

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed seniors
housing pursuant to SEPP
(Housing) 2021

25 - 27 Kevin Avenue,
Avalon

Statement of Environmental Effects

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1 INTRODUCTION

The subject application proposes the demolition of the existing dwellings and the construction of a seniors housing development incorporating ten (10) in-fill self-care housing units and basement car parking for 21 vehicles including a visitor space pursuant to the provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). The application also proposes the implementation of an enhanced site landscape regime.

The architect has responded to the client brief to provide for a residential development of exceptional design quality which responds appropriately to the constraints and opportunities identified through detailed site and context analysis. Such design response includes the retention of significant vegetation on the site and the minimisation of excavation through the adoption of a detached building pavilion form which steps down the site in response to topography.

The proposed development has a 2 storey presentation to Kevin Avenue with the form and massing proposed complimentary and compatible with surrounding development and consistent with that anticipated for infill development pursuant to SEPP Housing. The development will provide superior levels of amenity for future occupants whilst maintaining appropriate levels of amenity to the adjoining residential properties.

Having regard to the detail of the application we have formed the considered opinion that the development will not give rise to any unacceptable environmental, streetscape, or residential amenity impacts. The development will however provide for additional housing for seniors or people with a disability in an area ideally suited to this form of housing. In addition to this Statement of Environmental Effects, the application is also accompanied by the following:

- Boundary survey
- Architectural plans, elevations, sections, shadow diagrams, montages Architects
- Landscape plans
- Arborist report
- Stormwater management plans
- BCA compliance report
- Access report
- Traffic and parking assessment report
- Geotechnical report
- Waste management plan
- QS report
- BASIX Certificate

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979, as amended (**EP&A Act**)
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**)
- Pittwater 21 Development Control Plan (**P21DCP**)
- State Environmental Planning Policy (Housing) 2021 (**SEPP Housing**)
- Seniors Living Policy Urban Design Guidelines for Infill Development.

- State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)
- State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The proposal appropriately responds to the relevant planning controls applicable to the site and the proposed development.
- The proposed development is consistent with the desired future character of the locality.
- The proposed development will not have an unreasonable impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant considerations pursuant to the SEPP (Housing) 2021.

2 SITE ANALYSIS

2.1 SITE DESCRIPTION AND LOCATION

2.1.1 THE SITE

The properties upon which the proposed development is to be located are legally described as Lots 10 and 11, DP 12435, 25 and 27 Kevin Avenue, Avalon. The consolidated allotment is rectangular in shape with frontage of 36.58 metres, depth of approximately 76 metres and a combined area of 2789m². An aerial location/ context photograph is at Figure 1 below. The site falls approximately 8.5 metres across its surface towards the frontage of the property and contains a number of trees as identified within the accompanying arborist report. An aerial location/ context photograph is at Figure 1 below.



Figure 1: Aerial image with the subject site bordered in yellow (Source: Nearmap)

The subject properties are occupied by one and two storey brick and clad dwelling houses with tiled roofs and a number of ancillary structures including studios, sheds and swimming pools. Both properties have driveway access from Kevin Avenue.

The established built form, landscape and stormwater drainage infrastructure circumstance depicted on the survey extract at Figure 2.

