dwelling depths do not exceed 10.0m - 18.0m in depth, all are naturally cross ventilated and in excess of 25% of kitchens will be able to be provided with natural ventilation and are all naturally ventilated.	Yes Yes Yes
Awnings + signage	To provide shelter, and ensure awnings are consistent with streetscape	Not applicable	Not applicable
Facades	Facades should define and enhance the public domain	The public domain interface of the development is the landscape and bushland treatment, particularly along the Oxford Falls frontage of the site. The facades proposed are highly considered treatments that provide an interesting combination of materials that integrate within the landscape treatment of the site.	Yes
Roof design	To integrate the design of the roof into the overall façade	The roof designs are contemporary flat roofs that are complimentary to the façade treatment. The use of a low profile roof has also assisted in ensuring that the landscape treatment dominates the proposed built form.	Yes



Standard	Objective	Comment	Consistent
Energy efficiency	<p>To reduce the necessity for mechanical heating and cooling</p> <p>Limit number of single aspect apartments with a southerly aspect (SW-SE) to a max of 10% of total units.</p> <p>Maximise thermal mass. Insulate roof/ceiling to R2.0, external walls to R1.0 and floor including separation from basement car parking to R1.0.</p>	<p>Future Project Applications will be required to be accompanied by BASIX certificates confirming the energy demand reduction and water demand reduction of the development. The proposed layout and site planning will not preclude achieving these requirements.</p>	Yes
Maintenance	To ensure long life and ease of maintenance for the development.	The development proposes the use of masonry, stone and metal finishes which are durable and long lasting and ensure ease of on-going maintenance.	Yes
Waste Management	<p>Supply WMP</p> <p>Allocate storage area</p>	<p>The perimeter circulation treatment provides for truck and service vehicle access around the site.</p> <p>A Waste Management Agreement will be entered into for the collection of waste and recycling from the development.</p>	Yes
Water Conservation	<p>Reduce mains consumption, and reduce the quantity of stormwater runoff</p> <p>Use AAA rated appliances</p> <p>Encourage use of rain water tanks</p>	<p>All future development will be required to fully comply with the BASIX requirements. The Water Management Strategy prepared includes the provision and integration of stormwater harvesting, re-use and on-site storage.</p>	Yes

Table 12: Residential Flat Design Code Assessment.

4.6 Warringah Local Environmental Plan 2000

In accordance with the Warringah Local Environmental Plan (WLEP) 2000 the site is within Locality B2 Oxford Falls Valley. Under Locality B2, development for the purpose of “housing for older people or people with disabilities (on land described in paragraph (c) under the heading “Housing density” below)” is identified as Category Two development that can be approved subject to development consent. Land described in paragraph (c) of the B2 Locality is:

“(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.”



The subject land does adjoin land in a locality primarily used for urban purposes and upon which a dwelling house is permitted with consent. The development of housing for older people is permitted with consent. The permissibility of this form of housing is further confirmed by the provisions of SEPP (HSPD) 2004 which have already been addressed.

Development in the Warringah LGA is required to have regard to the provisions of the relevant Desired Future Character Statement (DFCS). The DFCS for Oxford Falls Valley states:

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 ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

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.

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.

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.

The inconsistency of the proposal with the DFCS for the locality was raised as a significant issue, by Council.

The following table considers the proposal against the B2 Oxford Falls Valley DFS.

DFCS	Comment
<i>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 ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.</i>	<p>The statement that new development will be limited to detached housing is in conflict with both the permitted uses under Category 2 of the B2 Locality and the provisions of SEPP (HSPD) 2004.</p> <p>It is more relevant to have higher regard to the guidance provided in relation to visual impact and character.</p> <p>The proposed development is consistent with the DFCS in avoiding development on ridgetops and will not disrupt the skyline. As demonstrated in the photomontages and site cross sections at drawings A014 and A020 (refer Attachment 1) the development is located in the foot of the small valley, and as a result sits well below the level of the existing residential development that surrounds the site to the west and south. The natural benefits of the site's topography have been further reinforced by the revised plans reducing the development to predominantly 3 storey building forms with the exception of the central Serviced</p>



DFCS	Comment
	<p>Apartment and nursing home building of four storeys and the southern most pocket of buildings.</p> <p>The proposed development will not be visible from Narrabeen Lagoon, and while it does not have a frontage to the Wakehurst Parkway, the clear intention to maintain and reinforce the bushland presentation to public roads in the locality has been achieved. The development will facilitate the augmentation and rehabilitation of the vegetation along the Oxford Falls Road frontage. This results in the development being setback some 100m from Oxford Falls Road, providing a vegetated buffer as well as accommodating the riparian zone for the Middle Creek tributary that traverses the site.</p>
<p><i>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.</i></p>	<p>The site selection and provision of the proposed buildings have been configured to utilise the expanse of highly disturbed and cleared areas on the site. To the west of the central access way, no further development is proposed, other than the re-use of existing dwellings as club house or staff accommodation.</p> <p>The central location of the buildings leaves the large open area to the east of the dwellings fronting Barnes Road and the setback to Oxford Falls Road to buffer the development and to accommodate additional planting and bush regeneration.</p>
<p><i>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.</i></p>	<p>The subject site does not include a frontage to Forest Way or the Wakehurst Parkway. Despite this the intent is met with the establishment of a dense bushland buffer along the Oxford Falls Road frontage which also accommodates the Middle Creek tributary that traverses the site. The proposed development is setback 100m from this frontage.</p>
<p><i>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.</i></p>	<p>The Concept Plan is supported by detailed engineering consideration of the management of stormwater. This confirms the management of the 1 in 100 and PMF flood events, so as to manage and/or avoid impacts and to ensure that the water quality from the site is not leading to or impacting upon reduced water quality within Narrabeen Lagoon. The detailed assessment is contained in the Water Management Strategy prepared by SEEC and the Stormwater Concept Plan by JMD. The strategy has identified significant opportunities to improve the quality of water entering Narrabeen Lagoon.</p>



