



Planning

**MAJOR PROJECT ASSESSMENT:
Oxford Falls Seniors Living Development
Oxford Falls Road, Oxford Falls
(MP05_0113)**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

October 2010

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	SJB Planning on behalf of Tiffany Developments Pty Ltd
RtS	Response to Submissions

Cover Photograph: Perspective 4 (Source: Proponent's PPR June 2010)

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Published October 2010
NSW Department of Planning
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EXECUTIVE SUMMARY

This is an assessment report on a Concept Plan Application for a Seniors Living development at Oxford Falls. The site is located in the Warringah Local Government Area (**Figures 1, 2 and 3**). The Proponent is Tiffany Developments Pty Ltd.

Proposal

The Proponent seeks approval for the following:

- Use of the site for Seniors Living and associated ancillary services as well as adaptive reuse of existing buildings on site;
- Construction of 20 buildings ranging in height from 3-4 storeys comprising 393 self care dwellings, 100 serviced apartment dwellings and an 80 bed high care (nursing home) facility with a total GFA of 63,550m² and a total FSR of 0.45:1; and,
- 607 car parking spaces comprising 547 residents and 60 visitor spaces.

The estimated project cost of the development is **\$104M**. The proposal would create up to 200 full-time equivalent (FTE) construction jobs and 72 FTE operational jobs.

The proposal was declared a Major Project by the then Minister on 1 December 2005 under the former provisions of the *State Environmental Planning Policy (Major Project) 2005* (Clause 13 of Schedule 1). The proposal is therefore a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies.

Public Exhibition

The proposal was exhibited over a 46 day period from 14 January 2009 until 28 February 2009. During the exhibition period, the Department received a total of 470 submissions including 8 from public authorities. Key issues included the proposal being out of character with rural locality; capacity of existing road network; impact on wildlife (flora and fauna); risk to occupants during bushfire or emergency; impact on natural waterway; bulk and scale; impact on existing infrastructure; environmental sensitivity; and overriding Council's controls.

A copy of the Preferred Project Report was received on 28 June 2010 and placed on the Department's website. A total of 74 submissions were received; 4 from Government Agencies, 69 from the public objecting and 1 from the public in support of the PPR.

Findings and Recommendations

The Department has considered all relevant documents in accordance with the objects of the EP&A Act and ecologically sustainable development, and on balance, does not support the project for the following reasons:

- The Department does not consider that the proposal meets the relevant sustainability criteria of the former Metropolitan Strategy, which would otherwise allow development of this scale on the site. The site is classified as "non-urban" land and has been excluded from the identified "release areas" of the Metropolitan Development Program (MDP);
- The proposal is located on land which has poor access to public transport, services and facilities and is likely to result in social isolation and amenity impact for future occupants;
- The proposal is contrary to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, particularly with regard to access and proximity to services and public transport;
- The proposal is inconsistent and out of keeping with the desired future character for the Oxford Falls Valley as prescribed in the Warringah LEP 2000, which seeks to encourage low density, low impact forms of development to ensure the present character of the Oxford Falls Valley is protected;
- The proposed land use would be prohibited under the "E3 Environmental Management" zone under the draft Warringah LEP 2010;
- The height, bulk, scale and density of the proposal will have an unacceptable visual impact on the semi-rural/residential character of the Oxford Falls Valley; and
- The proposal is not in the public interest.

Accordingly, it is recommended that the Concept Plan be refused.

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1. BACKGROUND

The Proponent is seeking Concept Plan approval for a Seniors Living Development at Oxford Falls. The project location is shown in **Figures 1 and 2** below.

Figure 1. Location of site (Base Photo Source: Google Maps 2010)