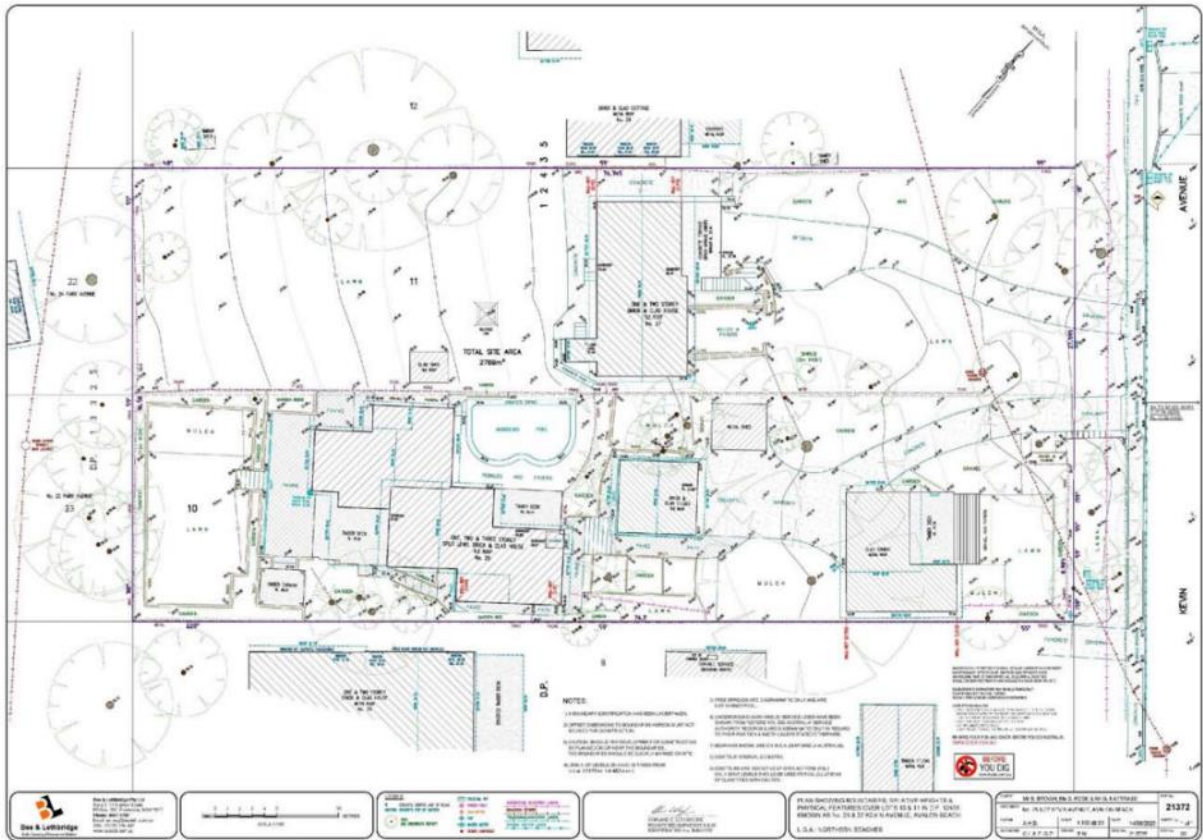


Figure 2: Extract of the site survey

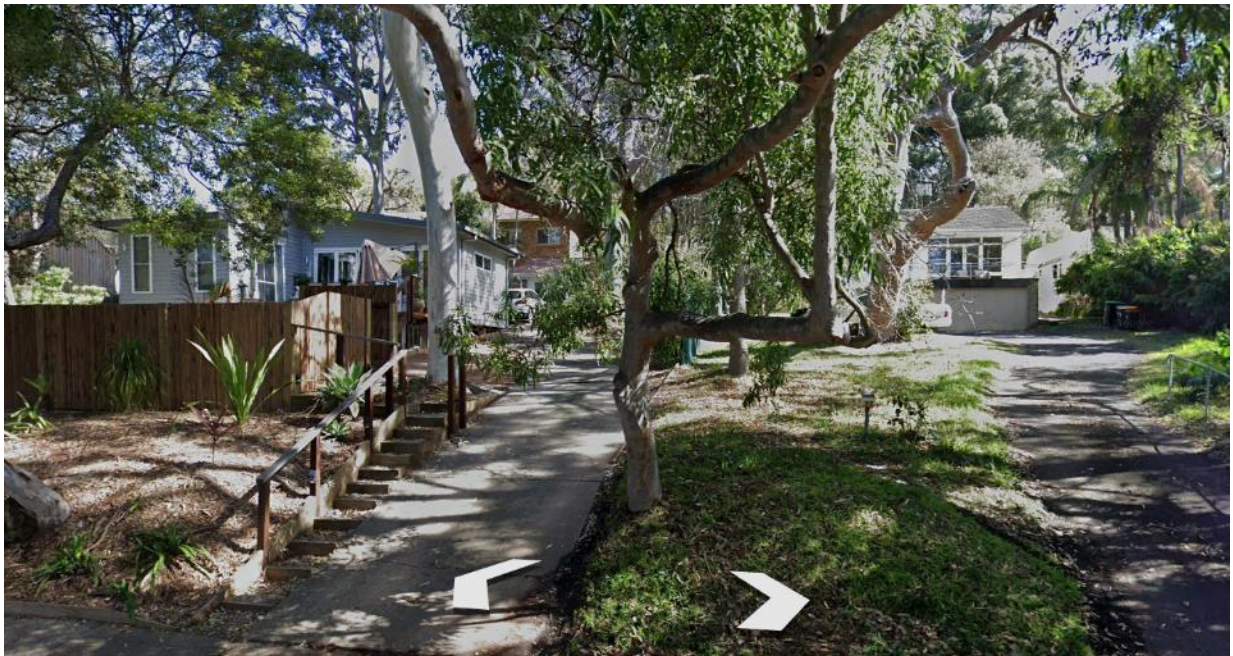


Figure 3: The subject properties as viewed from Kevin Avenue

2.1.1 THE LOCALITY

The subject property is located within a suburban locality characterised by one and two storey low density residential development of varying age, architectural style and character.

