

MAJOR PROJECTS APPLICATION

PRELIMINARY ASSESSMENT

OF

ENVIRONMENTAL ISSUES

FOR OXFORD FALLS RETIEMENT RESORT

31.05.2006

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1.00 INTRODUCTION

This document has been prepared to provide information and understanding of our submission for the Preliminary Assessment and Concept Design Information to be undertaken for this project.

Information is provided regarding the planning controls, the nature of the development and key issues are identified.

1.01 CONCEPT

This application proposes the construction of a serviced self care housing and aged care facility at Oxford Falls Sydney with a range of associated support services for seniors or people with a disability pursuant to the provisions of *State Environmental Planning Policy (Seniors Living) 2004* (“**SEPP SL**”).

The proposed development provides a mix of accommodation types for seniors and people with a disability pursuant to the SEPP. The development incorporates 3 stages of care namely:

- Assisted Care or Serviced Apartments (Low care)
- Residential Care Facility (Nursing Home High care)
- Serviced Self Care Apartments

In addition all of the self care units are capable of conversion to assisted care apartments as required under SEPP SL (100% of all units meet adaptable housing standards).

A large range of ancillary support services are also provided on-site which will be available only to residents and their visitors.

This is an integrated development catering to people during the various stages of their life and health. The benefits of ensuring that these varying levels of care are all available in the one place are a cornerstone of this development.

1.02 CONCEPT APPROVAL

We are seeking the Director General’s Environmental Assessment requirements for a Concept Plan for the development of a retirement complex for the aged and disabled, and issues such as:

- Building envelopes
- Site layout
- Building Height
- FSR
- Location of Buildings
- Proposed uses
- Aged care facilities

- Ancillary services and facilities

2.00 THE SITE

The development site is located within the Warringah Council Local Government area.

The development occupies 7 sites known as Lots 1108, 1110, 1111, 1113, and 1336 DP 752038, Lot 20, DP 842523 and Lot 80, DP 846099 Oxford Falls Road, Oxford Falls. The sites have a combined area of 161,891 square metres and will be consolidated as part of this application.

The site has multiple street frontages with its primary frontage to Oxford falls Road and secondary frontages to Weardon Street and Barnes Road.

The site is confined within the head of a local valley and is not prominent in terms of its visibility generally. The siting of the development is confined to the existing disturbed areas of the land without impacting upon the bushland or ridgelines contained within or surrounding the site.

The site falls gradually from Oxford Falls Road towards the west until it reaches "Middle Creek" then rises on the other side forming a natural amphitheatre until it meets an escarpment running east west through the rear portion of the site. The majority of the site is highly modified and dominated by pasture grass with scattered trees and some woodland areas. Boundary areas are generally heavily vegetated.

A watercourse traverses the site from south to north adjacent and parallel to Oxford Falls Road together with associated drainage channels which have been formed over time by uncontrolled stormwater flows from the properties to the south. Appropriate riparian zone is maintained to the natural watercourse that traverses the site and measures are proposed to retain and improve existing vegetated areas.

The site is also bisected in an East West direction by the unmade section of Barnes Road, which carries no local or through traffic. It is proposed to acquire if possible and close and consolidate this section of Barnes Road.

There are a number of dwellings and associated outbuildings on the site. The site includes an existing Tennis Academy with a number of tennis courts, club house and associated amenities.

2.01 THE LOCALITY

The locality comprises a mix of land uses ranging from urban dwelling house development fronting Barnes Road to non-urban residential development, factories, schools, Churches, market gardens and agriculture.

Surrounding development is of varied character, summarised as follows:

- North: The site fronts Weardon Road and a semi-rural residential property.
- North-East: The site fronts Oxford Falls Road.

- South-West: The site abuts a predominantly residential area (Barnes Road) comprising various single and two storey single dwelling residences.
- West: Bushland owned by the State Government and the Aboriginal Land Council. (see aerial Photomontage & site plan CP00)

3.00 ZONING

The site is located within Locality B2 - Oxford Falls Valley pursuant to the provisions of the Warringah Local Environmental Plan 2000 ("WLEP"). The proposed development is permissible within this zone pursuant to both the WLEP and the *State Environmental Planning Policy (Seniors Living) 2004* ("SEPP SL").