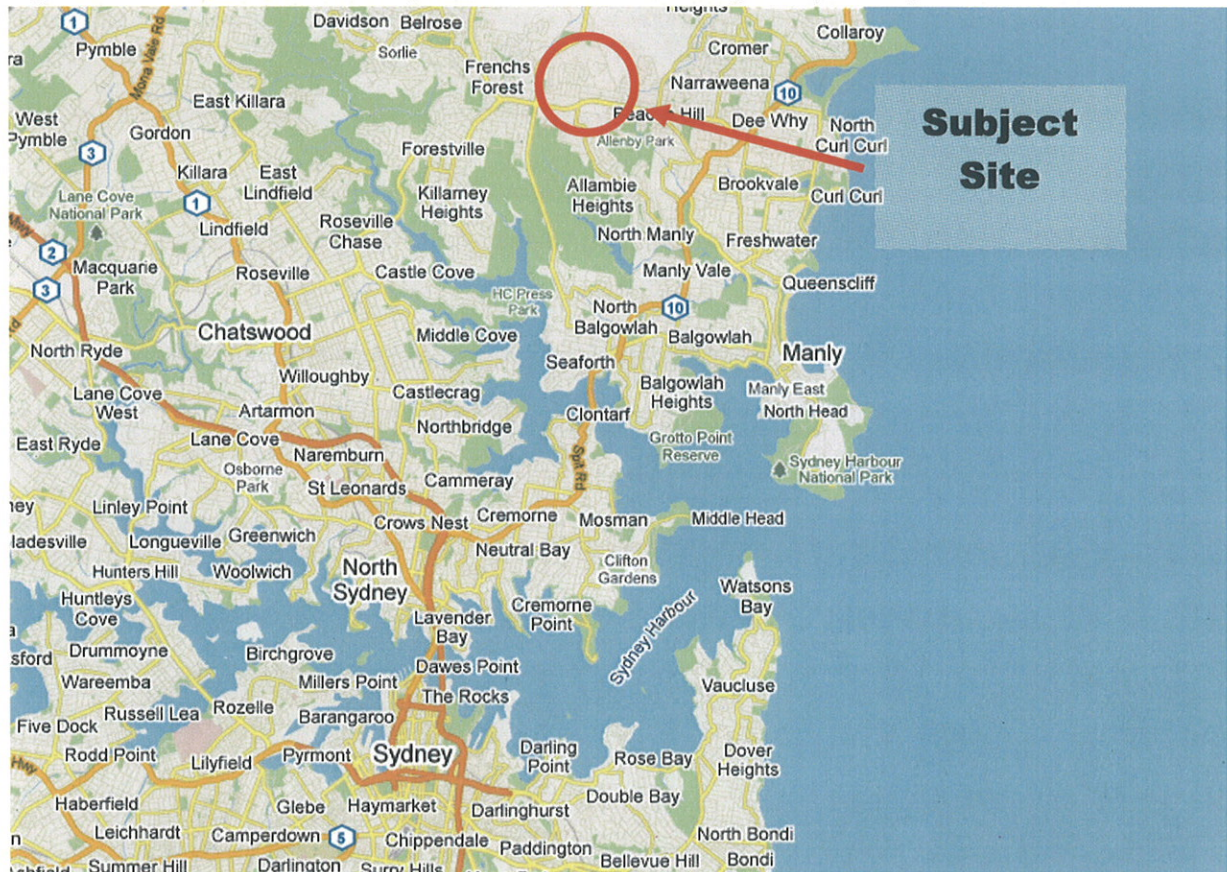


Figure 2. Regional Context Plan (Base Photo Source: Google Maps 2010)



The subject site is located to the western side of Oxford Falls Road in the Oxford Falls Valley. The valley lies at the junction of the suburbs of Frenchs Forest, Oxford Falls and Beacon Hill and lies within the Warringah Shire Council Local Government Area.

The site is dissected by a portion of Barnes Road reserve (unsealed) which acts as a private access road for residential properties only (**Figure 3** below). Currently there is no access to the sealed section of Barnes Road, located on the upper slopes along the western edge of the site. Wearden Road lies to the north and Iris Street is located to the far south of the site.

The main vehicular access to the site is off Oxford Falls Road, at the eastern edge of the site. Rural residential properties lie to the north and south and residential dwellings to the west and south-west. The site is currently owned by a number of private individuals and the Australian Tennis Academy and comprises 6 parcels of land totalling 13.6 hectares.

Refer to **Figure 3** below for the existing site layout.

Existing Site Features

The site contains 5 residential dwellings, one on each of the existing lots, with the exception of Lot 1110 which contains the Australian Tennis Academy building and 12 tennis courts. The residential dwellings are on large allotments (minimum 1.7 hectares) and contain numerous sheds and other ancillary structures and are used for semi-rural/residential purposes.

The central portion of the site has been cleared and consists of grass species with some scattered tree species. A vegetated escarpment lies to the west, south and east of the site and is identified as Bushfire Prone. Riparian vegetated corridors run east/west and south/east adjacent to the Middle Creek tributary, and along the southern side of the existing tennis courts.

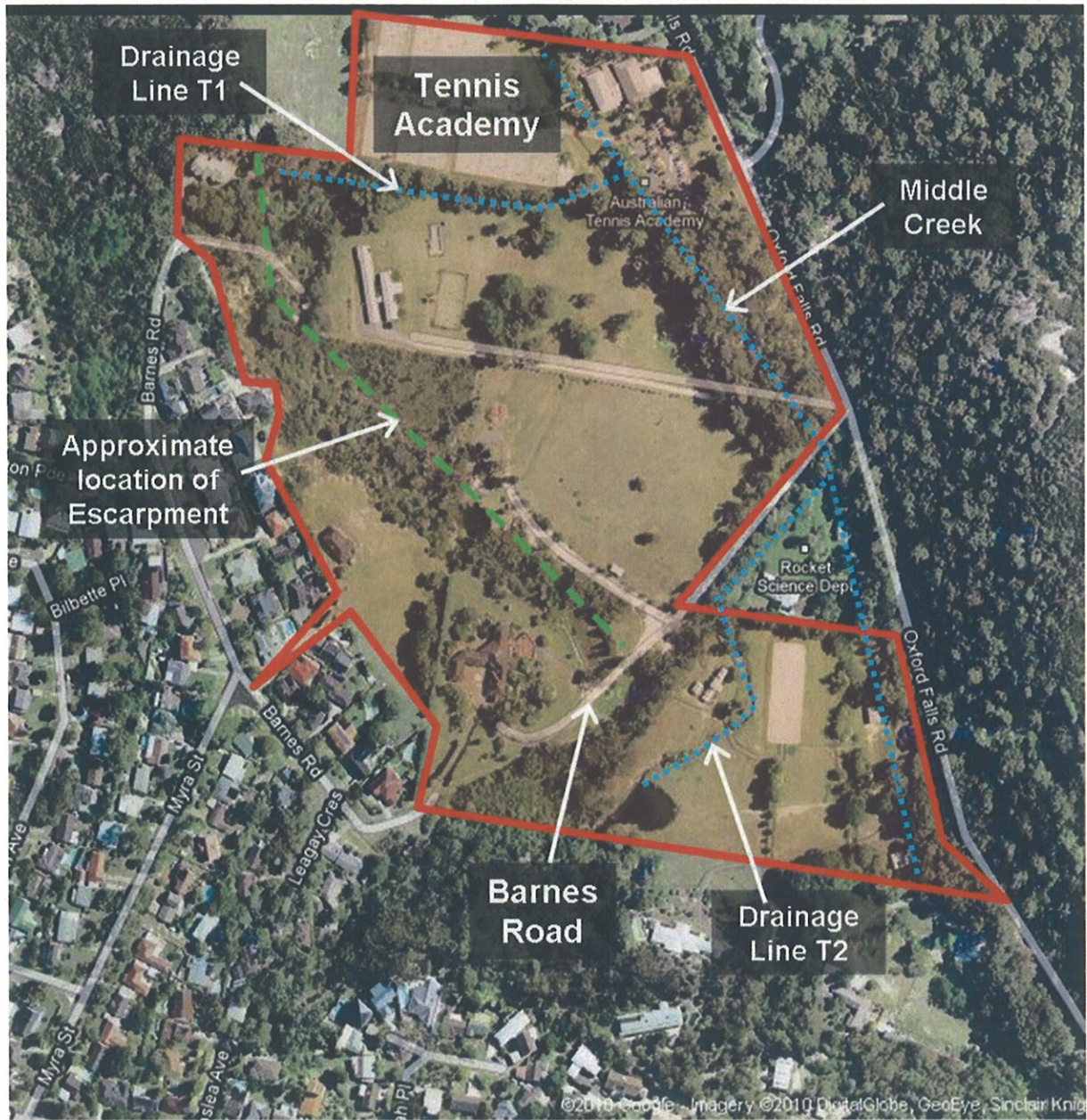
A tributary of Middle Creek runs north-south through the site and drains downstream into the Narrabeen Lagoon located approximately 3.5km to the northeast. The creek has variable channel characteristics and the section which runs through the Australian Tennis Academy has been substantially modified by a narrow V shaped concrete channel bed. Two natural drainage lines (secondary tributaries) branch from the Middle Creek tributary:

- The first, known as T1, is located south of the tennis courts in the northern portion of the site and runs from the water quality pond to the west; and
- The second, known as T2, which is located in the south-western corner of the site, runs from the confluence with Middle Creek to an existing dam.

Both tributaries are constructed channels with V shaped concrete beds.

The topography of the site slopes from a highpoint along the western edge at RL113 metres down to a low RL81 metres at the cleared central area of the site, before running steeply up to Oxford Falls Road. The western and eastern portions of the site are relatively steep with the central portion gently undulating.

Figure 3. Existing Site Layout (Base Photo Source: Google Maps 2010)



2. PROPOSED PROJECT

2.1 Environmental Assessment (as exhibited)

The proposal as described in the Environmental Assessment (EA) sought approval for the following:

- Use of the site for Seniors Living, office, retail, recreational and open space purposes as well as adaptive reuse of the Tennis Academy building for short term visitor accommodation;
- Construction of 32 buildings ranging in height from 2-4 storeys comprising:
 - 391 self care dwellings;
 - 100 low care dwellings; and
 - 60 bed high care (nursing home) facility.
- 656 car parking spaces comprising 508 residents, 36 employees and 112 visitors spaces;
- Total GFA of 67,360m²; and
- Total FSR of 0.48:1.

2.2 Preferred Project Report (PPR)

Following exhibition of the EA, the Department advised the Proponent of a number of issues relating to the EA.

The main issues related to the environmental constraints intensity, height and character, and site location and accessibility. In addition, the Department requested detailed consideration of the major issues and sustainability criteria considered by the NSW Planning Assessment Commission in its findings dated April 2009 relating to 4 other sites in the Oxford Falls Valley, and the relevance of those findings to the subject site.

The Proponent's PPR seeks approval for the following:

- Use of the site for Seniors Living, office, retail, recreational and open space purposes as well as adaptive reuse of existing buildings on site to be used for ancillary services;
- Construction of 20 buildings ranging in height from 3-4 storeys comprising:
 - 393 self care dwellings;
 - 100 serviced apartment dwellings; and
 - 80 bed high care (nursing home) facility,
- 607 car parking spaces comprising 547 residents and 60 visitors spaces;
- Total GFA of 63,550m²; and
- Total FSR of 0.45:1.

The project layout is shown in **Figure 4** and site constraints are shown in **Figure 5** below. The key components of the project are listed in **Table 1**.