The immediately adjoining properties are occupied by one and two story detached dwelling houses frontage and address to Park Avenue. The properties located on the northern side of Kevin Avenue are also occupied by detached style dwellings. The site analysis plan prepared by the project Architect confirms the existence of dual occupancy and seniors housing development within proximity of the site including the recently approved and constructed seniors housing development at 701- 703 Barrenjoey Road located on the corner of Barrenjoey Road and Kevin Avenue. We note that the proposal utilises the bus stop access pathway approved and constructed immediately adjacent to this corner site to access the existing bus stops located along Barrenjoey Road.



Figure 4: Site analysis diagram prepared by the project architect

2.1.2 SITE ANALYSIS

The natural and built form characteristics of the site are detailed on the site survey submitted with the DA. There are a number of trees on the site which are detailed in the arborist report. The relationship of the proposed development to the adjacent sites provides for appropriate built form separation, with the limited building height and scale mitigating any impacts upon the amenity of these properties. Having regard to the urban design guidelines for infill development as published by the Urban Design Advisor Service of the NSW Department of Planning & Natural Resources the following observations are made:

Context

Development within the sites visual catchment is characterised by detached style housing of varying age, scale and architectural style. The development provides for ten apartments set within an informal landscaped setting with the pavilion style built form and landscape outcomes not inconsistent with the established built form context.

Site Planning and Design

The design of the development has sought to reflect the character and style of housing within the immediate locality noting that it is characterised by detached style housing of varying age, scale and architectural style. The layout of the development provides private open space in the form of balconies and/ or courtyard to each dwelling.

Impacts on the Streetscape

The two storey form presenting to the street is consistent with the existing and desired future form of development in the locality. The setbacks to the Kevin Avenue frontage provide for the retention and augmentation of landscaping which will soften and screen the built form. The form of building provides for a contemporary infill outcome that is consistent with the intentions of the SEPP and the setting is augmented by the landscape detail as proposed by this application.

Impacts on the Neighbours

The consistent building height combined with privacy attenuation measures to each of the proposed terraces and an enhanced site landscaping regime will ensure that the privacy and amenity of adjacent sites are retained. The shadow diagrams submitted with the application demonstrate that there are limited shadow impacts to neighbouring properties compliant levels of solar access maintained.

Internal site amenity

All of the units are afforded appropriately sized and orientated balconies and private open space areas accessed off the main living areas to each of the units. 100% of apartments receive 3 hours of solar access to living rooms and private open space areas between 9am and 3pm in midwinter. 100% of apartments are naturally cross ventilated. Enhancements to the landscaping are proposed throughout the site with the incorporation of additional tree planting, deep soil zones and dense screen shrub planting.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 DETAILS OF THE PROPOSED DEVELOPMENT

The subject application proposes the demolition of the existing dwellings and the construction of a seniors housing development incorporating ten (10) in-fill self-care housing units and basement car parking for 21 vehicles pursuant to the provisions of SEPP (Housing).

The proposed development is depicted on the following Architectural plans by Gartner Trovato Architects:

No:	Drawing Name
A.01	COVER PAGE
A.02	SITE ANALYSIS PLAN
A.03	SITE PLAN
A.04	BASEMENT
A.05	GROUND FLOOR PLAN
A.06	LEVEL 01 PLAN
A.07	LEVEL 02 PLAN
A.08	SECTIONS
A.09	ELEVATIONS 01
A.10	ELEVATIONS 02
A.11	ELEVATIONS 03
A.12	SHADOW DIAGRAMS
A.13	SOLAR ACCESS PLANS
A.14	AREA CALCULATIONS
A.15	3D VIEWS

The proposed floor plates can be described as follows:

Basement

- Residential foyer.
- A basement accessed via a two-way driveway from Kevin Avenue and contains 21 carparking spaces including 1 visitor/ wash bay space. Allowance has been made for EV charging for the residential spaces.
- Residential storage spaces within secure garage accommodation.
- Rainwater tank an OSD provision.
- Garbage storage room.
- Lift and stair access to the apartments above.

Ground Floor

- 2 x 3 bedroom apartments with living rooms opening onto north facing terraces and secondary south facing terrace/yards.

Level 01 Plan

- 4 x 3 and 1 x 2 bedroom apartment all with north facing living areas and secondary south facing terrace/yards. A central courtyard provides visual relief between the building pavilions and enables all apartments to receive three hours of solar access and natural cross ventilation outcomes.

Level 02 Plan

- 2 x 3 and 1 x 2 bedroom apartment all with north facing living areas and secondary south facing terrace/yards. A central courtyard provides visual relief between the building pavilions and enables all apartments to receive three hours of solar access and natural cross ventilation outcomes.