DFCS	Comment
	The existing water courses traversing the site are highly disturbed and display few natural characteristics. The Riparian Areas Assessment includes a strategy for the reinstatement of both riparian zones and buffer zones to replicate a more natural watercourse regime.

Table 13: Desired Future Character B2 Locality Assessment.

Council has also exhibited a draft LEP consistent with the standard template. Under this draft Warringah LEP 2009 the land is proposed to be zoned E3 Environmental Management.

The stated objectives of the E3 zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To ensure that development by way of its character, design, location and materials of construction is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.
- To protect and enhance the natural landscape by preserving remnant bushland and rock outcrops and by encouraging the spread of indigenous tree canopy.
- To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.

The following table provides a consideration of the proposal against these draft zone objectives.

E3 Zone Objective	Comment
To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.	<p>The subject site does not contain any special ecological, scientific, cultural or aesthetic values. Despite this the proposed development does seek to restore the Middle Creek tributary to a more natural riparian environment, providing benefits in relation to water quality, habitat value and fauna linkages through the site which could be further expanded upon across neighbouring holdings.</p> <p>The aesthetic value of the site will be reinforced through the proposed rehabilitation of the planting to the Oxford Falls Road frontage, the reduction in building heights and the location of the proposed buildings on the floor of the valley.</p> <p>The outlook from the elevated residential areas surrounding the site are largely unaffected due to the site's topography and location of buildings.</p>
To provide for a limited range of development that does not have an adverse effect on those values.	The proposed development will remain permitted under SEPP (HSPD) 2004 due to the land being land adjacent to land zoned primarily for urban purposes being R2 Low Density Residential. Dwelling houses will be permitted within the proposed E3 zone.



E3 Zone Objective	Comment
	The development is located at the floor of the Valley and the range of documentation submitted in support of the application has demonstrated that the riparian environment will be improved, water quality improved and the habitat values of the Middle Creek tributary improved with the re-establishment of riparian vegetation corridors.
To ensure that development by way of its character, design, location and materials of construction is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.	The buildings proposed on the site are located on the floor of the valley and setback significant distances from the proposed R2 Low Density Residential land. The buildings are located in the highly disturbed and cleared areas of the site. The location allows for a setback of 100 metres from Oxford Falls Road within which the Middle Creek tributary runs. The riparian zone will accommodate rehabilitated vegetation and bushland that enhances the bushland presentation to Oxford Falls Road. The montages of the proposed development further demonstrate that the outlook across the site from the Barnes Road properties will be largely unaffected. The outlook from these properties are dominated by the expansive views down the valley framed by the vegetated slopes of the enclosing valley walls.
To protect and enhance the natural landscape by preserving remnant bushland and rock outcrops and by encouraging the spread of indigenous tree canopy.	The development is consistent with this objective due to the location of the development in the highly disturbed and cleared areas of the site. The remnant bushland, particularly along the Oxford Falls Road frontage is highly degraded and contains many exotic species. The restoration of a riparian zone through this area in conjunction with the ongoing management of the vegetation will encourage the spread of indigenous tree canopy, provide a reinstated riparian zone as well as fauna linkages along this corridor.
To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.	The visual quality of the area will be enhanced by the proposed development providing a dense bushland buffer to Oxford Falls Road. The setback of buildings to Oxford Falls Road is 100m, with the direct frontage to be rehabilitated bushland with the exotic species to be systematically removed and replaced with locally indigenous vegetation.

Table 14: Assessment against E3 Zone Objectives draft WLEP 2009.

It is noted that under the Draft Warringah LEP 2009, the E3 zone would be subject to a building height limit of 8.5m. The proposed objectives of the height controls are stated as being:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality that may be identified in any development control plan made by the Council,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*



- (c) *to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,*

As demonstrated below the proposed development does not contravene these objectives.

Height Control Objective	Comment
to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality that may be identified in any development control plan made by the Council,	<p>The proposal has been considered against the proposed objectives of the E3 zones under the draft Warringah LEP 2009. This assessment confirmed that the proposed development is consistent with these proposed objectives and does not conflict with the Desired Future Character Statement of the current Warringah LEP 2000.</p> <p>Neither the height, bulk or scale as detailed below will result in significant adverse impacts upon surrounding land uses.</p>
to minimise visual impact, disruption of views, loss of privacy and loss of solar access,	<p>The proposed buildings are located on the valley floor and are subject to significant setbacks. They will have no significant visual impact upon existing development with the proposed retirement resort having minimal impact upon the dominant and expansive valley views enjoyed by the surrounding residential land uses.</p> <p>The development will have no impact upon solar access enjoyed by existing development due to the location and site planning of the development and the topography of the site.</p> <p>The proposed development has been positioned so as to avoid privacy impacts upon surrounding development. The southern group of buildings has one building at a setback of 8.0m from the southern boundary of the property known as 1125 Oxford Falls Road. The boundary between the properties is currently well screened and is proposed to be augmented with further vegetation to screen the proposed building from this dwelling. (refer to tree schedule for this boundary within Attachment 2).</p>
to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,	<p>The proposed development will have no impact upon the scenic quality of the coastal environment. It is considered that the development reinforces and improves the visual quality of the bushland setback to Oxford Falls Road. The development will also improve the quality of this vegetation with the progressive removal of exotic species and their replacement with locally indigenous species.</p>