Figure 4. Proposed Site Layout (Base Image S

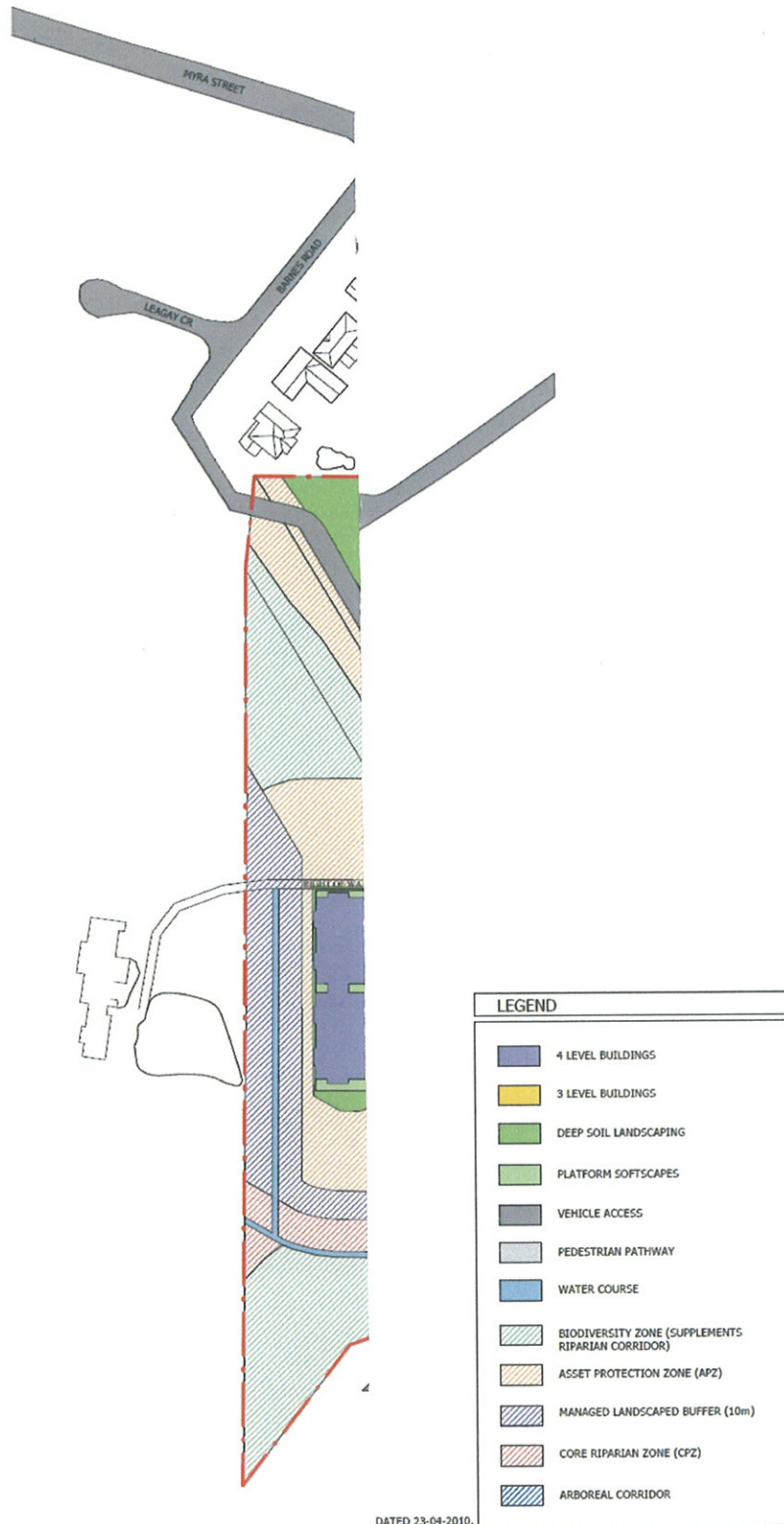


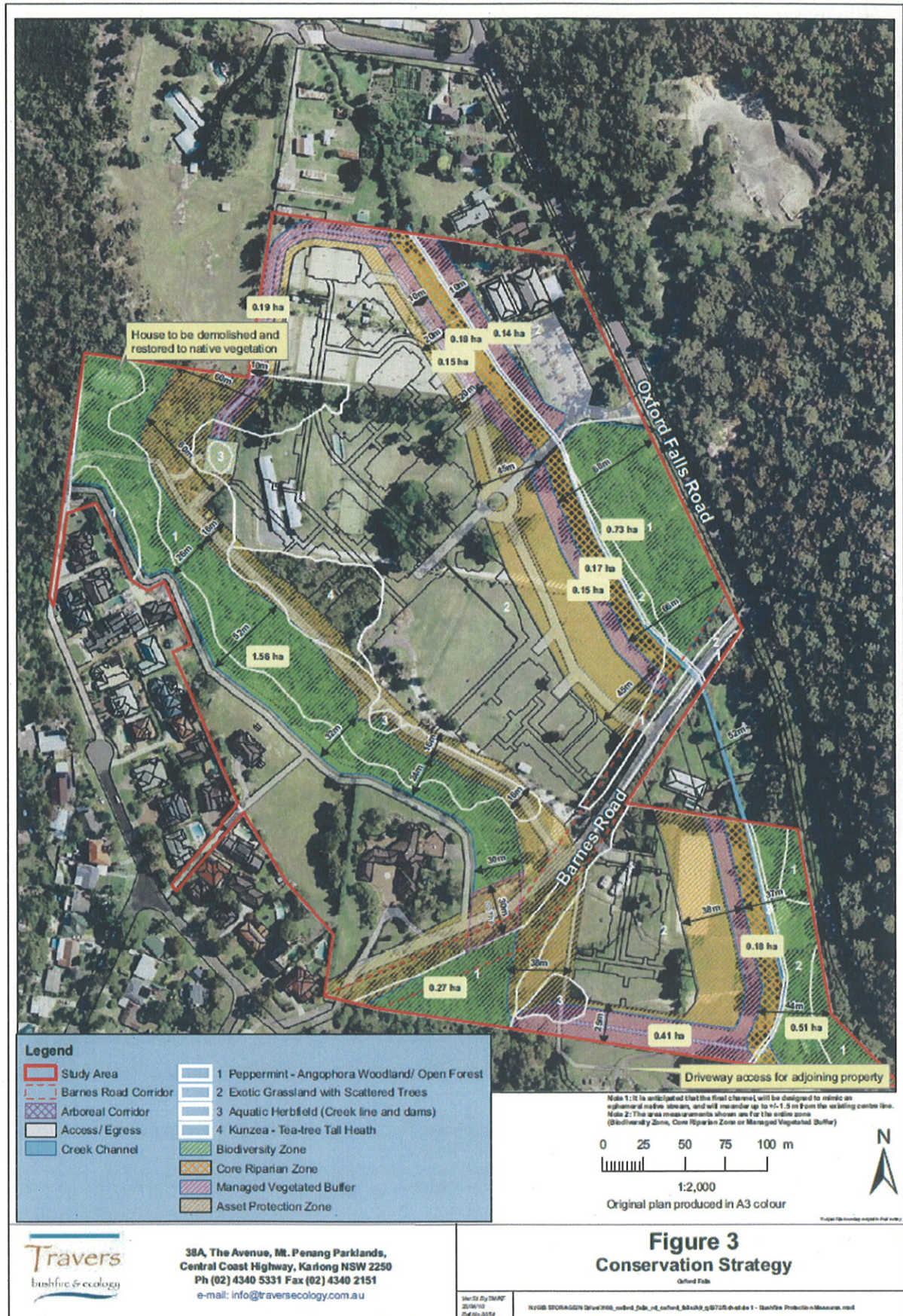
Figure 5. Constraints Map (Base Image Source: Proponent's PPR June 2010)