External works

- New driveway to Kevin Avenue.
- Access pathways
- Landscaping
- Tree removal

In relation to the architectural composition the project architect has provided the following design statement:

The architectural composition of the proposal is closely tied to the underlying landscape and built form of the Kevin Avenue precinct where the south side of the road is characterised by two storey structures with large landscaped setbacks, and overhanging native tree canopies. The design presents two buildings to the street that are representative of the context in terms of envelope, height and footprint, but that provide greater than the underlying side setbacks. The setbacks provide a balance to achieve visual privacy and landscaped separation to the adjoining dwellings from the higher densities in the project. The facades facing the side setbacks are also detailed with low intensity use bedrooms, smaller windows with obscure glazing and with living areas and decks kept central to the site to avoid overlooking.

The proposal sits well into the topography with a balance of minimal excavation to achieve basement parking whilst keeping the maximum height well below the 8.5m control for single residences and significantly lower than the SEPP allowance. The low pitched roofs assist in achieving high performing buildings to maintain excellent levels of solar access and minimise bulk and scale to neighbouring dwellings.

The siting or the buildings on the land derives from the need to respect and retain the mature large eucalyptus trees on the land that are critical to the character being consistent to the pattern of residential development.

The architecture succeeds in blending with the natural and build forms of the locale to compliment its surrounds.

Accessible pedestrian access between the proposed apartments and Kevin Avenue, and throughout the site in general, is achieved by virtue of 3 lift cores and a series of accessible pathways, the suitability of which is confirmed in the accompanying access report prepared by Mark Relf.

The appropriateness of the design of the driveway and parking area is confirmed in the accompanying Traffic and Parking Assessment Report prepared by Terraffic Pty Limited.

Proposed tree removal and design protection measures are detailed in the arborist report by Jacksons Nature Works with a high-quality landscaped solution including compensatory plantings detailed on the accompanying landscape plans.

The acceptability of the proposed excavation is addressed within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with all stormwater gravity drained to Kevin Avenue through the required OSD tank as detailed on the accompanying stormwater plans prepared by Barrenjoey Consulting Engineers.

4 STATUTORY PLANNING FRAMEWORK

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

Zoning

The land is zoned R2 Low Density Residential pursuant to PLEP 2014. Seniors housing as defined by PWLEP 2014 is prohibited within the zone. However, the use remains permissible with consent via the operation of SEPP Housing and the operation of clause 1.9 of WLEP 2011.

Height of buildings

Pursuant to clause 4.3 of PLEP 2014, the height of buildings at the subject site is limited to 8.5m, as shown on the Height of Buildings Map of PLEP 2014. The proposed development reaches a maximum height of approximately 8.8m representing a minor 400mm or 4.7% variation.

However, pursuant to clause 1.9 of PLEP 2014 and clause 8 of SEPP Housing, the provisions of SEPP Housing prevail in the event of any inconsistency between the two instruments.

Clause 108(2)(a) of SEPP Housing prescribes a maximum height of 9.5m (excluding servicing on the roof) for seniors housing development of the type proposed. Pursuant to Clause 108(1) of this policy, the object of such standard is to prevent the consent authority from requiring a more onerous standard, if the standard prescribed is complied with.

The proposed development is compliant with the 9.5m height limit prescribed by SEPP Housing, which prevails in this instance.

Acid sulphate soils

Pursuant to clause 7.1 PLEP the site is mapped Acid Sulphate Soil Class 5. In accordance with the considerations at clause 7.1(2) PLEP as the proposed works are not within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land no further investigation is warranted in this instance.

Earthworks

The application is supported by a geotechnical report prepared by Crozier Geotechnical Consultants that provides a series of recommendations to ensure that the proposed excavation can be undertaken appropriately. The consent authority can be satisfied that the excavation proposed to accommodate the basement will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 7.2 of PLEP 2014.

Development on sloping land

The site is identified within the H1 landslip hazard zone pursuant to clause 7.7 of PLEP 2014. Accordingly, the application is accompanied by a geotechnical report prepared by Crozier Geotechnical Consultants which assesses the acceptability of the earthworks proposed having regard to the applicable provisions.

4.2 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The following section of this report assesses the proposed development against the relevant provisions of Part 5 of SEPP Housing.

Land to which part applies

Clause 79 of SEPP Housing confirms that Part 5 of this policy, which relates to housing for seniors and people with a disability, is applicable in the R2 Low Density Zone.

Clause 80 of SEPP Housing identifies land to which Part 5 does not apply. The site is not identified in Clause 80, and as such, Part 5 of this policy is applicable.

