

# STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED MODIFICATION APPLICATION

FOR RETIREMENT VILLAGE  
AT 8 LADY PENRHYN DRIVE BEACON HILL

JUNE 2023

## Contents

1.0 INTRODUCTION.....	2
1.1 Background.....	2
2.0 THE SITE AND SURROUNDS .....	3
2.1 The Subject Site .....	3
2.2 Local Context.....	4
3.0 PROPOSED MODIFICATIONS.....	5
3.1 Changes to the design .....	5
3.2 Changes to the consent conditions .....	5
4.0 PLANNING CONTROLS .....	7
4.1 State Environmental Planning Policy 55 – Remediation of Land.....	7
4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.....	7
4.3 State Environmental Planning Policy (Infrastructure) 2007.....	7
4.4 State Environmental Planning Policy (Housing) 2021.....	7
4.5 Warringah Local Environmental Plan 2011 .....	9
4.6 Warringah Development Control Plan 2011 .....	9
5.0 ENVIROMENTAL PLANNING ASSESSMENT.....	10
5.1 Section 4.15(1)(a)(i) - Environmental Planning Instruments .....	10
5.2 Section 4.15(1)(a)(ii) - Draft Environmental Planning Instruments .....	10
5.3 Section 4.15(1)(a)(iii) - Development Control Plan.....	10
5.4 Section 4.15(1)(a)(iia) - Planning Agreement or Draft Planning Agreement Entered Into Under Section 7.4 .....	10
5.5 Section 4.15(1)(a)(iv) - Regulations.....	10
5.6 Section 4.15(1)(b) - Impacts of The Development.....	10
5.7 Section 4.15(1)(c) - Site Suitability.....	10
5.8 Section 4.15(1)(d) – Submissions.....	11
5.9 Section 4.15(1)(e) - The Public Interest .....	11
5.10 Section 4.15(3A) - Development Control Plans .....	11
6.0 CONCLUTION AND RECOMMENDATION .....	12

## 1.0 INTRODUCTION

Vigor Master Pty Ltd has been engaged by the property owner to prepare a Statement of Environmental Effects in relation to the proposed Section 4.56 application to modify the approved building 8 (also known as building A1) and civil design that being part of the senior living development at 8 Lady Penrhyn Drive, Beacon Hill (Lot 806 DP752038).

The proposed modification involves changes to Building 8, internal and external footpath layout and stormwater design.

This report addresses the nature of the proposed modification and the characteristics of the site and surrounding area. It also provides an assessment of the proposed modification under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report should be read in conjunction with the other reports and plans prepared to support the application.

### 1.1 Background

The site is classified as being within B2 – Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000 with the proposal being permissible with consent.

Development application (DA2009/0800) involving the construction of 32 units (in 8 buildings) for older people and the Torrens Title subdivision to subdivide the property into two allotments was approved by Land and Environment Court on 14 July 2011.

The approved development application was subsequently modified by a number of modification applications, including Mod2016/0334 (changes to the terms of conditions), Mod2017/0080 (changes to community centre and buildings A2, B1 C1, C2), Mod2018/0087 (further changes to community centre), Mod2018/0212 (boundary adjustment) and Mod2018/0551 (correction to boundary adjustment).

The approved building 8 has been modified under Mod2021/0172 which increases the number of units in building 8 from 4 to 6 and changes the driveway design.

The construction of 7 out of 8 Buildings, the community centre and the most of internal civil infrastructures have been completed.

### 1.2 Supporting Documentation

Accompanying this application is the following documentation:

- Architectural Plan
- BASIX Certificate
- Landscape Plan
- Stormwater Management Plan
- Cost Summary Report
- Boundary Identification Survey
- Waste Management Plan
- Access Report
- Bushfire Report

## 2.1 The Subject Site

There is an existing dwelling house retained situated at the north-west corner of the site. Soil translation and vegetation clearance has been carried out to the rest part of the site. The construction of 7 out of 8 Buildings, the community centre and the most of internal civil infrastructures have been completed.

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Figure 1: Subject Site



## 2.2 Existing Development

The site contains an existing single dwelling located at the north-west corner. The construction of buildings 1 to 7 (also known as buildings A2, B1, B2, B3, B4, C1, C2), the Community Centre and part of the civil infrastructure has been completed recently.