Height Control Objective	Comment
to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,	<p>As identified above, the bushland landscape treatment of the site to the Oxford Falls Road frontage proposes the regeneration and augmentation of the vegetation along the Middle Creek tributary. The work also proposes the removal of an existing driveway entry from Oxford Falls Road. This driveway, currently affords expansive views to the current equestrian facilities on the land. It will be removed and re-vegetated. In terms of views from a public place, in this instance Oxford Falls Road, the visual impact will be managed. The site has access points from three locations along Barnes Road. From these vantage points, the site is not highly visible given the location of buildings on the valley floor. From these vantage points, the predominant view enjoyed is across the site towards the vegetated western slopes of Red Hill Reserve and lands to the west of the reserve.</p> <p>The site will not be highly visible from public parks, reserves or community facilities.</p>

Table 15: Assessment against Draft WLEP 2009 Building Height objectives.

4.7 Warringah Housing Strategy

Council's submission states that the current residential strategy relies upon medium density residential development in existing areas for housing growth. This position fails to recognise the primacy of the State Environmental Planning Policies (Major Development 2005 and Housing for Seniors or People with a Disability 2004) and the rapidly emerging demand and need to cater for an aging population. The ability to provide the range of facilities and services to support an ageing population is critical. Council's own social profile states that Warringah has a larger proportion of 70-84 year olds than the Sydney average (8.7% compared to 7.3%) and 19.8% of the population is aged 60 years and over compared to the Sydney Average of 16.7%.

The growing senior population is further highlighted within the North East Draft Subregional Strategy that states that the population over 65 years of age will increase significantly by 2031 (NEC2.2.1). The *New South Wales State and Regional Population Projections, 2006-2036: 2008 Release* identifies that the percentage of the population aged 65 and over is expected to rise from 12.0% in 2006 to 18.0% in 2036. The following table shows that the population of people over 60 years of age will experience significant growth from the period 2006 to 2036.



Age group	% Increase
0-4	32
5-9	33
10-14	31
15-19	30
20-24	30
25-29	31
30-34	24
35-39	27
40-44	26
45-49	26
50-54	31
55-59	28
60-64	55
65-69	81
70-74	104
75-79	100
80-84	107
85+	202

Table 16: Projected percentage increase in population by age group, Sydney region, 2006-36
 (Source: *New South Wales State and Regional Population Projections, 2006-2036: 2008 Release*).

It is clear that reliance upon growth in existing centres will not be sufficient to cater for the existing and pending demand for housing for an aging population. Council's approach also fails to recognise the opportunities represented by the proposed development to cater for a broad range of stages for an ageing population and the support and social services required. These cannot all be feasibly or viably provided in existing centres because of:

- the area of land requirement and the need for amalgamation; and
- the constraints posed by adjoining dense development.

4.8 Response to Submissions

Notification of the application attracted 627 submissions. The issues raised in the submissions have been reviewed and distilled into 35 categories.

The following table identifies the frequency that each of the 35 issues identified was raised in the submissions received. The most frequent issues raised were issue 7 (increased traffic impacts) issue 11 (Fauna impacts), issue 12 (Flora Impacts) and issue 13 (Impact on the rural / semi-rural character of Oxford Falls).

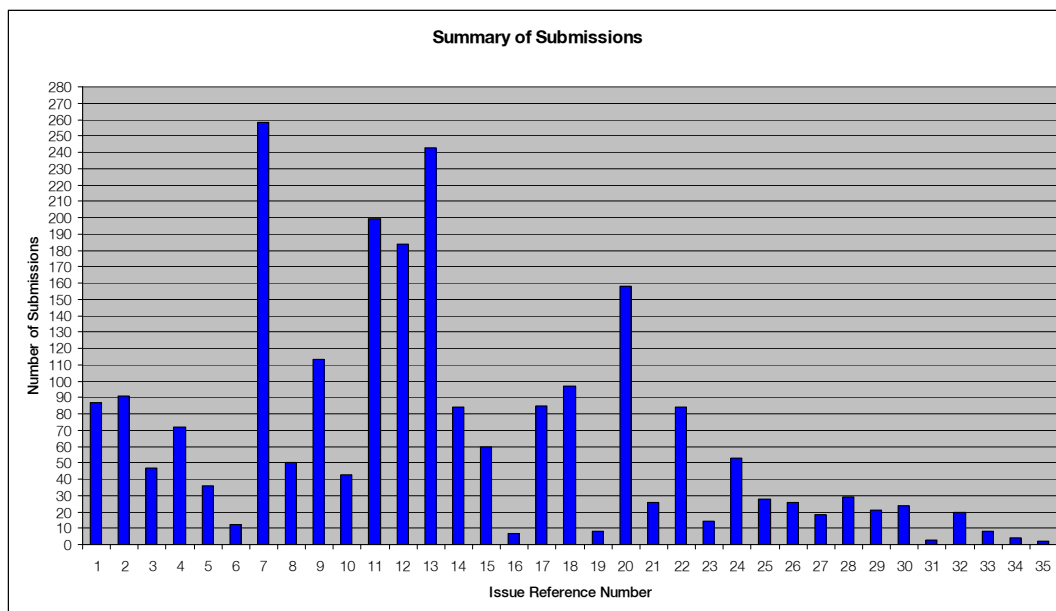


Table 17: Summary of submissions and times each issue was raised.