Permissibility

Pursuant to clause 81 of SEPP Housing, development for the purpose of seniors housing may be carried out with development consent on land to which this Part applies. As above, Part 5 of SEPP Housing is applicable in relation to the subject site, and as such, the development is permissible with consent.

Development standards – general

Pursuant to clause 84(2) of SEPP Housing, development consent must not be granted for development unless it is consistent with the following development standards -

Development Standard	Proposed	Comment
(a) The site area of the development is at least 1000m ²	2789m ²	Complies
(b) the frontage of the site area of the development is at least 20m measured at the building line	36.58m	Complies
(c) for development on land in a residential zone where residential flat buildings are not permitted—		

Development Standard	Proposed	Comment
<p>i. the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>ii. if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and</p> <p>iii. if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p>	<p>Maximum 8.9m</p> <p>-</p> <p>The development is 2 storeys in height as defined</p>	<p>Complies</p> <p>Complies</p> <p>N/A</p>

Pursuant to clause 80(3) of SEPP Housing, servicing equipment must—

- a) *be fully integrated into the design of the roof or contained and suitably screened from view from public places, and*
- b) *be limited to an area of no more than 20% of the surface area of the roof, and*
- c) *not result in the building having a height of more than 11.5m.*

The application does not propose any service or plant equipment on the roof.

Development standards – independent living units

Pursuant to clause 85(1) of SEPP Housing, development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.

The application is supported by an Access report prepared by Mark Relf which confirms compliance with these standards.

Location and access to facilities and services

Pursuant to clause 93(1) of SEPP Housing, development consent must not be granted for a development proposing independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services by a transport service that complies with subsection (2), or on site.

Subsection (2) provides that the transport service must –

- a) *take the residents to a place that has adequate access to facilities and services, and*
- b) *for development on land within the Greater Sydney region—*
 - i. *not be an on-demand booking service for the transport of passengers for a fare, and*
 - ii. *be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and*
- c) *for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.*

Subsection (3) prescribes that access is adequate is –

- a) *the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and*
- b) *the distance is accessible by means of a suitable access pathway, and*
- c) *the gradient along the pathway complies with subsection (4)(c).*

The site is located 400 metres from bus stops on Barrenjoey Road providing direct service to and from Avalon Beach Local Centre.

The application is supported by an access report prepared by Mark Relf which confirms compliance with these provisions.

The bus service can take residents of the proposed development to the Avalon Beach Local Centre and back throughout the day, consistent with the provisions of Subsection (2)(b). The Avalon Beach Local Centre comprises shops and other retail and commercial services that residents may reasonably require, and community services and recreation facilities, and the practice of a general medical practitioner, consistent with Subsection (5). Furthermore, the Avalon Beach Local Centre is further serviced by additional public transport routes that can take residents to other locations, such as Mona Vale Local Centre, where further services are available.

Council can be satisfied that the proposed development is consistent with the location and access provisions of clause 93 of SEPP Housing.

Water and Sewer

Pursuant to clause 98 of SEPP HSPD, a consent authority must not consent to a development application under this Part unless the consent authority is satisfied that the seniors housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

The subject sites currently contain dwelling houses that is connected to a reticulated water and sewage system. The proposed development will connect to these existing systems. The location of the sewer line is indicated on the site survey. The proposal can comply with the water and sewer provision requirements as outlined.

Design of in-fill self-care housing

Pursuant to clause 97 of SEPP Housing, the consent authority is to have regard to the Urban Design Guideline for Infill Development in its consideration of the application. An assessment pursuant to this guide is set out in the following table:

Issue	Key Requirement	Comment
Responding to context	Street and Lot Layout	The proposal responds to the established street and lot layout, through presenting the development as a 2 storey built form development as viewed from the street similar in height and scale to the detached style of housing in the locality
	Subdivision Layout	The proposal does not involve the subdivision of land.
	Consistency of built form – massing and scale	The proposed development displays a massing, scale and 2 storey streetscape presentation consistent with that established by development located within the site’s visual catchment. The adoption of a pavilion style building typology results in a building reflecting the scale and rhythm of detached style housing in the locality.

Issue	Key Requirement	Comment
	<p>Trees</p>	<p>The trees to be removed are detailed in the arborist report provided.</p> <p>The loss of these trees will be compensated by replacement tree planting and enhanced landscape regime throughout the site.</p> <p>The landscape plan provides for the enhancement of landscaping on the site.</p>
<p>Site Planning & Design</p>	<p>Dwellings to address the street</p> <p>Rear dwellings should be more modest in form</p> <p>Maximise solar access and access to private open space</p> <p>Centralised parking in car parking courts are preferred to reduce the amount of space occupied by driveways, garages, etc. Retain existing crossings if possible.</p>	<p>The proposed development positively contributes to the streetscape and addresses Kevin Avenue.</p> <p>The development is broken into 2 building pavilions with the rear pavilion not readily discernible as viewed from the street.</p> <p>Living areas and private open space areas are afforded compliant levels of solar access.</p> <p>Spatial separation between neighbouring dwellings is maintained by the provision of boundary setbacks and substantial boundary edge landscaping.</p> <p>A single level basement carpark is provided for all apartments. The carpark is accessed via a single driveway from Kevin Avenue.</p>