## 2.3 Local Context

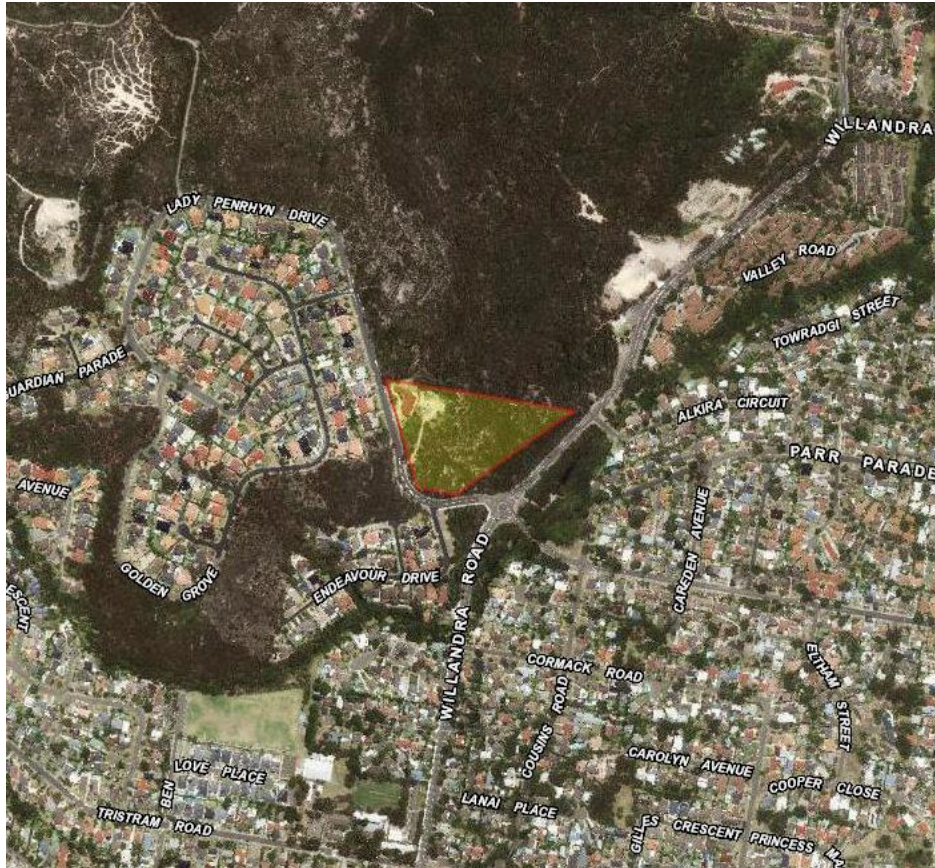


Figure 2: Local Context

The development site is located approximately 900m to the north of Warringah Road and is accessed via Lady Penrhyn Drive.

The surrounding development includes residential use and housing for older people to the northeast and opposite Willandra Road. The site is also located in close proximity to local schools, local shops, playing fields and a number of community facilities.

### 3.0 PROPOSED MODIFICATIONS

This application seeks consent to modify the senior living development. The proposed changes involved in this application are -

- Changes to building 8;
- Changes to the Stormwater Management Plan;
- Addition of stairs south of Building 6;
- Additional internal footpath near the northern boundary;
- A new footpath along the intersection of Lady Penrhyn Dr and Willandra Rd; and
- To remove the current approved pedestrian bridge within the Council road reserve.