Each issue, and corresponding issue number, is identified and responded to in the following section.

- i. Site is inadequately serviced (sewerage, water, electricity, stormwater, waste disposal) and proposal creates increased demand for services

Comment:

As detailed within the original EA, the utility authorities have confirmed the capacity to service the site, with any augmentation to be borne by the proponent. The augmentation of required services is confirmed within the Draft Statement of Commitments.

- ii. Inadequate public transport infrastructure is provided to service the site

Comment:

The development is to be serviced by a shuttle bus service that provides linkage to the public transport routes in Iris Street as well as to continue on to destinations such as Warringah Mall and Dee Why town centre. The shuttle bus provides access to services and facilities as well as to a broader network of public transport options.

- iii. Site is isolated, and is too distant from existing centres / urban areas / shops

Comment:

The site is an urban infill adjacent to and adjoining existing residential areas. The area is well located to gain access to the centres of Forest Way, Warringah Mall and Dee Why Town Centre. The development will be supported by a shuttle bus service providing access to these major centres as well as the bus routes that pass through these centres and along nearby Iris Street.



- iv. Inadequate road access / existing road structure can not support proposed development

Comment:

The response to the proposal from the RTA dated 20 April 2009 has confirmed the capacity of the local road network to accommodate the proposed development subject to minor upgrading of intersection treatments, street lighting, and pedestrian refuges. The matters raised by the RTA are all capable of resolution by conditions of consent with the Concept Plan or any subsequent Project Applications.

- v. Traffic impacts from the proposed extension of Barnes Road.

Comment:

Barnes Road is not proposed to be extended. The access into and out of the site is to be via the Oxford Falls Road frontage. The Barnes Road access points will only be utilised in the event of a requirement for emergency vehicle access.

- vi. Parking impacts

Comment:

The application is proposed to be supported by 607 spaces which includes provision for residents, staff and visitor car parking requirements.

- vii. Increase traffic impacts

Comment:

The local road network has been determined by the RTA to be capable of accommodating the expected traffic generation of the proposal.

The development is to be supported by an on-site shuttle bus to facilitate ease of access to the public bus routes servicing the area in Iris Street, with the shuttle bus route continuing on and providing access to Warringah Mall and Dee Why Town Centre and the further bus routes that are accessible from these locations.

- viii. Flood impacts

Comment:

The Stormwater Concept Plan has confirmed the capacity for the development to be undertaken without impact from the PMF level and without impact upon properties upstream and down stream from the subject site.

- ix. Impact on the Narrabeen Lakes Catchment Area (water pollution)

Comment:

The Water Quality Management Strategy prepared by SEEC has identified the positive outcomes for water quality leaving the site and entering the receiving waters of Narrabeen Lagoon. In addition to the treatment of on-site water, the Water Quality Management Strategy includes a new treatment of current untreated run-off from surrounding residential areas (streams T1 and T2). The combined actions have the potential to remove significant amounts of suspended solids annually and lead to significant water quality improvements. Without the proposed development, the waters from the surrounding residential areas would continue to discharge untreated into the Narrabeen Lagoon catchment.



x. Stormwater impacts

Comment:

As previously addressed the Water Quality Management Strategy and the Stormwater Concept Plan have confirmed the capacity for the development to be undertaken without impact from the PMF level and without impact upon properties upstream and down stream from the subject site. This includes a Stormwater Management Strategy and options for on-site rainwater re-use consistent with WSUD principles.

xi. Fauna impacts

Comment:

The proposal is supported by a detailed ecological assessment, supported by additional site survey effort. The assessment makes a series of recommendations to manage and avoid potential fauna impacts which have been incorporated into the Statement of Commitments. The proposal includes the retention of bushland to the east of the Middle Creek tributary as well as a substantial rehabilitation of this riparian corridor. The rehabilitation is addressed in the Riparian Areas Assessment prepared by GHD (refer Attachment 3).

xii. Flora impacts

Comment:

The proposed development incorporates substantial rehabilitation of the riparian corridor to the Middle Creek tributary and the riparian corridors of the minor tributaries on the site. The treatment of these corridors and the overall landscape masterplan, prepared by Botanica, (refer Attachment 2) demonstrates a significant increase in on-site vegetation and the provision of deep landscape and bushland buffers, especially to the Oxford falls Road frontage of the site.

The landscape and bushland treatment proposes the use of endemic species in the riparian zone and a range of local and appropriate exotic species for the landscape treatment throughout the development. This is proposed to provide a high quality setting for the development in conjunction with a high amenity setting for the future residents.

xiii. Impact on the rural / semi-rural character of Oxford Falls

Comment:

The design outcome results in a reinforcement of the bushland frontage to Oxford Falls Road. The development removes a number of existing driveways allowing revegetation of this frontage to be undertaken. This revegetation is to be undertaken in concert with the rehabilitation of the Middle Creek tributary to reinstate a riparian bushland treatment. When viewed from Oxford Falls Road, the current landscape treatment of the site will be further strengthened, such that the buildings, which are set back from the road by 100m, do not become a dominate visual element. The prominence of the bushland and landscape treatment will be enhanced by the reduction in height of the proposed buildings to a predominantly 3 storey built form.