Table 1. Key Project Components

Aspect	Description
Project Summary	<ul style="list-style-type: none"> • Concept Plan application for a Seniors Living Development
<i>Buildings</i>	<ul style="list-style-type: none"> • Construction of 20 buildings comprising: <ul style="list-style-type: none"> • 15 x 3 storey apartment buildings • 5 x 4 storey apartment buildings • 393 self care dwellings • 100 serviced apartment dwellings • 80 bed high care (nursing home) facility
<i>Roads/Corridors</i>	<ul style="list-style-type: none"> • Main access to the site is proposed via two entrances off Oxford Falls Road, one in close proximity to the existing access to the tennis academy (north), the other through the existing access track along the unconstructed section of Barnes Road (south). • No through site access will be maintained between Oxford Falls Road and western section of Barnes Road, however this will be used for emergency access. • Internal access throughout the site is proposed via perimeter roads to basement parking areas. Pedestrian access to apartments is separated from roads via a series of above and below ground connections. • Riparian Corridors along Middle Creek, and Drainage Lines T1 and T2.
<i>Services and Facilities</i>	<ul style="list-style-type: none"> • Restaurant/bistro • Convenience store • Service retail space (eg. hair/beauty) • Medical centre • Gymnasium • Theatre • Heated pool • Craft, games and library room • Adaptive re-use of existing dwellings to be used as: <ul style="list-style-type: none"> • Doctor's residence • Caretaker's residence • Clubhouse comprising billiards, library and lounge • Administration/marketing facilities • Security and maintenance facilities
<i>Parking</i>	<ul style="list-style-type: none"> • 607 car parking spaces comprising: <ul style="list-style-type: none"> • 547 basement resident spaces (including 58 disabled), and • 60 visitors spaces (at grade)

2.3 Key Changes Between the Exhibited EA and PPR

The changes from the original submission to the PPR are:

Buildings

- Increased building setbacks from Oxford Falls Road (from approximately 60-70 metres to approximately 75-113 metres);
- Modification to building envelope footprints and arrangements including consolidation of nursing home and serviced apartments into one centrally located building (which can be used as a bushfire shelter);
- Improved separation between building envelopes and increased landscaped area;
- Reduction in the number of building envelopes (from 37 to 20);
- Reduction in the number of 4 storey building envelopes (from 8 to 5);
- Additional 2 apartments (from 391 to 393);
- Change to dwelling mix – 0 x 1 bed (-9), 197 x 2 bed (+57), 196 x 3 bed (-46); and

- Reduction in GFA (from 67,360m² to 63,550m²).

Roads/Corridors

- Use of Barnes Road for emergency access to the west and provision of a list of strategies to be incorporated into an Emergency/Evacuation Plan;
- Expansion of the Riparian corridors (from 40-60 metres to 30-78 metres);
- Modified creek line setbacks including increased building setbacks (from 20 metres to 30-55 metres);
- Modified Asset Protection Zones (from approximately 14-20 metres in width to approximately 20-45 metres in width);
- Inclusion of main north-south tributary of Middle Creek into the Core Riparian Zone; and
- Relocation of drainage line T1 to the northern boundary of the site and drainage line T2 to the southern boundary of the site.

Parking

- Reduction in size and extent of basement carparking areas; and
- Reduction in the number of carparking spaces (from 656 to 607).

Other

- Change to the amount of cut and fill – incorporation of stepped levels; and
- Evacuation Plan discussion in the event of a bushfire, however no Emergency/Evacuation Plan has been submitted.

2.4 Project Need and Justification

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036, developed to support the continuing economic growth of Sydney and enhance its standing as a global city, places the Warringah Council area in the North East Subregion.

A key action of the Metropolitan Plan is to plan for housing mix near jobs, transport and services and providing self care housing for seniors and people with a disability that is more accessible. These statements acknowledge and reflect Sydney's aging population, and the proposal aims to address this need through the provision of additional Seniors Housing. Whilst the proposed development will assist in achieving part of this objective, overall, the distance of the site from existing services and transport raises issues in terms of the ability to sustain the proposed Seniors Living development.

The previous Strategy indicated that development outside of the growth centres identified for investigation in the Metropolitan Development Program (MDP) may be approved if they substantially meet the Sustainability Criteria for new urban development.