Issue	Key Requirement	Comment
Impacts on the Streetscape	Built Form; trees; amenity; parking and garaging and vehicular circulation.	These matters have been addressed in term of the comments on context and site planning.
Impact on neighbours	<p>Minimise impacts to by maintaining a consistency in the pattern of building.</p> <p>Landscaping</p>	<p>The proposed development does not result in any adverse impacts upon the amenity of adjoining properties and the siting of the development is consistent with that reasonably anticipated on the site.</p> <p>Edge condition planting augments planting on the adjacent sites and increases privacy by screening in conjunction with the established fencing.</p>
Internal Site Amenity	<p>Maximise Solar Access</p> <p>Clearly define and identify individual dwellings</p>	<p>The siting of balconies and living areas maximises the opportunities for solar access and natural light and ventilation to the individual apartments with 100% of apartments receiving a minimum of three hours of solar access to principal living and adjacent open space areas.</p> <p>The design of the development clearly defines the dwelling entries so that they are easily identifiable and legible, providing a sense of address to each individual apartments.</p>

It is considered that the proposal appropriately responds to the design code.

Neighbourhood amenity and streetscape

The neighbourhood amenity and design principles prescribed by clause 99 of SEPP Housing are considered as follows:

- a) *recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and*

Comment: The architectural plans by Gartner Trovato Architects include detailed site analysis which was used to guide and inform the proposed design solution.

The proposal provides for a highly articulated and modulated 2 storey building form which steps back up the site in response to topography with the massing broken down to reflect detached style housing. The building appropriately addresses the street frontage with the quality of the building design and finishes ensuring that the development will contribute positively to the built form quality and identity of the area consistent with this design principle.

Consistent with the conclusions reached by the Senior Commissioner in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the Kevin Avenue streetscape having regard to the built form characteristics established by development located within the site's visual catchment and within the immediate area generally.

The physical impacts of the development have been found to be acceptable with appropriate levels of residential amenity maintained to adjoining residential properties consistent with that reasonably anticipated for any permissible and compliant form of development on the site. To that extent it can be reasonably concluded that the proposal is compatible with its surroundings. Such outcome is reflected in the image at Figure 5.



Figure 5 - Image of the proposed development as viewed from Kevin Avenue.

- b) *retain, compliment and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in the local environmental plan, and*

Comment: Not applicable.

- c) *maintain reasonable neighbourhood amenity and appropriate residential character by*
- i. *providing building setbacks to reduce bulk and overshadowing, and*

Comment: The proposed development complies with the P21DCP setback and envelope controls with the substantial setback maintained to Kevin Avenue reflecting the increased setbacks established by development located on the high side of the street. The shadow diagrams also show that the development will maintain compliant levels of solar access to adjoining properties.

- ii. *using building form and siting that relates to the site's land form, and*

Comment: The height, scale and form of the development relates to the topography of the site and that of the neighbouring sites. The built form steps down the slope of the land and is appropriately responsive to the context of the site.

- iii. *adopting building heights at the street frontage that are compatible in scale with adjacent development, and*

Comment: The proposed development has a two storey presentation to the street, compatible with the predominant scale of development within the visual catchment of the site.

- iv. *considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

Comment: No buildings are located on the boundaries of the site.

- 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, and*

Comment: The proposed development is sited to maintain a front setback which is sympathetic with the setbacks established by the two immediately adjoining properties and properties generally located on the high side of Kevin Avenue. The proposed setbacks are consistent with the setback prescribed by P21DCP and are appropriately responsive to the setbacks of adjoining dwellings.

- e) *embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*

Comment: A landscape plan is included as a component of the works proposed with the proposed landscaping in sympathy with, but not necessarily the same as, other planting in the streetscape.

- f) *retain, wherever reasonable, major existing trees, and*

Comment: A detailed Arborist Assessment accompanies the DA and considers the removal and retention of existing trees on the site. The majority of significant trees have been retained.

- g) *be designed so that no building is constructed in a riparian zone*

Comment: The proposed buildings are not situated within a riparian zone.