When viewed from the residential areas to the south and west, the natural topography of the site and the location of the buildings on the floor of the valley will result in negligible impacts upon the outlook from these surrounding elevated areas. This circumstance is reinforced by the assessment undertaken by Dr Richard Lamb and the site sections showing the relationship of the proposed buildings to the surrounding residential areas. Dr. Lamb's visual assessment is included at Attachment 8.



- xiv. Visual bulk, scale and height impacts of the proposed development, including architectural style and density

Comment:

The buildings have been reduced to a predominantly three storey form, with a four storey building provided for the stage 1 nursing and serviced apartment building and the stage 4 buildings in the lowest portion of the site. The overall development achieves an FSR of less than 0.5:1, which is less than the 1:1 FSR guideline for residential care facilities and the 0.5:1 FSR guideline for self care accommodation contained within SEPP (HSPD) 2004. More significantly, the buildings have been concentrated in sections of the site that have been identified as being suitable for development to avoiding areas of environmental constraint.

The proposed building form will allow the proposed vegetation to be the dominant element having regard to mature tree heights and ensures that the predominant canopy level is greater than the building heights.

The proposed architectural treatment will be subject to individual consideration in subsequent Project Applications for each stage, however the proposed concepts are considered to be an attractive and appropriate response to the location and setting.

- xv. Overdevelopment of the site

Comment:

As stated above the FSR achieved is less than the relevant guideline within SEPP (HSPD) 2004 and the development has been shown to have no demonstrable significant adverse impact upon the amenity of existing adjoining development. The proposal has been designed to respond sympathetically to a rapidly emerging demand for accommodation to facilitate ageing in place. This type of facility is currently poorly catered for in this region.

- xvi. Heritage impacts

Comment:

The Aboriginal Archaeology Assessment undertaken by Mary Dallas and Dominic Steele has confirmed that the proposed development can be undertaken without impacting upon areas of potential archaeological heritage value. The assessment has identified three areas of potential significance on or adjoining the site which are not within the proposed development footprint. For completeness, a copy of the assessment has been included at Attachment 10.

- xvii. Non-compliance with state planning controls

Comment:

A detailed assessment has been undertaken as part of this PPR against the provisions of:

- SEPP (HSPD) 2004;
- SEPP (BASIX) 2004; and
- SEPP 65 (Design Quality of Residential Flat Development)

The assessment has demonstrated the consistency of the proposal to these SEPPs.

- xviii. Non-compliance with local planning controls

Comment:

A detailed assessment has been undertaken as part of this PPR against the provisions of:



- Warringah LEP 2000; and
- The relevant objectives of Draft Warringah LEP 2009.

The assessment has demonstrated the consistency of the proposal with the current and proposed local environmental planning instruments.

xix. Light spill impacts

Comment:

Light spill is a matter that is unlikely to be problematic. A condition of consent could be included requiring provision of a lighting strategy to ensure that external way finding lighting is direction controlled and not allowed to be provided without direction down and away from sensitive areas. This is a matter that can be readily addressed in a specific Project Plan approval.

xx. Fire risk to occupants, and safe evacuation for the elderly is inadequate

Comment:

The proposal has been endorsed by the RFS and the requirements of the RFS are included within the Statement of Commitments.

xxi. Increase demand upon existing public hospitals (Mona Vale & Manly) & emergency services

Comment:

The development seeks to cater for and accommodate seniors that already exist in the community. Many of the day to day medical needs are to be provided on-site, potentially reducing demand on existing emergency services.

xxii. In support of Seniors Living Development

Comment:

The support of the proposal is noted.

xxiii. Inadequate community infrastructure to support the development

Comment:

The demand of the proposed development on community infrastructure is likely to be minimal. The development is a predominately stand alone facility that accommodates a range of medical, social, recreation and transport facilities. The nature and approach to the development of the site is unlikely to unduly stress or overburden existing community infrastructure.

xxiv. Generally not supportive of application

Comment:

Noted.

xxv. Loss of scenic views of the rural landscape

Comment:

This was addressed in the response to point 13 above. The proposed development is considered to enhance the bushland presentation to Oxford Falls Road, and existing outlook over the site will be negligibly impacted upon.



xxvi. Noise impacts (operational & construction)

Comment:

The construction times will be subject to standard limitations to working hours. With respect to ongoing operational noise, the development proposes no plant, equipment or facilities that would be expected to generate on-going noise nuisance. This is a matter that can be readily addressed in a specific Project Plan approval.

xxvii. Loss of recreational facilities

Comment:

The development does not involve the loss of any public recreation facility. The current private commercial tennis academy will be removed, which is a private commercial operation.

xxviii. Inadequate pedestrian access to the site

Comment:

The site will be serviced by an extensive pedestrian and cycleway network providing both recreation opportunities and access into the surrounding residential areas. The RTA submission has required the provision of pedestrian refuges and street lighting to the public road.

xxix. Construction impacts

Comment:

Any future development and construction of the identified stages will be accompanied by the usual conditions as part of normal practice. These conditions will regulate construction hours and management requirements subject to further assessment and could be required to provide construction plans of management. There is no impediment to construction activity being undertaken on the site in a controlled manner that avoids unnecessary impacts upon the surrounding environment. This would include sedimentation plans and run-off and noise management plans.

xxx. Increased car and pedestrian accidents / traffic hazard (including horse riders)

Comment:

The RTA has stated that the local road network has the capacity to accommodate the proposed development and the range of minor upgrade works to improve the safety of the current road network. This issue will be a matter for future Project Applications for each stage.

xxxi. Decrease in property values

Comment:

Having regard to the potential impact upon the amenity of surrounding development, the proposal has been demonstrated to have minimal or minor significant adverse impacts. Demonstrable impacts are often linked to a potential reduction in property values. In this instance as there are no demonstrable impacts, the potential to attribute a reduction in property values to the proposal is considered unlikely.



- xxxii. Excess of retirement villages within the locality questioning the economic viability of additional seniors living housing within the locality

Comment:

Demand for housing for seniors is increasing in response to the well documented ageing of the population. The proportion of ageing residents in both the Warringah and Pittwater LGA's is well above the Sydney region average.

- xxxiii. Financial capacity of the development to be undertaken is not justified

Comment:

The development is to be undertaken in stages by an experienced developer responding to an emerging and identified housing demand for seniors.

- xxxiv. Topography impacts (land slip and excess land fill)

Comment:

The application is supported by a thorough geotechnical assessment that has concluded that the site is not subject to landslip. Further, the levels of excavation have been reduced to limit the levels of cut and fill to be undertaken compared with the original proposal.

- xxxv. Visual privacy impacts

Comment:

The separation of the site from the surrounding development having regard to horizontal distance, site levels and landscape treatment, all indicate that the development is unlikely to have a demonstrable negative impact on the visual privacy of surrounding development.



5.0 STATEMENT OF COMMITMENTS

General

1. The sites comprising the development site will be consolidated into one title
2. The first stage of construction will be the major building in the whole development which consists of the 60 room Nursing home, the 100 x 1 bedroom apartments for the low care residents plus all of the medical facilities required to operate these facilities. In addition most of the amenities facilities will be completed ready for use such as the Heated Pool, the Gymnasium, Main dinning room and lounge facilities on the 1st level, the doctors rooms and car parking for the visitors and the residents
3. Tiffany Developments will take responsibility and care of all internal roads, waste disposal and services that are located within the site
4. Tiffany Developments will maintain the services of a Fire Warden whose responsibility it will be to organise regular Fire drill with the residents, to check all installed fire equipment and to maintain the required level of fuel loading in and around the estate. In addition a full time Medical Doctor, plus Emergency staff, and a Security officer and will be located on site 24/7.

Stormwater and Water Quality Management

5. Adopt the recommended Water Quality Management Strategy as outlined in Section 5 of the Water Quality Management Concept Report, prepared by SEEC, and dated 12 May 2010.
6. Provision of stormwater system as outlined in the Stormwater Concept Plans prepared by JMD Development Consultants dated April 2010.
7. All proposed development floor levels will be at least 0.5m above the identified post-development flood levels.

Riparian

8. The Preferred Riparian Corridor Network (PRCN) shall be rehabilitated consistent with the recommendations of the Riparian Assessment Report prepared by GHD and shall include the following:
 - (a) Middle Creek tributary
 - i. Re-align and reconstruct the Middle Creek tributary upstream of Barnes Road (shown as reach T3 on Fig 2) to 'mimic', as best as possible, an endemic stream and appropriately protect and link riparian vegetation;
 - ii. Realign and reconstruct the Middle Creek tributary downstream of the proposed access (shown as reach S1b on Figure 1) to 'mimic', as best as possible, an endemic stream and appropriately protect and link riparian vegetation;
 - iii. Revegetate and rehabilitate the riparian vegetation along the length of the Middle Creek tributary and provide a minimum CRZ of 15.0 m and a vegetate buffer of 10.0 m;
 - iv. Conserve and rehabilitate the Biodiversity Zones, on the eastern side of the creek (shown in green hatching in Figure 1);
 - v. Include an APZ of 45m (outside the CRZ) on the western side of this tributary, including canopy and ground cover species endemic to the location plantings.
 - (b) Drainage Line T1



- i. Drainage line T1 will be removed and redirected towards the northern boundary of the site;
- ii. The channel will be reconstructed and incorporated as a Water Sensitive Urban Design (WSUD) feature. The channel will be rehabilitated with native species (canopy and groundcovers/macrophytes only) within the parameters of the APZ.
- (c) Drainage line T2
 - i. Drainage line T2 will be removed and redirected towards the southern boundary of the site;
 - ii. The channel will be reconstructed and incorporated as a WSUD feature. The channel will be rehabilitated with native species (canopy and groundcovers/macrophytes only) within the parameters of the APZ.
- (d) Note: All drainage line rehabilitation works will seek to 'mimic', as best as possible, naturally occurring streams in the area.

9. Riparian Vegetation

- (a) Retention of all remnant vegetation within the PRCN, including the Biodiversity Zones;
- (b) Investment in condition improvement of all remnant vegetation within the PRCN; and
- (c) Revegetation of all areas of the PRCN currently unvegetated.