The current Metropolitan Plan indicates that the Sustainability Criteria *will be* replaced with new criteria to determine new land release areas for housing outside the Growth Centres, however consultation with relevant stakeholders will need to take place before any new criteria are formally adopted. In the meantime, the current Sustainability Criteria are still relevant planning considerations in the assessment of the subject application.

The proposal is not considered to substantially meet the sustainability criteria listed in the former Metropolitan Strategy. An assessment against the Sustainability Criteria is summarised in **Appendix A**. A full strategic assessment of the proposal is discussed in **Section 5** of this Report.

Draft North East Subregional Strategy

The site lies within the area covered by the Draft North East Subregional Strategy. The Draft Strategy sets a target of an additional 19,500 jobs and 17,300 dwellings by 2031. The subject site is identified as "non-urban" land and as such, is not considered to be a new release area.

The Strategy states that *"there is no necessity for the development of non-urban lands (not already identified on the MDP) to meet the dwelling targets for the North East Subregion to 2031. Non-urban lands may be investigated beyond 25 years for potential to provide for residential development. The North East Subregional Strategy review process will provide a context for timing and the need for future land release areas."*

The proposal is considered to be inconsistent with both Strategies for the following key reasons:

- The site is identified as "non-urban" land that has not been identified in the former Metropolitan Strategy and Draft North East Subregional Strategy as being in an "urban release area"; and,
- The proposal is not considered to substantially comply with the Sustainability Criteria.

Of the Sustainability Criteria not met, concerns relating to the site's relatively isolated location, poor access to public transport and limited access to services and facilities off-site are considered to be significant deficiencies in the proposal, particularly for those future residents who are unable to drive due to their age and/or health.

2.5 Concept Plan

The Proponent has applied for approval of a Concept Plan under section 75M of the EP&A Act.

The Concept Plan application seeks approval for the use of the site for Seniors Living accommodation and ancillary services.

Although future Project Applications are not specifically nominated, construction staging will be as follows:

Stage	Description
Early Works	Site preparation such as earthworks, installation of infrastructure, creation of riparian areas and works to creek and drainage lines, landscaping, turfing of entire development site
Stage 1	Construction of the Serviced Apartments, nursing home and the amenities buildings. Renovation of the tennis academy for use as Stage 1 administration and sales office
Stage 2	Construction of 108 apartments and landscaping
Stage 3	Construction of 104 apartments, infrastructure and landscaping
Stage 4	Construction of 72 apartments and completion of the Stage 3 building, infrastructure and landscaping
Stage 5	Construction of 112 apartments, completion of infrastructure and landscaping

3. STATUTORY CONTEXT

3.1 Major Project

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of residential, commercial or retail with a capital investment value of more than \$50 million that the Minister determines is important in achieving State or regional planning objectives under clause 13 of Schedule 1 of the former provisions of the *State Environmental Planning Policy (Major Project) 2005*. Therefore the Minister for Planning is the approval authority.

The project was declared on 1 December 2005 under the discretionary criteria of the former provisions of the SEPP.

3.2 Permissibility

The site is subject to the provisions of the Warringah Local Environmental Plan 2000 (WREP 2000). The LEP does not control development through zoning controls that identify prohibited and permissible development but rather, through Desired Future Character statements. The Desired Future Character statement for the site under WREP 2000 is "B2 Locality- Oxford Falls Valley".

The LEP also groups land uses by "Category" and states that "*Category One development is development that is generally consistent with the desired future character of the locality, Category Two development is development that may be consistent with the desired future character of the locality, and Category Three development is development that is generally inconsistent with the desired future character of the locality.*"

Seniors housing is classified as **Category 2** development and is permissible within the locality. Other ancillary uses proposed on site, including restaurants, medical centre, shops etc, are classified as **Category 3** development and whilst they may be permissible, are considered to be inconsistent with the desired future character of the locality.

The draft WLEP was exhibited between October 2009 and December 2009. On 25 June 2010, Council forwarded the final draft LEP to the Department requesting that the Minister make the plan. It is anticipated that gazettal of the Draft LEP will occur during late 2010.

The draft LEP proposes to rezone the subject site to "E3 Environmental Management" which prohibits Seniors Living and limits density to 1 dwelling per 20 ha.

The draft LEP is more restrictive than the current LEP for development of this site as it will provide no opportunity to consider this form of Seniors Living development.

It is noted that any zoning irregularities could be addressed under Part 3A with a Concept Plan.

3.3 Environmental Planning Instruments

Under Sections 75(2)(d) and 75(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The following SEPPs and EPIs apply to the subject site.

- State Environmental Planning Policy (Major Project) 2005 (MP SEPP);
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) - previously known as State Environmental Planning Policy (Seniors Living) 2004;

- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- Warringah Local Environmental Plan 2000; and
- Draft Warringah Local Environmental Plan 2010.

The Department's consideration of the above SEPPs and EPIs is provided in **Appendix B**. In summary, the proposal is considered to be inconsistent with the Seniors Housing SEPP, the Warringah LEP 2000 and draft LEP 2010 and has not adequately addressed SEPP 65. Other EPIs, such as SEPP BASIX and SEPP 55 could be satisfied.

3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iii), (v) and (vii) are significant factors informing the determination of the application.

The Concept Plan is not considered to adequately meet the objects relating to the promotion of a better environment, coordination of the orderly development of land, protection of the environment and ecologically sustainable development.