4.00 PLANNING CONTROLS

The following planning controls are relevant to this application:

- State Environmental Planning Policy (Seniors Living) 2004
- State Environmental Planning Policy 65 (Design Quality of Residential Flat Buildings) ("SEPP 65")
- State Environmental Planning Policy (Building Sustainability Index BASIX)
- Warringah Local Environmental Plan 2000 ("WLEP")
- Northern Beaches Stormwater Management Plan 1999
- Narrabeen Lagoon Estuary Management Plan 2002
- Warringah Creek Management Study March 2004
- SEPP 6 Height of Buildings
- SEPP 11 Traffic
- SEPP 44 Koala Habitat
- SEPP 55 Remediation
- Planning For Bush Fire Protection

The proposed development is able to satisfy all relevant controls. Key matters relevant to these planning controls are discussed below.

4.01 STATE PLANNING CONTROLS

SEPP SL

The proposed development is permissible pursuant to SEPP SL and is fully compliant with all provisions of the SEPP.

In particular, the development is of importance in achieving State and Regional planning objectives and policies because the development will further the aims of the *State Environmental Planning Policy (Seniors Living) 2004* by providing housing that will:

- increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- make efficient use of existing infrastructure and services, and
- Be of good design, by creating a sustainable community, with close attention to minimising the need to travel;

- The incorporation of sustainable construction techniques;
- Energy efficiency and water conservation measures and careful management of waste.
- The development is able to be designed to satisfy the requirements of SEPP65.

Also, the restoration of the creek and its riparian areas will improve the water reaching Narrabeen Lagoon

4.02 LOCAL PLANNING CONTROLS

While the development is permissible under the Seniors Living SEPP, the development is also permissible within the B2 Locality pursuant to the WLEP.

Relevant Policy documents are:

- Northern Beaches Stormwater Management Plan 1999
- Narrabeen Lagoon Estuary Management Plan 2002
- Warringah Creek Management Study March 2004

Pursuant to WLEP, housing for older people or people with a disability is a permitted Category 2 land use. Warringah Council considered that various ancillary facilities and services provided as part of this development comprised Category 3 land uses. It is submitted that the Council's position is not supportable as these are ancillary components of the project.

There is a potential inconsistency between the provisions of WLEP and the SEPP SL in terms of the Locality Statement for the B2 Locality in so far as it relates to existing and future character of this locality.

Further, it is submitted that the proposed development is a complementary and compatible land use that may properly be considered to be consistent with the Desired Future Character of the B2 – Oxford Falls Valley Locality.

The development complies with all applicable development controls contained in WLEP.

5.00 COMPLIANCE WITH STATE PLANNING CONTROLS

The proposed development will comply with all requirements of SEPP SL. 2004

The proposed development will satisfy the design requirements and principles of SEPP 65 in so far as it applies to the proposal.

5.01 COMPLIANCE WITH LOCAL PLANNING CONTROLS

The development will satisfy local planning controls.

An earlier application, which was fundamentally in the same form as that which is now proposed under Part 3A, has previously been refused by Warringah Council.

The position of the Council may briefly be summarised as follows:

Because of its interpretation that the land was Bush Fire Schedule 1, the Council refused to assess the previous application under the Seniors Living SEPP. This interpretation was incorrect (see letter in annexures from Director of Planning, Warringah Council confirming their mistake).

The report to IHAP wrongly stated that the SEPP SL did not apply to this application on the grounds that the site comprised only environmentally sensitive land within Schedule 1 of the SEPP SL.

This conclusion was based upon incorrect information in the report that significant portions of the site had been classified on a bush fire prone land map as “bush fire prone land – vegetation Category 1”. (In fact, only a very small area in one location near the western boundary – comprising approximately 1.8% of the site or 3,000 square meters out of 161,900 square meters – is affected by such a categorisation).

6.00 OTHER APPROVALS

It appears that the effect of section 75U of the Environmental Planning and Assessment Act 1979 (“**EP&A Act**”) in terms of this project is that there is minimal need for further approvals.

6.01 Fisheries Management Act 1994

The NSW Department of Primary Industries confirmed that it had no objection to the proposal previously considered by Warringah Council. (Letter 4.1.05 from E. Boggie Conservation Manager Central).