Ecological

- 10. That a Vegetation Management Plan (VMP) be prepared for the purposes of riparian restoration, the terrestrial corridor, tertiary landscape linkages and vegetation enriched APZs.
- 11. The VMP will be an integrated planning tool to identify the ongoing management of the wildlife corridors, habitat resources, weeds, native landscaping within the development and asset protection zones and site works to maximise the retention of existing habitat resources.
- 12. The VMP will be prepared in accordance with DECCW guidelines and will include the following key conservation measures:-
 - (a) The boundaries of the conservation areas shall be clearly marked out on the site to ensure their protection. All areas of natural vegetation retention shall be protected by fencing, prior to construction, to ensure that these areas are not damaged during the construction phase.
 - (b) Existing gaps in vegetation coverage within the nominated corridors shall be revegetated and regenerated to fully structure native vegetation, using endemic native species sourced from local provenance propagation stock. The species selection is to be derived from the local vegetation communities that occur within and immediately surrounding the site.
 - (c) Maintaining and furthering existing opportunities across the site (east to west) where native linear vegetation is present is recommended. This appears most achievable along the existing vegetation of the Barnes Road Reserve, where terrestrial habitat is of relatively good condition for the majority. Street trees and native landscaping are also recommended to enhance east-to-west connectivity.
 - (d) Restoration of the western corridor shall focus on heath structure equivalent or greater than the 0.36ha loss, also within forested portions, which will improve habitat for the Southern Brown Bandicoot and Heath Monitor.
 - (e) The APZs shall be enriched with native canopy and understorey plantings such that it does not exceed fuel load management requirements. The APZs shall be landscaped to include canopy vegetation and planting of native landscape beds.
 - (f) Any proposed construction works (drainage and road works) and installations of services shall be clearly identified and are to avoid impacting on the proposed riparian/wildlife



corridors. DECCW Guidelines for Controlled Activities – Riparian Corridors, are to be applied in the preparation of any VMP.

- (g) A project ecologist shall be engaged prior to the commencement of works to certify the implementation of all the requirement protection measures in accordance with the approved management plan.
- (h) Particular plant species shall be considered. Heath or shrubby understorey created for the Southern Brown Bandicoot should be characterised by locally occurring *Acacia*, *Banksia*, *Daviesia*, *Epacris*, *Hakea*, *Leptospermum*, *Melaleuca* and/or *Platylobium* species. Restoration of riparian areas should provide a presence of Swamp Mahoganies (*Eucalyptus robusta*) to improve Koala and winter migratory bird species habitat. Restoration of areas adjacent to riparian areas should also provide a presence of Grey Gum (*Eucalyptus punctata*) also to improve available Koala habitat. *Allocasuarina* feed trees for Glossy Black Cockatoos should be planted within appropriate areas of the proposed corridors to ensure the site provides a higher representation of feed trees than present.
- (i) All staff involved with the development, shall undergo an induction and training program designed to reinforce the ecological and environmental objectives of the development.
- (j) Construction activities on site will be supervised and monitored by a project ecologist to ensure that the recommendations of this report are implemented.
- (k) Potential safety issues regarding retention of some trees near building envelopes shall be resolved by assessment of the tree's health nearer the time of construction. This assessment must be undertaken by a suitably qualified and experienced arborist with concurrence from the project ecologist.
- (l) Trees of notable significance outlined in Section 3 and shown on Figure 1 are protected where possible, in particular HT19.
- (m) The felling of all hollow-bearing trees shall be conducted under the supervision of a fauna ecologist. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and all hollows should be inspected for occupation, activity and potential for reuse. Re-used hollows or those with likely occupation are to be relocated to natural areas within close proximity to the site. Hollows which are lost shall be replaced at a ratio of 1:1. Possum and microbat boxes should make up at least half of all small (0-10cm) to medium (10-30cm) sized hollows removed. Possums are in high numbers within the site and contribute to Powerful Owl prey availability in the locality. Nest box numbers should be determined, constructed and installed prior to development activities commence such that alternate residence may be provided and relocation opportunities exist for animals recovered during development.
- (n) Any retained tree on site will require protection both during and after development construction, applying the following Tree Protection Guidelines.
- (o) Valued habitat features within development areas shall be prior identified by a fauna ecologist and arranged for relocation into conservation areas.
- (p) All areas containing natural habitat features which have been identified for retention shall be protected with fencing prior to construction.
- (q) The two dams located in the central and southern portions of the site (along the edge of the proposed western corridor) currently provide open water drinking resources for the Eastern Bentwing-bat and other microchiropteran bats. These dams shall be retained such that foraging may continue along a designated flyway. It is recognised that the large southern dam will be modified by the proposal, however, open water drinking resources should remain by redesign.
- (r) Should any fauna species, a nest or a roost is located during development works, be discovered then works shall cease until safe relocation can be advised by a fauna ecologist. Dismantling of building structures should consider the presence of microbat species and where any bats are disturbed (take flight) then works should cease immediately to determine any further presence. Active bats during the day are at high risk of predation. It is best practice that a fauna ecologist undertake prior inspection of



buildings and be on hand during the early dismantling process of roof and wall linings. In the event that the Eastern Bentwing-bat is recorded roosting during the deconstruction of buildings, deconstruction should cease until the roost is vacated voluntarily. Ongoing roosting would indicate a more permanent and valued roost and appropriate measures should be determined in consultation with DECCW at that time. These measures are precautionary as roosting is not expected.