Visual and acoustic privacy

Pursuant to clause 100 of SEPP Housing, the proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- a) *using appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*

Comment: The design and orientation of individual dwellings has been developed through appropriate site analysis to ensure that the development anticipates and appropriately addresses any potential amenity impacts to adjoining developments. Adjoining development will not experience any unreasonable privacy impacts due to the orientation of private open space areas, implementation of integrated privacy attenuation measures into the design of the development and supplementary screening afforded through the landscaping proposed.

- b) *ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Comment: This design principle has been considered and is incorporated into the layout and design of the proposed dwellings.

Solar Access and Design for Climate

Pursuant to clause 101 of SEPP Housing, the proposed development should:

- a) *provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings*

Comment: The accompanying shadow diagrams demonstrate that 100% of apartments will receive a minimum three hours solar access between 9am and 3pm on 21 June.

- a) *involving site planning, dwelling design and landscaping that reduces energy use and 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.*

Comment: These design principles have been considered and incorporated in conjunction with detailed site analysis into the design of the proposed development.

Stormwater

Pursuant to clause 102 of SEPP Housing, the proposed development should:

- a) *control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by finishing driveways surfaces with semi impervious material, minimising the width of paths and minimising paved areas, and*

Comment: Stormwater plans accompany this application with all stormwater gravity drained to the Kevin Avenue drainage system by the required OSD tanks.

- b) *Include where practical on-site stormwater detention or re-use for second quality water uses.*

Comment: Rainwater tanks are detailed on the accompanying Stormwater Management Plans.

Crime Prevention

Pursuant to clause 103 of SEPP Housing, the proposed development should be designed in accordance with environmental design principles relating to crime prevention and provide personal property security for residents and visitors and encourage crime prevention by:

- a) *site planning that allows, from inside each dwelling, general observation of the street, the site, and approaches to the dwellings entry, and*

Comment: The design of the development enables casual observation of Kevin Avenue and communal areas. The individual apartment entries are well located centrally within the site, so that they are easily identifiable, providing a sense of address to each unit and passive surveillance.

- b) *where shared entries are required, provide shared entries that serve a small number of dwellings and that are able to be locked, and*

Comment: Each unit will be able to be accessed separately.

- c) *Providing dwellings designed to allow residents to see who approaches their dwelling without the need to open the front door*

Comment: This design principle has been incorporated into the detailed design of the proposed development.

Accessibility

Pursuant to clause 104 of SEPP Housing, the proposed development should:

- a) *have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*

Comment: These matters have been addressed previously in this report.

- b) *provide attractive, yet safe, environments for pedestrians and motorist with convenient access and parking for residents and visitors.*

Comment: These matters have been addressed in detail in the accompanying traffic and parking report.

Waste Management

Pursuant to clause 105 of SEPP Housing, the development should include waste storage facilities that maximise recycling by the provision of appropriate facilities. The bin store at the front of the site has been designed to house general waste, paper recycling, plastic recycling and vegetation bins, consistent with Council’s Waste Management Policy. While the waste storage area is located in excessive 6.5 metres from the front property boundary its location reflects the increased front setbacks established by surrounding development and the inability to located adjacent to the frontage of the property due to the location of existing trees.

Non-discretionary development standards for independent living units

Pursuant to clause 108 of SEPP Housing, the following are non-discretionary development standards in relation to development for the purposes of independent living units:

Development Standard	Proposed	Comment
(a) no building has a height of more than 9.5m excluding servicing equipment on the roof of a building	Maximum 8.9m	Complies
(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— i. is fully integrated into the design of the roof or contained and suitably screened from view from public places, and ii. is limited to an area of no more than 20% of the surface area of the roof, and iii. does not result in the building having a height of more than 11.5m,		Complies
(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	0.46:1	Complies

Development Standard	Proposed	Comment
(d) for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling,	N/A	N/A
(e) if paragraph (d) does not apply—at least 30% of the site area is landscaped,	53.71%	The proposed development provides an area of 1498m ² of landscaped area (53.71%), far exceeding the 30% minimum prescribed.
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	38.36%	The proposed development provides an area of 1070m ² of deep soil zone (38.36%), including within the rear setback.
(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,	100%	10/10 apartments receive 2 hours of direct sunlight to private open space and windows associated with living rooms between 9am and 3pm in midwinter.
(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— i. at least 15m ² of private open space per dwelling, and ii. at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,	>15m ² 3m wide balconies adjacent and landscaped areas	The proposed ground floor units comprise balconies with a minimum dimension of 3m and areas well in excess of 15m ² .
(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area	>10m ²	All units have an area of private open space in excess of 10m ² with dimensions in excess of 2m.

Development Standard	Proposed	Comment
with minimum dimensions of 2m and— i. an area of at least 10m ² , or ii. for each dwelling containing 1 bedroom—an area of at least 6m ² ,		
(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	N/A	N/A
(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom. $8 \times 1.5 + 2 \times 1 = 14$ spaces	20 residential and 1 visitor space	The proposed development provides adequate parking for residents and visitors to the development.