It is noted that pursuant to section 75U (1) (b) of the EP& A Act, a permit under *Fisheries Management Act* would not be required.

6.02 National Parks and Wildlife Act 1974

Investigations disclosed no evidence of past Aboriginal visitation or use of the land and accordingly no issues arise regarding permits under this legislation.

6.03 Native Vegetation Act 2003

Pursuant to Part 3 of Schedule 1, the Act has no application to the Warringah Local Government Area.

6.04 Rivers and Foreshores Improvement Act 1948

A permit pursuant to Part 3A of the *Rivers and Foreshores Improvement Act 1948* was required in respect of the Middle Creek Tributary which traverses the site in respect of the previous application to Warringah Council.

Although this has been discussed with representatives of the Department of Planning (formerly DIPNR) in the context of the earlier Council application, it appears that there was a misunderstanding on the part of Departmental officers regarding the status of the watercourses on the Site (as reflected in the Council’s report). These issues should now be able to be readdressed having regard to the further comprehensive investigations and assessment which has been carried out by Dr Perrens and other consultants.

It is noted that, pursuant to section 75U (1) (f) of the EP& A Act, this authority would not be required.

6.05 Roads Act 1993

An application will be made for closure of the unmade part of Barnes Road (which is a Crown road) pursuant to section 34 of the Roads Act.

6.06 Rural Fires Act

Pursuant to section 100B of the *Rural Fires Act* the senior's housing development is development for a special fire protection purpose.

Accordingly, when proceeding with the previous application before the Council, it was necessary to obtain a bush fire safety authority to allow the development to proceed.

Appropriate asset protection zones are proposed for this project.

It is noted that, pursuant to section 75U (1) (g) of the EP& A Act, this authority would not be required.

6.07 Sydney Water Act 1994

A compliance certificate will be required pursuant to section 73 of the *Sydney Water Act*.

7.00 AGENCY CONSULTATION

Information regarding consultation with other agencies is set out below. Relevant correspondence can be provided on request.

7.01 Energy Australia

Energy Australia has advised that supply to this development can be made available. (Letter from Mr Neil Austen of Customer Supply service, Sydney North-East).

7.02 Roads & Traffic Authority (RTA)

Consultation with representatives of the RTA (Mrs Adriana Gauazzi 8814 3553) confirmed that the proposal is considered by the RTA to be satisfactory.

7.03 Sydney Water

In terms of discussions with Sydney Water regarding connections of water and sewerage, a number of options were suggested by Sydney Water. These options are able to be implemented and thus there are no issues in this regard. (A letter sent to Warringah Council from Mr Tom Gellibrand of Sydney Water Manager for Urban Growth).

7.04 DIPNR

Letter to Council from DIPNR regarding waterways and crossings (Nikki Allwood).

8.00 KEY ISSUES

The key issues which have arisen may be summarised as follows:

8.01 Bushfire Risk

As stated previously, Warringah Council incorrectly concluded that the SEPP SL did not apply to this development because of bushfire risk mapping

The Bushfire Protection Assessment, prepared by Conacher Travers, indicates that the Bushfire Prone Land Map for the area nominates a small part of the land (3,000 sq meters) in the north western section of the site as 'Bushfire Prone Land – Vegetation Category 1. The report states that this area is more accurately classified

as woodland. The report states that as such the Rural Fire Service should validate the accuracy of the bushfire prone land maps.

As the balance of the site (159,000 square meters) does not contain any land correctly classified as bushfire prone land – vegetation Category 1, SEPP SL applies to the subject land (as confirmed in the recent decisions of the Land and Environment Court in *Hones v Ku-ring-gai Council* and *Shaynd -v Ku-ring-gai Council*).

We have included a photomontage showing the asset protection zones that would be adopted

8.02 Desired Future Character of the Area

Having determined that SEPP SL did not apply, the Council then proceeded to assess the earlier proposal under the WLEP.

Notwithstanding that the proposal satisfied the controls included in the WLEP, the Council maintained that a development of this type was not consistent with the existing or desired future character of the area and refused the application at a very preliminary stage.

However, the Council has approved a number of non-conforming Category 3 developments within the B2 Locality. These include the institutional and large scale developments on large sites characterised by the Christian City Church complex, Oxford Falls Grammar School and St Pius X playing fields and hall (*see aerial photomontage DFC*).