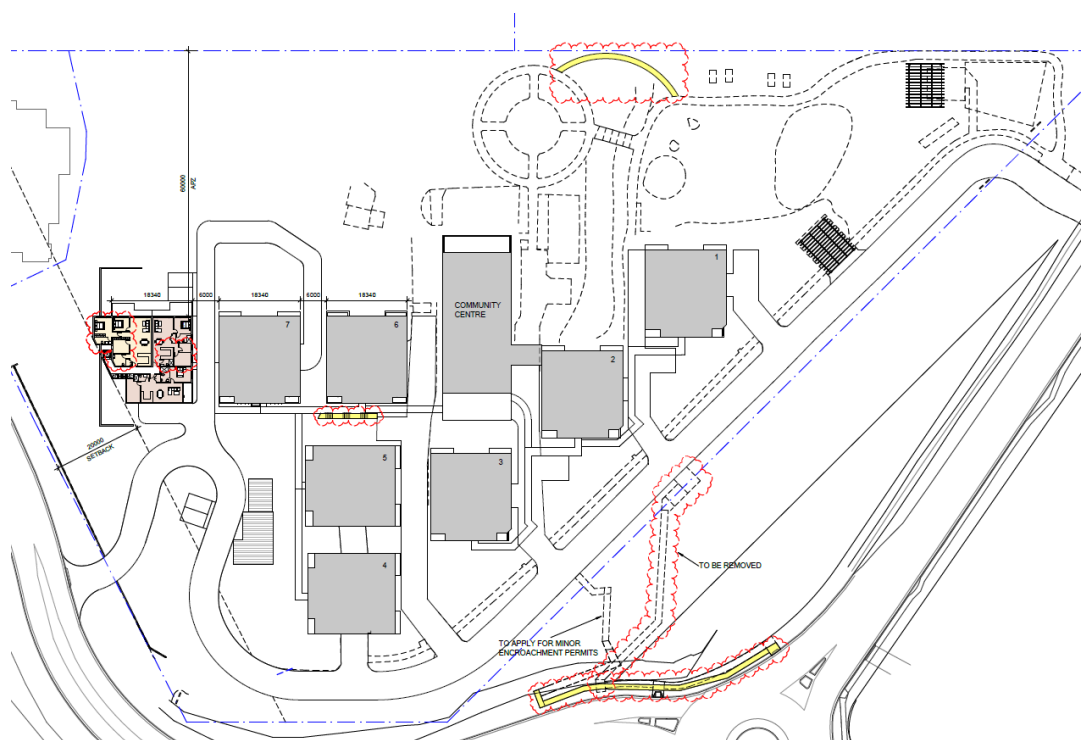


Figure 3: Site Plan

#### 3.1 Changes to Building 8

Building 8 is located at the western side of the retirement village and to the south of the existing dwelling house.

The approved building 8 contains 6 senior living units. The modified building 8 slightly enlarges the floor space at the north western corner of the building to provide an additional bedroom for units 1 and 4. Minor internal adjustments to units 2 and 5 are also included in the proposed modification application.

There is no change proposed to the basement level, driveway access and units 3 and 6.

The details of 6 units are:

Unit	Level	No. Bedrooms	Private Open Space (m <sup>2</sup> )	No. Parking Spaces
1	G	2 plus study	Balcony 21.1m <sup>2</sup> (depth 3.08m)	1
2	G	1 plus study	Balcony 21.1m <sup>2</sup> (depth 3.08m)	1
3	G	1 plus study	Balcony 9.03m <sup>2</sup> (depth 2m)	1
4	First	2 plus study	Balcony 21.1m <sup>2</sup> (depth 3.08m)	1
5	First	1 plus study	Balcony 21.1m <sup>2</sup> (depth 3.08m)	1
6	First	1 plus study	Balcony 9.03m <sup>2</sup> (depth 2m)	1

### 3.2 Changes to Other Site Features

The application also involves changes to other site features including:

- Additional stormwater drainage services to accommodate extreme storm events;
- Additional walkway near the northern boundary to provide an alternate path to the stairs for lower mobility residents;
- A new footpath on the intersection of Lady Penrhyn Dr and Willandra Rd; and
- To remove the current approved pedestrian bridge within the Council road reserve.



## 4.0 PLANNING CONTROLS

The proposed development has evolved from the requirements and guidelines of the current planning controls. The instruments that have guided the proposal include:

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Housing) 2021
- Warringah Local Environmental Plan 2000
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### 4.1 State Environmental Planning Policy 55 – Remediation of Land

An inspection has been carried out and no potential contamination issue has been identified.

### 4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been prepared for building 8 and supported by an ABSA Assessor Certificate. The certificate confirms that the proposed development meets the NSW government's requirements for sustainability.

### 4.3 State Environmental Planning Policy (Infrastructure) 2007

The proposed modification will not affect the previous assessment against SEPP 2007.

### 4.4 State Environmental Planning Policy (Housing) 2021

The development is lodged under the provisions of Warringah LEP 2000 not the SEPP Housing. The SEPP Housing has been used as a guideline and considered during the design process.

### 4.5 Warringah Local Environmental Plan 2000

WLEP 2000 is applicable to the site. The LEP seeks to establish individual character zones, with objectives and controls reflecting both the localities existing and future desired character.

The Desired Future Character of the Locality is described in the following extract:

- The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.
- Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from

Narrabeen Lagoon and the Wakehurst Parkway.

- The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimize disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.
- Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment will ensure that ecological values of natural watercourses are maintained.