Specifically, with regards to the “(i)...promotion of the social and economic welfare of the community and a better environment” and “(ii) coordination of the orderly development of land”, the Proponent has not demonstrated that the development can achieve these objects for the following reasons:

- The proposal has the potential to promote social isolation, particularly for those residents who are unable to drive, and would rely on the private shuttle bus for access to external service and facilities;
- The site is identified as “non-urban” land and the proposal has been unable to demonstrate consistency with the Draft North-East Subregional Strategy land release objectives for the region;
- The proposal would not promote the orderly and economic use of the land, particularly as the land has not been identified for development of this scale; and

- The proposal is not considered to result in the development, management and conservation of towns and villages for the purposes of promoting the social and economic welfare of the community and better environment, due to the inconsistencies with state strategies.

With respect to Ecologically Sustainable Development (ESD) criteria, the Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms. The discussion in **Section 3.5** and **Appendix B** indicates how the Concept Plan will not be satisfactory in terms of ESD and generally meeting the Objects of the Act.

3.5 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of the following five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

Integration

The Concept Plan proposal does not demonstrate that the development will be a social benefit for the region, as the location of the site and proximity to facilities and services would likely result in the long term physical and social isolation of its residents. This is discussed further in **Section 5**.

Precautionary Principle

While the Proponent concludes that the development can adequately mitigate environmental impacts, the Department has concerns that the proposal would result in irreparable damage (as indicated in **Section 5.2**) to the physical features of the landscape and its character which is inconsistent with the precautionary principle.

Intergenerational Equity

While the proposal provides the region with additional forms of housing, the proposal is not consistent with the regional context, and the site and its wider area would no longer be able to be enjoyed and appreciated for its natural landscape qualities and valley setting. The ability for the site to maintain its natural attributes would be compromised by the scale and bulk of development proposed, and the ability of future generations to be able to interpret the geographic features and character of the land, would be lost. For these reasons, the development fails the principle of intergenerational equity.

Protecting Biodiversity

The Department considers that the proposed development has been able to demonstrate that biodiversity impacts can be satisfactorily mitigated through the maintenance and enhancement of riparian corridors, remnant bushland, stream improvement works and improvements to water quality.

Improved Valuation

The Department has assessed the proposal against the valuation principle and does not consider it to be relevant in this case.

ESD has been addressed by the Department in **Appendix B** and concludes that the proposal is not fully consistent with the principles of ESD.

3.6 Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been met.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Environmental Assessment (EA)

Under section 75H(3) of the EP&A Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 14 January 2009 until 28 February 2009 (46 days) on the Department's website, and at the Department's Information Centre and at Warringah Council's offices. The Department also advertised the public exhibition in the Sydney Morning Herald and the Manly Daily on the 14 January 2009 and notified surrounding residents and relevant State and Local Government authorities in writing.

The Department received a total of 470 submissions during the exhibition of the EA - 8 submissions from public authorities and 462 submissions from the general public and special interest groups (381 in opposition and 81 in support).

Two community petitions (1478 signatures in total) were also submitted, one of those from the Oxford Falls Action Group (OFAG).

Thirty Two (32) letters and a petition with 1081 signatures in support of the proposal were provided by the Proponent prior to the end of the notification period.

Preferred Project Report (PPR)

The Department forwarded a copy of the PPR documentation to Council, Rural Fire Service, Department of Environment, Climate Change and Water, and, NSW Office of Water for comment.

The documents were also placed on the Department's website. A total of 74 submissions were received, 4 from Government Agencies and 70 from the public (including a submission from the Oxford Falls Action Group). 69 public submissions were opposed to the revised scheme and 1 was in support.

A summary of the issues raised in submissions to the EA and the PPR are provided below.

4.2 Public Authority Submissions

Eight (8) submissions were received from public authorities, including Warringah Shire Council, NSW Rural Fire Service, NSW Fire Brigade, Department of Water and Energy (now known as the NSW Office of Water), Department of Environment and Climate Change (now known as the Department of Environment, Climate Change and Water), Ministry of Transport (now known as NSW Transport and Infrastructure), and Sydney Water.

A more detailed summary of Government Agency submissions is contained within **Appendix D**.

Warringah Shire Council

Council does not support the proposal for the following reasons:

- The proposal is considered a significant overdevelopment of the site;
- The proposal is considered to result in adverse impacts on the natural and built environment;
- The proposal is considered inconsistent with the Desired Future Character Statement prepared for this locality; and
- The proposal is considered inconsistent with local and state planning policies including, the Warringah LEP 2000, Metropolitan Strategy and Draft Warringah LEP 2010.

Response to Preferred Project Report

Council provided a response to the PPR, maintaining their previous objections. However Council did acknowledge that a small number of previous concerns had been addressed by the Proponent, namely, building setbacks and built form/landscape controls, relocation of Council drainage infrastructure and the precise extent of the subject site. Council also stated that a number of other concerns had been slightly improved but not fully resolved. These relate to riparian zones, creek line setbacks, density, height and bulk, flora and fauna and carparking.

Council also provided the following comments:

- Inconsistencies with a number of EPIs, particularly the draft LEP (which has been exhibited) which prohibits this form of development;
- The consultation process undertaken as part of Council's Housing Strategy did not indicate support for the release of land in the Oxford Falls Valley for growth in the housing sector;
- The amended building footprints, particularly the large consolidated central building, exacerbates the contrast between the proposal and surrounding built forms;
- More information is required in regards to flood management, biodiversity management, stormwater drainage, roadworks, landscaping and aboriginal heritage; and
- Bushfire concerns, particularly the conflict between the Core Riparian Zones (CRZ) and Asset Protection Zones (APZ) and the proposed evacuation route are still evident. Insufficient details have been provided for the use of the central building as a bushfire shelter.