- (s) A community extension program shall be implemented to ensure local residents are aware of conservation management issues and their responsibilities, such as in regard to the conservation purposes of buffer zones and the APZs.

Bushfire

13. At the commencement of building works and thereafter in perpetuity, the entire site, except for the core riparian zones and where modified below, shall be managed as an inner protection area [IPA] as outlined within Appendices 2 & 5 of Planning for Bushfire Protection 2006 and the RES document 'Standards for Asset Protection Zones'.
14. The managed vegetation buffer zones associated with drainage lines T1 & T2 shall be managed, as a minimum, as an outer protection area [OPA] as outlined within Appendices 2 & 5 of Planning for Bushfire Protection 2006 and the RES document 'Standards for Asset Protection Zones'.
15. A 5.0m IPA setback is to be provided to the managed vegetation buffer zones associated with the drainage lines T1 & T2.
16. APZ setbacks to the Middle Creek tributary [S1a, S1b & T3], and the narrow corridor of vegetation towards the middle of the site, shall be as per the GHD's revised plan A, Figure 02, dated November 2009 (refer Attachment 3).
17. A 60 m APZ is to be provided to the northwest internal corner of the site.
18. Water, electricity and gas are to comply with Sections 4.1.3 & 4.2.7 of Planning for Bushfire Protection 2006.
19. Internal roads shall comply with 4.2.7 of Planning for Bushfire Protection 2006
20. An Emergency/Evacuation Plan is to be prepared in accordance with Section 4.2.7 of Planning for Bushfire Protection 2006.

Accessibility

21. The proposal shall provide an on-site transport service that operates at least seven days per week to convey residents to shops and services and local public transport nodes.
22. The development shall provide wheelchair accessible on-site pathways to all dwellings and residential facilities, with the exception of the retained and re-used Spali and Grainger houses.
23. The design of dwellings shall be prepared in accordance with the technical requirements of the relevant SEPP Housing for Seniors policy.



SEPP 65

24. All stages of the development for subsequent Project Applications or Development Applications will be designed by a registered Architect as required by the provisions of SEPP 65- Design Quality of residential Flat Development.

BASIX

25. The residential components of the proposal shall comply with BASIX. Details of compliance shall be submitted with any subsequent Project Application.

Waste Management

26. Maintain the agreement with the waste contractor to provide waste and recycling services upon completion of the development.

Traffic

27. The design of all access and car parking shall be in accordance with AS2890.1 - 2004 and AS 2890.2 – 2002.

Road Closure

28. Formal application for closure at Barnes Road shall be made by the proponent and closure to be implemented prior to commencement of construction.

Social Services

29. The facilities and services outlined in the Social Impact Study prepared by RM Planning, dated October 2008, are to be provided for the proposed development.

Geotechnical/Contamination

30. A detailed contamination assessment shall be undertaken and submitted with any subsequent Project Application for later stages of development.
31. In relation to ground water:
- (a) construction of an appropriate sharing system such as contiguous pile wall or secant pile wall system.
 - (b) basements shall be dewatered during construction and potential impact of ground subsidence on surrounding areas considered.
 - (c) basements shall be waterproofed.

Heritage

32. Permit the Metropolitan Local Aboriginal Land Council to monitor any earthworks that might disturb the area indicated as PAS 3 on lot 1336 as referred to in the Aboriginal Archaeological Assessment by Mary Dallas dated July 2008.



Provision of Public Services and Infrastructure

33. A levy of 1% of the capital cost of the proposal is to be provided to Council as a contribution for infrastructure services under Section 94A of the EPAA. This contribution is to be paid in stages throughout the construction process.
34. That the proponent fund the cost of any utility augmentation works as may be required to service the site, the proponent may enter into further consultation with each provider. Options for augmentation are to be agreed in the context of any future Project Application for development.



6.0 CONCLUSION

The Preferred Project has responded positively to the matters raised during the notification process. The application has been refined to provide a more efficient planning of the site. This has allowed for the provision of riparian zone treatments consistent with the requirements of NOW and bushfire protection consistent with the requirements of the RFS.

This approach has facilitated the clarification and identification of a building footprint that avoids significant environmental constraints. This development footprint is supported by additional ecological assessment that has been considered against the “Maintain or Improve” test. This assessment has been found to be acceptable. The proposed water quality measures have also been demonstrated to deliver significant benefits to water quality to Narrabeen Lagoon, particularly sediment loads.

The PPR has demonstrated that the development can serve a growing demand for housing for seniors in a manner that supports ageing in place in conjunction with the provision of all necessary on-site support services. The development can be undertaken in a manner that avoids significant adverse impacts to the amenity of surrounding existing land uses and in a manner that responds to the environmental considerations of the site.

The Preferred Project proposal is consistent with all environmental planning instruments applicable to the site and the Director Generals requirements. It will have a positive social and economic impact with minimal environmental consequences.

Accordingly, it is requested that this project be approved by the Minister for Planning under Section 75J (1) of the *Environmental Planning and Assessment Act 1979*.



ATTACHMENTS



Attachment 1



Attachment 2



Attachment 3



Attachment 4



Attachment 5

SJB Planning

**Preferred Project Report – Oxford Falls Seniors Living Resort
Oxford Falls Road, Oxford Falls
Part 3A Project Application No. MP 05_0113**



Attachment 6



Attachment 7



Attachment 8



Attachment 9



Attachment 10