We have since that time engaged a Visual impact Consultant Dr R Lamb who Concluded that our concept did comply with the DFC. A copy of his conclusions only is attached

8.03 Waterways and Aquatic Habitat

The assessment by Warringah Council of the previous proposal demonstrated a total lack of understanding of the nature of the watercourse and drainage lines within the site.

Following the rejection by Council of the previous development application, Dr Stephen Perrens, Conacher Travers, John Daly & Associates, Jocelyn Ramsay and Morse McVey were commissioned to undertake a comprehensive investigation in respect of waterways and riparian zones. (See plans for waterways & riparian areas , Jocelyn Ramsay & J.M.Daly)

Dr Perrens has concluded that Council has “mised IHAP” about the two drainage lines on the site are not creeks and neither the drainage lines or the Middle Creek Tributary require a total of 80 metre riparian zones as indicated by the Council in its assessment of the application.

A comprehensive waterways report is completed and can be made available upon request.

8.04 Management of Stormwater

Pursuant to Clause 76 of WLEP stormwater run off from development is to discharge to a Council drainage system through an on-site stormwater detention system in accordance with Council's "On-Site Stormwater Detention Technical Specification".

There is a Stormwater Quality Concept Plan prepared by John M Daly & Associates Pty Ltd and Morse McVey. This report outlines the proposed on-site stormwater detention and re-use concept proposed for the development. The stormwater management proposal has been prepared in accordance with the provisions of this clause. (See plans prepared by Mr Terry Hams of J.M.DALY)

8 .05 Traffic

While the level of traffic which would be generated by the development has been assessed as satisfactory in terms of the local road network by the RTA, there is a promoted community perception that the traffic will be excessive.. (see the traffic plan CP 01 which shows the main entry and the internal road system).

8.06 Ancillary Uses

Services and facilities specified in this list are included in this project

- On site resident medical doctor and medical staff, a small super-market with ATM machine and several "multi use" service stores ie., dry cleaning, postage, cards and books, DVD/Video hire.
- Restaurant and bistro, Internet coffee shop, take away food and family barbeque areas, with children 's play area.. Beauty, Hair Salon, Diet and Health Centre with spas.
- Serviced office facility for residents still working part time , plus rooms for visiting financial advisors, lawyers and accountants.
- Sporting facilities including gym, a pitch & putt golf course, heated indoor/outdoor pool, 2 tennis courts and a half court, croquet and bowling greens .
- Passive recreation facilities such as library, card room, games room and movie room etc., craft workshop for wood, metal, ceramics, art and sculpting.
- A full time resident caretaker and estate manager, full time on-site security and emergency call service.

It is anticipated that the total number of residents will be in the vicinity of 700 to 850, this number of residents will enable a range of facilities to be provided which would ordinarily not be viable in a development of this nature.

9.00 GENERAL INFORMATION

9.01 Response to Site Characteristics and Surrounding Area

Some of the principal features of the development in terms of its response to the site characteristics and surrounding area are:

- The land comprises disturbed land and the development does not impact upon the natural features described as characterising the locality.
- The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. [See landscape plans Habitation]
- The proposed development retains the key environmental features of land being an appropriate riparian zone to the watercourse, areas of bushland and ridge top vegetation. [See plans by Jocelyn Ramsay]
- The development incorporates works to rehabilitate the creek line and addresses water quality currently impacted by the indiscriminate flow of stormwater through the site. [see plans by J.M.Daly Terry Hams]
- The impact of the building envelopes proposed is limited to approximately 20% of the site area with the balance of the land being retained as bushland, landscape, recreational space and creek line riparian zones [see site Landscape plans].
- Buildings, access roads and services will be located and grouped in areas that will minimise disturbance of vegetation and landforms. [see aerial photomontage]
- Buildings which are designed to blend with the colours and textures of the natural landscape will be used.
- As the site is located primarily within a valley it provides inherent spatial separation to neighbouring residential areas. [see plan CP03]
- The development maintains appropriate setbacks to all adjoining residential areas and does not intrude into existing or established view lines [see plan CP03].
- The development will not disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway (the site cannot be seen from Wakehurst Parkway)
- The locality adjoins a residential area which is relatively unique in terms of the non-urban locality. The urban fringe is increasingly being developed up to the subject site (see aerial photomontage)
- The development will not impact directly on the residential amenity of the locality.
- A range of non-compliant land uses including Oxford Falls Grammar School, the Christian City Church, St Pius X playing fields and the Oxford Falls Tennis Academy are currently located in the B2 Locality and can be seen as to their proximity to our site. (See aerial photomontage with layout D.F.C.)