The proposed development is consistent with the relevant requirements and objectives of SEPP Housing.

4.3 PITTWATER 21 DEVELOPMENT CONTROL PLAN

The following relevant P21DCP controls have been addressed with respect to consideration of the proposed Seniors Housing Development.

	Control	Proposed	Compliance
Side Boundary Setback	2.5m/ 1m	Compliant	Yes
Front Building Setback	Min 6.5 metres	>6.5 metres consistent with the prevailing	Yes
Building Envelope	3.5 metres/ 45 degree envelope	Compliant	Yes

4.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

4.4.1 REMEDIATION OF LAND

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time with no known prior land uses. In this regard, the potential for contamination is considered to be extremely unlikely.

The site is not identified as a contaminated site on the NSW EPA’s list of notified sites, nor is it in the vicinity of any listed sites. The consent authority can be satisfied that the subject site is suitable for the proposed development.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

4.5 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX Assessment accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy, and thermal efficiency targets.

4.6 MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AS AMENDED

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any Planning Instrument

Comment: This report clearly and comprehensively addresses the relevant provisions of all applicable planning instruments, including SEPP Housing, PLEP 2014, SEPP (Resilience and Hazards) and SEPP BASIX.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: There are no known draft planning instruments relevant to the subject site or the proposed development.

(iii) Any development control plan

Comment: P21DCP applies with these provisions having been assessed within this report.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

Comment: N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment: N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

Comment: N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

Context and Setting

- i. What is the relationship to the region and local context in terms of:
- The scenic qualities and features of the landscape
 - The character and amenity of the locality and streetscape
 - The scale, bulk, height, mass, form, character, density, and design of development in the locality
 - The previous and existing land uses and activities in the locality

Comment: These matters have been addressed within this report.

- ii. What are the potential impacts on adjacent properties in terms of:
- Relationship and compatibility of adjacent land uses?
 - sunlight access (overshadowing)
 - visual and acoustic privacy
 - views and vistas
 - edge conditions such as boundary treatments and fencing

Comment: These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable with regard to the SEPP.

Access, transport, and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- Travel Demand
- dependency on motor vehicles
- traffic generation and the capacity of the local and arterial road network
- public transport availability and use (including freight rail where relevant)
- conflicts within and between transport modes
- Traffic management schemes
- Vehicular parking spaces

Comment: These issues have been discussed in detail in the report. The development provides adequate carparking facilities in conformity with the standards of the policy.

Public Domain

Comment: The proposed development will have no adverse impact on the public domain.

Utilities

Comment: This has been addressed within this report.

Flora and Fauna

Comment: An arborist report and landscape plan detail the proposed works in regard to landscaping.

Waste Collection

Comment: Normal domestic waste collection applies.

Natural hazards

Comment: The site is located within H1 on the Landslide Risk Land Map. The application is supported by a Geotechnical Report in this regard.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i. *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape, and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance, and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

Comment: These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the desired future character and built form controls of the SEPP.

ii. *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation, and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

Comment: The proposed development can comply with the provisions of the Building Code of Australia as detailed within the accompanying BCA report.

The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i. *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Comment: Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

Comment: The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography of the site, is of adequate area, and has no special physical or engineering constraints is suitable for the proposed development.

(d) Any submissions received in accordance with this act or regulations

Comment: It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

Comment: It is considered that the development is sensitive both to the natural and built environments and is consistent with the provisions of the SEPP.

5 CONCLUSION

The architect has responded to the client brief to provide for a residential development of exceptional design quality which responds appropriately to the constraints and opportunities identified through detailed site and context analysis. Such design response includes the retention of significant vegetation on the site and the minimisation of excavation through the adoption of a detached building pavilion form which steps down the site in response to topography.

The proposed development has a 2 storey presentation to Kevin Avenue with the form and massing proposed complimentary and compatible with surrounding development and consistent with that anticipated for infill development pursuant to SEPP Housing. The development will provide superior levels of amenity for future occupants whilst maintaining appropriate levels of amenity to the adjoining residential properties.

Having regard to the detail of the application we have formed the considered opinion that the development will not give rise to any unacceptable environmental, streetscape, or residential amenity impacts. The development will however provide for additional housing for seniors or people with a disability in an area ideally suited to this form of housing.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The proposal appropriately responds to the relevant planning controls applicable to the site and the proposed development.
- The proposed development is consistent with the desired future character of the locality.
- The proposed development will not have an unreasonable impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant considerations pursuant to the SEPP (Housing) 2021.

Yours faithfully

Boston Blyth Fleming Town Planners



Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director