It is submitted that the modified development is consistent with the Desire Future Character of the B2 Locality for the following reasons:

- The development does not change the existing development on site to an extent that changes the character of the Oxford Falls Valley locality.
- Housing for older people is exempted from the housing density requirements. The non-compliance of subdivision to separate the existing dwelling house has been considered and approved under the previous DA2009/0800.
- The proposal does not require vegetation clearance. The low intensity, low impact use will remain unchanged. The proposed landscape design reflects the existing condition and includes the improvements done by the village operator and residents.
- Stormwater services are enhanced to better accommodate runoffs during higher intensity storm events.

The following is an assessment of the proposal against all of the Built Form Controls applying to development within the B2 Locality.

Control	Requirement	Proposed	Compliance
<b>Housing Density</b>	1 dwelling per 2Ha	1 dwelling per 2,064m <sup>2</sup>	No – Approved under DA2009/0800
	Not required for housing for older people	1 dwelling per 770m <sup>2</sup>	Yes
<b>Building Height</b>	Maximum Height: 8.5m	8.5m	Yes
<b>Front Building Setback</b>	20m 10m to secondary road	20m	Yes

<b>Rear Building Setback</b>	N/A	N/A	N/A
<b>Side Boundary Setback</b>	10m	>10m	Yes
<b>Landscape Open Space</b>	Minimum of 30%	74.4%	Yes

The following clauses of the LEP are also considered to be relevant to the proposed development.

**Clause 29 – On what grounds can application for housing for older people or people with disabilities not be refused?**

<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Building Height</b>	8m or less (measured vertically from ceiling to topmost floor to ground level immediately below)	8m	Yes
<b>Density and Scale</b>	Self care – 0.5:1	0.246:1	Yes
<b>Landscaped Area</b>	35m <sup>2</sup> per dwelling for self care units	Each dwelling provides in excess of 35m <sup>2</sup>	Yes
<b>Parking</b>	0.5 space per bedroom	The proposal provides parking at a rate of 0.5 per bedroom	Yes
<b>Visitor Parking</b>	1 space per 5 units	10 outdoor visitor parking, 2 visitor parking in building 8 and 1 visitor parking in the community centre	Yes
<b>Landscaped Area</b>	Width *15% of length	Well in excess of 15% of the site	Yes
<b>Private Open Space</b>	Ground Floor 15m <sup>2</sup> First Floor 6m <sup>2</sup>	All dwellings comply	Yes

#### Clause 40 – Housing for older people or people with disabilities

Control	Requirement	Proposed	Compliance
<b>Adequate access to facilities</b>	Site within 400m of a shopping centre or bus stop	No change to the existing arrangement.	Yes
<b>Adequate access to services</b>	Reasonable access to meals, nursing and housework	No change to existing arrangement	Yes
<b>Wheelchair access</b>	Site Gradient: 100% of dwellings to have continuous path of travel to public road, internal road or driveways	All dwellings have a continuous path of travel to the public domain and community centre	Yes
	Road Access: 10% of dwellings to have continuous path of travel to public road	All dwellings have a continuous path of travel to public road.	Yes
	Common Areas: Access to be provided to all common areas and facilities	All dwellings have a continuous path of travel to community centre.	Yes
	Adaptability: 10% of dwellings to have a continuous path to all essential areas and facilities in the dwelling	Access if provided to all essential areas within all dwellings	Yes

#### Schedule 16 – Principles and standards for housing for older people or people with disabilities

Control	Requirement	Proposed	Compliance
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<b>1. Identification</b>	If more than one (1) street, street signage incorporating house numbers at each intersection	No change to existing arrangement.	Yes
<b>2. Security</b>	Pathway lighting to be positioned at a low height and to be a minimum of 50 lux	No change to existing arrangement.	Yes
<b>3. Letterboxes in multi-dwelling developments</b>	Must be lockable, located together in a central location adjacent to the street entry and be situated on a hard standing area with wheelchair access.	No change to existing arrangement. Each dwelling has its own letterbox. Letter will be distributed to each dwelling.	Yes
<b>4. Private car accommodation</b>	Spaces are to be not less than 6m * 3.2m and garages are to have an internal clearance of 2.5m and must have a power operated roller door.	No change. The spaces in building 8 for residents are disabled parking spaces; the car park has a power operated roller door and 2.5m clearance.	Yes
<b>5. Accessible Entry</b>	All entries must have a slope that does not exceed 1:40 and must comply with Clauses 4.3.1 and 4.3.2 of AS4299 and must have an entry door handle and other hardware that complies with AS1428	No change. The entry of building 8 has a slope that does not exceed 1:40.	Yes
<b>6. Exterior – general</b>	All external doors to any one (1) dwelling must be keyed alike.	All external doors are keyed alike.	Yes