9.02 Landscape

The development is proposed to be carried out in a manner which responds to and respects the natural landform characteristics. Notwithstanding, there is a perception in the community (and also Warringah Council) that development is to intrude into the ridge line, which is not the case (see landscape plans by Habitation included).

9.03 Flora and Fauna

The vegetation of the majority of the site is dominated by exotic pasture grass, with scattered, retained or planted trees. Assessment of the site indicates that the development will not have any adverse impact upon threatened species, populations or endangered ecological communities or their habitats including the area is not a Koala Habitat (see photomontage showing the places on site that were used for investigation).

9.04 Views

Pursuant to Clause 61 of WLEP, development is to allow for the reasonable sharing of views. As indicated previously the development sits within a valley (RL 83) divorced from neighbouring residential areas due to spatial separation, landform and vegetation. Due to the height differential of over 30 meters (RL 116) between the adjoining properties fronting Barnes Road and the subject development, views currently enjoyed across the site will be maintained.

9.05 Open Space

The photomontage clearly shows the building footprint on the site and the amount of natural open space left. Approximately 80% of the site will be left as natural open space or re-landscaped, with the building site cover of approximately 20%, this has been achieved by building 3 levels for the apartments.

The serviced self care apartments are all provided with large useable balconies and private open space on the ground floor. The design allows for the maximum of sunlight and cross ventilation.

All of the mall areas will be landscaped with private gardens, water features, tree, shrubs, street lighting and suitable street furniture.

The master landscape plans (01/02) by habitation Landscapes has been designed to enhance the site and the locality with a programme to be carried out continuously. The landscaping is planned to start immediately approval is granted to increase the native trees and vegetation to encourage the wildlife to return to this domain. The estate will have a policy of continuously planting new native and exotic trees etc

10.00 BENEFITS TO RESIDENTS

The lifestyle philosophies which underpin the design of this development will provide a range of benefits and choice to residents including:

- Couples will not need to be separated due to changing health circumstances.
- Ageing in place.
- Close to family and friends.
- Independent lifestyle whilst providing security.
- The range of facilities and ancillary uses available on site will mean that no longer being able to drive a car will not adversely impact upon lifestyle.
- Community and support services on site.
- Because of the large number of residents that will live here, residents are not confined to just a few people with whom they must get along with.

10.01 Security

The layout enables the maximum security to be provided for the residents both day and night. It is proposed that an external perimeter surveillance system will be installed which registers any intrusion into the area on the monitors located in the security room. Video cameras will be installed to provide close-up surveillance with security lights as well.

10.02 Emergency Call & response System

This is to be installed in every apartment that registers with the security officer and the duty sister. The car parking is also full secured with residents accessing their elevator to their apartment from the garage.

11.00 Conclusion of the Environmental Assessment

The application relies on the comprehensive implementation of a seniors living facility that provides a whole of life outcome.

The site is already highly modified having previously been developed for a range of residential, agricultural and recreational uses. The scale of the development proposed enables the constraints of the site particularly issues of creek line riparian zones and bushfire management strategies to be addressed and the majority of the site retained as open space.

The un-constructed *Crown owned* portion of Barnes Road will be closed and will be purchased if available in association with the application. The Council owned drainage lots within the site retained in current ownership or the maintenance responsibility transferred through further negotiation.

12.00 Annexures

- Aerial Photomontage
- Site Location Plan
- Land Ownership CP00
- Compliance report
- Employment Schedule
- Energy Report
- Water & Sewerage Report (Sydney Water)
- Primary Industries (Fisheries Report)
- Bush Fire Report (letter from Conacher Travers regarding meeting with R.F.S and photomontage .)
- Letter from the Director of Planning Warringah Council, Ms S Francis confirming their mistake
- Letter from DIPNR regarding waterways and riparian areas
- Statistics
- Aerial Photomontage of Desired Further Character

13.00 CONCEPT PLANS AND INFORMATION

Actual Plans are located from Page 18 onwards and are in the same order as the following headings.