NSW Rural Fire Service (RFS)

The RFS originally requested the Proponent demonstrate how all the buildings within the development comply with the requirements of the Seniors Housing SEPP and Planning for Bushfire Protection 2006 and raised concern about possible conflicts between Asset Protection Zones (APZ) and environmental and riparian requirements of these areas.

Response to Preferred Project Report

Following submission of the PPR, the RFS reviewed the revised scheme and raised no further objection to the proposal subject to the imposition of a number of conditions. They also noted that the Asset Protection Zones could potentially overlap riparian corridors, and as such, liaison with the relevant Government Agency should occur.

NSW Fire Brigade

The NSW Fire Brigade advised that they have no particular issues with the proposed development. The Fire Brigade recommended that the proposed structures comply with the requirements of the Building Code of Australia and Planning for Bushfire Protection guidelines. They also recommended that vehicle access to the site comply with their guidelines.

NSW Office of Water (NOW)

NOW discussed minimum widths for the Core Riparian Zones (CRZ), Vegetated Buffer (VB) for the Middle Creek tributary and drainage lines 1 and 2 (T1 and T2). They also indicated that APZs are a requirement of the RFS, and must not compromise the extent, form and function of riparian zones.

Additional information and amendments were requested including, plans of watercourses, riparian zones, cross sections of water bodies, concept designs of stabilisation works and stormwater management works.

Response to Preferred Project Report

NOW do not oppose the development, however provided comments relating to CRZ widths, drainage line stability and inconsistencies in documentation. Due to site constraints, NOW also permitted Vegetated Buffers to be used as 'Managed Landscapes' for the purposes of Asset Protection.

Department of Environment, Climate Change and Water (DECCW)

DECCW raised concerns in regard to the lack of Aboriginal cultural heritage assessment, insufficient biodiversity assessment, conflict between vegetation corridors and APZs, flooding and evacuation measures given the lack of mobility of residents

Response to Preferred Project Report

DECCW do not oppose the development, however provided comments on maintaining biodiversity zones as Inner Protection Areas, floodplain management and restoration/protection work of environmental corridors.

A number of suggested modifications were also recommended to the draft Statement of Commitments prepared by the Proponent.

Roads and Traffic Authority (RTA)

While the RTA requested that a number of issues be addressed in the transport and traffic impact assessment, no objection was raised and provided recommended conditions should approval be granted.

NSW Transport and Infrastructure (NSWTI)

NSWTI raised concern that the number of visitor car parking spaces exceeded the RTA's Guide to Traffic Generating Developments and advised that the number of spaces proposed is not supported as it would facilitate car dependency.

NSWTI advised that the southern entrance to the site is too far from the nearest bus route in Iris Street, and would be a disincentive to public transport patronage.

Sydney Water

Sydney Water advised that the proposed development could be serviced by sewer and water subject to augmentations and upsizing of existing networks.

4.3 Public Submissions

A total of 462 submissions were received from the public, 381 (83%) objected to the project and 81 (17%) supported the project. The key issues raised in public submissions are listed in **Table 2**.

Table 2. Summary of Key Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
<i>Out of character with rural locality</i>	51.2
<i>Capacity of existing road network</i>	50.4
<i>Reject (no specific objection)</i>	46.5
<i>Impact on wildlife (flora and fauna)</i>	46.2
<i>Risk to occupants during bushfire or emergency</i>	40.2
<i>Impact on natural waterway</i>	38.3
<i>Bulk and scale</i>	37.0
<i>Impact on existing infrastructure</i>	35.4
<i>Environmental sensitivity</i>	30.7
<i>Overrides Council's controls</i>	19.9

The submissions in support considered the proposal would provide economic benefits to the region and would accommodate the need for aged care housing in the area.

The Department has considered the issues raised in submissions in its assessment of the project.

4.4 Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions on 28 June 2010 (**Appendix E**). The response included a Preferred Project Report which identified the following key revisions to the original proposal:

- Expansion of the Riparian corridors (from 40-60 metres to 30-78 metres);
- Modified creek line setbacks including increased building setbacks (from 20 metres to 30-55 metres);
- Modified Asset Protection Zones (from approximately 14-20 metres in width to approximately 20-45 metres in width);
- Inclusion of main north-south tributary of Middle Creek into the Core Riparian Zone;
- Relocation of drainage line T1 to the northern boundary of the site and drainage line T2 to the southern boundary of the site;
- Increased building setbacks from Oxford Falls Road (from approximately 60-70 metres to approximately 75-113 metres);
- Use of Barnes Road for emergency access to the west and provision of a list of strategies to be incorporated into an Emergency/Evacuation Plan;
- Modification to building envelope footprints and arrangements including consolidation of nursing home and serviced apartments into one centrally located building (which can be used as a bushfire shelter);
- Reduction in size and extent of basement carparking areas;
- Change to the amount of cut and fill – incorporation of stepped levels;
- Improved separation between building envelopes and increased landscaped area;
- Reduction in the number of building envelopes (from 37 to 20);
- Reduction in the number of 4 storey building envelopes (from 8 to 5);
- Additional 2 apartments (from 391 to 393);
- Change to dwelling mix – 0 x 1 bed (-9), 197 x 2 bed (+57), 196 x 3 bed (-46);
- Reduction in GFA (from 67,360m² to 63,550m²);
- Reduction in the number of carparking spaces (from 656 to 607); and
- Inclusion of a discussion about an Evacuation Plan (in the event of a bushfire).