<b>7. Interior – General</b>	Internal doors must have a clearance of at least 820mm and internal corridors must have a width of at least 1000mm and the width of internal door approaches must be at least 1200mm.	All comply.	Yes
<b>8. Living &amp; dining room</b>	A living room must have a circulation space of at least 2250mm in diameter and as set out in Clause 4.6 of AS4299 and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300lux.	All comply.	Yes
<b>9. Kitchen</b>	A kitchen in a self – contained dwelling must have a width of at least 2.7m and a clear space between benches of at least 1450mm, and additional requirements as specified in the schedule	All comply.	Yes
<b>10. Main bedroom</b>	The main bedroom must have an area sufficient to accommodate a wardrobe and a queen size bed and a minimum of 1200mm clear space at the foot of the bed, etc.	All comply.	Yes



<b>11. Bathroom</b>	A bathroom must have an area in compliance with AS1428 and a slip resistant floor surface and a shower complying with requirements of schedule 16, etc.	All comply.	Yes
<b>12. Toilet</b>	A dwelling must have a toilet that is visitable toilet with the meaning of Clause 1.4.12 of AS4299, with a slip resistant floor surface, and additional requirements as per the schedule	All comply.	Yes
<b>13. Access to kitchen, main bedroom, bathroom &amp; toilet</b>	Kitchen, main bedroom, bathroom and toilet must be located on the ground floor, etc.	All dwellings are one storey.	Yes
<b>14. Laundry</b>	A self contained dwelling must have a laundry that has provision for the installation of an automatic washing machine, etc.	All comply.	Yes
<b>15. Storage</b>	Dwelling must have a linen cupboard that is at least 600mm wide and has adjustable shelving.	All comply.	Yes
<b>16. Doors</b>	Door hardware provided as the means for opening doors must be able to be operated with one (1) hand and located between 900mm and 1100mm above floor level.	All comply.	Yes

<b>17. Surface finishes</b>	Balconies and external paved areas must have slip resistant surfaces.	All comply.	Yes
<b>18. Ancillary items</b>	Switches must be located between 900mm and 1100mm above floor level and general purpose outlets must be located at least 600mm above floor level.	All comply.	Yes
<b>19. Garbage</b>	An outside garbage storage area must be provided in an accessible location.	No change. Each dwelling in building 8 will keep garbage bins in the basement bin storage room. Waste will be picked up by building management and transported to a designated Waste Collection Area capable of being serviced by private waste contractors.	Yes
<b>20. Applications by certain housing providers</b>	N/A	N/A	N/A
<b>21. Neighbourhood amenity and streetscape</b>	The proposed development should maintain neighbourhood amenity and streetscape.	The neighbourhood amenity and streetscape will be maintained.	Yes

#### Other relevant provisions

Control	Proposed	Compliance
<b>CL38 Glare &amp; reflection</b>	The external design ensures no excessive impact on glare and reflection	Yes

<b>CL42 Construction Sites</b>	A construction management plan complying with all relevant requirements will be prepared before construction.	Yes
<b>CL43 Noise</b>	Construction Noise will be managed to an acceptable level during construction.	Yes
<b>CL48 Potentially Contaminated Land</b>	There is no potential contamination issue identified on site.	Yes
<b>CL50 Safety &amp; Security</b>	All units in development will provide a reasonable level of passive surveillance to the proposed road access and associated pedestrian pathways.	Yes
<b>CL51 Front Fences and Walls</b>	The proposed Masonry post and rail fencing along Lady Penrhyn Drive is compatible with the streetscape character along the road and slows casual surveillance.	Yes
<b>CL52 Development Near Parks, Bushland Reserves &amp; other Public Open Spaces</b>	No change to existing arrangement.	Yes
<b>CL54 Provision and Location of Utility Services</b>	No change to existing arrangement.	Yes
<b>CL56 Retaining Unique Environmental Features on Site</b>	No change to existing arrangement. Approved Vegetation Management Plan is still applicable.	Yes
<b>CL57 Development on Sloping Land</b>	The modified building 8 requires the same volume of cut and fill comparing with the approved building 8.	Yes
<b>CL58 Protection of Existing Flora</b>	No change to existing arrangement.	Yes
<b>CL59 Koala Habitat Protection</b>	No change to existing arrangement.	Yes
<b>CL61 Views</b>	The proposal will not affect the views of neighbouring properties.	Yes
<b>CL62 Access to sunlight</b>	No Change.	Yes