The development concept comprises three main areas of built form which are described as follows: (see plans CP0)

Area A

This built form element contains 3 storeys of serviced self care apartments with basement car parking and the new amenities building all located on the valley floor.

Area B

This built form element is located on the north western portion of the site and contains 2 and 3 storey residential accommodation with associated car parking. This area includes the serviced (low care) apartments and the services building located on RL 83.

Area C

A two level 110 bed nursing home together with required car parking is located in this area including a number of the existing buildings.

13.01 Re-Use of Existing Buildings [see plan CP00]

A number of existing buildings to be retained and integrated into the proposed development such as:

The Tennis Academy Building [see alteration plan] will be restored and used initially for:

- The estate manager and administration, security and caretakers office, medical centre and nursing sister 's residence;

- Meeting, lecture and lounge rooms, restaurant, bistro and barbecue facilities, mini-market and general store;
- Overnight accommodation for visitors;
- Sales office and display apartment.

The Spali home, the Harvey home and the McKenzie home will all be used as residences for the key executive staff including the doctor's home.

There are a number of existing out buildings which will be restored for use as machinery sheds, workshops for the handyman and gardeners, some will be used as employees change rooms and other facilities.

13.02 Aerial Photomontage

This picture shows the foot print of the development upon the site
 How the layout avoids the native vegetation
 Where the land adjoins Barnes Rd
 The distance from the development to our neighbours
 The creek & the new drainage lines

13.03 Concept plans numbers

CP 0 Concept Master Plan

Locates the various buildings set back from boundaries, locates Category 1 bush fire area, heights of buildings and their uses.

01/02 Landscape Master Plan – Habitation Landscapes

The landscape master plan and the detail of the area near the amenities and truck stand.

CP 00 Land Ownership Plan

Shows the owner upon each parcel of land, Tiffany Developments has a joint venture with the landowners to seek development approval and then to proceed to development.

The sites adjoin each other, and together they comprise 40 acres of land or 161,00 square meters. Upon development approval these sites will be amalgamated into one site.

CP 01 Car Parking & Traffic Plan

This plan shows the main ingress and egress to the site from Oxford Falls Road. It shows the internal car parking arrangements, the number of cars and the internal road system for cars and trucks, plus the centralised truck and bus stand.

We have frontages to Barnes road and to Weardon Street, both would be used for emergency purposes only (See red arrows for emergency exits).

We seek consent from the Director General to the general internal road system & the access & ingress arrangements as shown on the plan

CP 02 Accessibility Layout

This plan is unique, it shows that the residents can access any apartment building from the mall level of RL86 throughout the entire development without having to make one step.

Access to all apartments is via an elevator which works between the car park level to all levels above.

CP 03 Concept Strata Plan

RL88.8 shows building heights and boundary setbacks

CP 04/05 Concept Strata Layout Plans

These plans show the strata floor levels of the various buildings.

CP 06/07 Concept Plan – Cross Sections

These plans show the cross sections of areas “A” & “B” and the amount of excavation or fill required.

CP 08/08A Concept Plan

These plans show the height of buildings over natural ground levels and the height of the hill behind the escarpment.

CP 10 Concept Plan – Tennis Academy Conversion

CP 11 Concept Plan – New Amenities Layout

CP 12 Concept Plan – Services & Staff Amenities Building

CP 16 Concept Plan – Serviced Apartments Layout Plan (Low Care)

CP 17 Concept Plan – Nursing Home Plans (High Care)

14.00 STORMWATER AND WATERWAYS PLANS & MONTAGES

Waterways Plans

2 sheets detailing the Managed Ecological Zone (Jocelyn Ramsay Landscape Architect)

Stormwater Concepts

2 sheets detailing stormwater concepts and extent of flooding over 100 year period (Terry Hams – John M Daly & Assoc)

Proposed Drainage Lines & Open Space Corridor

Photomontages – Conacher Travers

Landscape Plan

Riparian restoration area and stormwater design – photomontage Conacher Travers

Bush Fire Photomontage

Showing Asset protection zones & set backs

Flora & Fauna Photomontage

Showing locations of investigations