<b>CL63 Landscaped Open Space</b>	The development provides landscaped area, well in excess of the requirement of this Clause.	Yes
<b>CL63A Rear Building Setback</b>	Adequate landscaped open space is proposed.	Yes
<b>CL64 Private Open Space</b>	The private open space provided for each dwelling is satisfactory in addressing the requirement of this Clause.	Yes
<b>CL65 Privacy</b>	The siting and internal layout of the proposed dwellings are unlikely to have adverse impact on the visual and/or acoustic privacy of potential residents of the development.	Yes
<b>CL66 Building Bulk</b>	The new building is of similar building bulk to existing buildings on site.	Yes
<b>CL67 Roofs</b>	The proposed roof form is integral to the style of the building.	Yes
<b>CL68 Conservation of Energy and Water</b>	BASIX certificate has been provided.	Yes
<b>CL69 Accessibility – Public and Semi-public Buildings</b>	All dwellings have a continuous path of travel to the Community Centre	Yes
<b>CL70 Site facilities</b>	No change to existing arrangement.	Yes
<b>CL71 Parking facilities (visual impact)</b>	The parking facilities are within the basement.	Yes
<b>CL72 Traffic Access &amp; Safety</b>	No change to existing arrangement.	Yes
<b>CL74 Provision of Carparking</b>	The carparking provision complies with Schedule 17.	Yes
<b>CL75 Design of Carparking Areas</b>	The design of car park complies with relevant standards.	Yes
<b>CL76 Management of Stormwater</b>	No change to existing arrangement.	Yes
<b>CL77 Landfill</b>	The proposed building 8 requires the same volume of cut and fill comparing with the approved building 8.	Yes
<b>CL78 Erosion &amp; Sedimentation</b>	The proposed modification does not affect the approved erosion and sediment control plan.	Yes
<b>Schedule 17</b>	The proposed number of parking spaces comply with schedule 17.	Yes

## 5.0 ENVIROMENTAL PLANNING ASSESSMENT

An assessment of the modification application has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

### 5.1 Section 4.15(1)(a)(i) - Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The modification application is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

### 5.2 Section 4.15(1)(a)(ii) - Draft Environmental Planning Instruments

There are no known drafts Environment Planning Instruments applicable to the subject site.

### 5.3 Section 4.15(1)(a)(iii) – Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

### 5.4 Section 4.15(1)(a)(iiia) – Planning Agreement or Draft Planning Agreement Entered Into Under Section 7.4

There are no known planning agreements that apply to the site or development.

### 5.5 Section 4.15(1)(a)(iv) – Regulations

There are no sections of the regulations that are relevant to the proposed modification application at this stage.

### 5.6 Section 4.15(1)(b) – Impacts of The Development

The following impacts have been considered in the preparation of this modification application.

#### 5.6.1 Bushfire Risk

The subject site has been identified as bushfire prone land.

The proposed changes to Building 8 are mainly internal and will not change the approved Asset Protection Zone. The other proposed changes do not impact bushfire risk.

#### 5.6.2 Accessibility

Special consideration on the accessibility has been given during the design process. All areas of new building 8 complies with SEPP (Housing) 2021 and Building Codes Australia, where applicable, have been catered for with this

development in regard to the buildings themselves and the associated car parking and access to the surrounding built environment.

### **5.6.3 Flora and Fauna, Biodiversity Management**

The proposed modification does not alter the footprint of building 8 except for the additional part at the north western corner of the building. This application does not involve the vegetation clearance or any further impact on the flora and fauna. The current Vegetation Management Plan that implemented for the property is still applicable.

### **5.7 Section 4.15(1)(c) – Site Suitability**

The modification application is consistent with the planning intent that applies in the B2 – Oxford Falls Valley Locality. For the reasons outlined in this report the site is considered suitable for this modification application

### **5.8 Section 4.15(1)(d) – Submissions**

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

### **5.9 Section 4.15(1)(e) – The Public Interest**

Given the type of development, its compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this modification application.

### **5.10 Section 4.15(3A) - Development Control Plans**

Warringah Development Control Plan 2000 applies to the site. The proposed modification application complies with the DCP.



## 6.0 CONCLUSION AND RECOMMENDATION

The proposed modification application has been assessed against the requirements of the Warringah LEP and DCP and is considered to represent a form of development that is acceptable.

The proposal modification application would not result in any unacceptable impact on the site and surrounding area. The proposed modifications comply with relevant controls that have been assessed against the original development application.

An assessment against section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly it is recommended that the proposed modifications to approved boarding house on the site be approved.