

STATEMENT OF ENVIRONMENTAL EFFECTS

Residential Flat Building In-fill Affordable Housing

45-45A Oaks Avenue, Dee Why



20 June 2024
Prepared by Chapman Planning

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1.0 INTRODUCTION and SUMMARY

This statement has been prepared for *Mackenzie Architects International* as part of the supporting documentation for a development application for land at 45-45A Oaks Avenue, Dee Why.

The development proposal is for the demolition of the existing attached dwellings on the subject site, and construction of a four storey residential flat building development with basement carparking. The proposal contains a total of 12 x apartments including 1, 2 and 3 bedroom units, including 2 x affordable rental units.

A basement carpark level proposed accessed via driveway crossover at the north-eastern corner of the site, and contains a total of 11 x car spaces (including 4 x spaces within a car stacker), bicycle parking, plant/equipment areas, and waste storage rooms.

The development application is made under *State Environmental Planning Policy (Housing) 2021* – (Housing SEPP) with 2 x dwellings within the development proposed to be utilized as affordable rental housing. The definition of *affordable housing* and the planning provisions contained in the Housing SEPP are addressed at Section 4.4 of this Statement.

The subject site is zoned R3 – Medium Density Residential zone under the *Warringah Local Environmental Plan 2011* (LEP) and the proposed *residential flat building* is permissible with development consent. The proposal has a maximum height of 14m measured to the top of roof form at the central part of the site and complies with the maximum permitted building height pursuant to Clause 18(2) of the *Housing SEPP* which provides a height bonus for affordable housing development where an additional floor space ratio is not used. The *Warringah LEP 2011* does not contain an FSR control for the site and as such the proposal benefits from additional building height of up to 30% pursuant to the *Housing SEPP*.

The subject site is located on the southern side of Oaks Avenue, approximately 300m east of the intersection of Pittwater Road and Oaks Avenue, Dee Why. The eastern side boundary of the site adjoins a 3-4 storey residential flat building at 47-49 Oaks Avenue, and the western and southern boundaries of the site adjoin a low-rise 3 storey residential flat development at 54 Oaks Avenue, Dee Why. A high-rise residential flat building development – 8 storeys is located east of the site at 53 Oaks Avenue adjacent to St Kevins Catholic Primary School.

The site currently consists of two allotments each containing a single storey semi-detached dwelling. Each lot contains vehicular access via driveway crossing from Oaks Avenue, with attached garages located at the rear of the site. The site contains some vegetation including trees within the rear setback and garden area within the front setback.

The surrounding locality is characterised by low-rise residential flat building development comprising older housing stock of 2-3 storeys within the direct

vicinity of the site. Newer development in the locality including 53 Oaks Avenue to the east of the site, and contemporary redevelopment within the Dee Why town centre consists of 7-8 storey residential flat building and mixed use development. The site is within close proximity to open space, commercial services, and public transport including the Dee Why Town Centre 120m north-west of the site, Dee Why Beach approximately 730m east of the site, and the Westfield Warringah Mall and Brookvale Town Centre approximately 2km south-west of the site. The site is within an accessible area – 350m walking distance of bus stops along Pittwater Road which are regularly serviced.

In addition to this Statement of Environmental Effects the development application is accompanied by:

- *Survey Plan dated 22 December 2023 prepared by C&A Surveyors,*
- *Architectural Plans numbered A0001-A3006 Revision B dated 23 May 2024 prepared by MAI,*
- *Solar Access and Shadow Diagrams numbered A4001 – A4107 Issue B dated 23 May 2024 prepared by MAI,*
- *Design Verification Statement prepared by MAI,*
- *Landscape Plans dated 24 May 2024 prepared by Paul Scrivener Landscape,*
- *Stormwater Management Plans dated 24 May 2024 prepared by S&G Consultants Pty Ltd,*
- *Arboricultural Impact Assessment dated 20 June 2024 prepared by Advanced Treescape Consulting,*
- *Access Report dated 24 May 2024 prepared by Access Link Consulting,*
- *Preliminary Site Investigation dated 22 May 2024 prepared by EI Australia,*
- *Preliminary Geotechnical Assessment dated 6 June 2024 prepared by EI Australia,*
- *Traffic and Parking Assessment Report dated 22 May 2024 prepared by Terraffic,*
- *Waste Management Plan dated May 2024 prepared by Auswide Consulting,*
- *BASIX certificate.*

In this Statement of Environmental Effects, the proposal is presented and assessed in relation to the relevant planning controls, being:

- *State Environmental Planning Policy (Housing) 2021,*
- *State Environmental Planning Policy (Sustainable Buildings) 2022,*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021,*
- *State Environmental Planning Policy (Resilience and Hazards) 2021,*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021,*
- *Warringah Local Environmental Plan 2011,*
- *Warringah Development Control Plan 2011, and*
- *Section 4.15 Environmental Planning and Assessment Act 1979.*

1.1 Pre-Development Application Meeting

A Pre-Development Application meeting was held with Council on 23 January 2024 – PLM2023/0157 for the development of the site to contain a residential flat building.

Following Pre-DA comments received from Council, the development has been amended to a residential flat building development containing affordable housing subject to the provisions of the Housing SEPP with respect to built form character, building height, landscaped/deep soil area, solar access, and parking.

The matters raised by Council in the Pre-DA comments provided under PLM2023/0157 have been considered throughout this Statement of Environmental Effects where relevant to the proposal under the Housing SEPP, with variations proposed to the setback, landscaped area, and parking controls of the Warringah DCP addressed within this report.

2.0 SITE and CONTEXT

2.1 Locality Description

The subject site is located on the southern side of Oaks Avenue, approximately 300m east of the intersection of Pittwater Road and Oaks Avenue, Dee Why.

The surrounding locality is characterised by low-rise residential flat building development comprising older housing stock of 2-3 storeys within the direct vicinity of the site. Newer development in the locality including 53 Oaks Avenue to the east of the site, and contemporary redevelopment within the Dee Why town centre consists of 7-8 storey residential flat building and mixed use development.

The site is within close proximity to open space, commercial services, and public transport including the Dee Why Town Centre 120m north-west of the site, Dee Why Beach approximately 730m east of the site, and the Westfield Warringah Mall and Brookvale Town Centre approximately 2km south-west of the site. The site is within an accessible area – 350m walking distance of bus stops along Pittwater Road which are regularly serviced.

The location of the subject site is shown in the following aerial photograph.



Source: SIX Maps

The streetscape and adjoining properties are shown in the following photographs.

Photograph 1 depicts the Oaks Avenue streetscape looking west of the site.



Source: Google Maps

Photograph 2 depicts the Oaks Avenue streetscape looking east of the site.



Source: Google Maps

Photograph 3 depicts contemporary redevelopment within the Dee Why Town Centre along the northern side of Oaks Avenue, north-west of the site.



Source: Google Maps

2.2 Site Description

The legal description of the subject site is Lots 1 and 2 in DP 593609 also known as 45 and 45A Oaks Avenue, Dee Why. The amalgamated site is a rectangular shaped allotment with a 15.2m frontage to Oaks Avenue, a maximum site depth of 50.43m and a total area of 768.7m².

The eastern side boundary of the site adjoins a 3-4 storey residential flat building at 47-49 Oaks Avenue, and the western and southern boundaries of the site adjoin a low-rise 3 storey residential flat development at 54 Oaks Avenue, Dee Why. A high-rise residential flat building development – 8 storeys is located east of the site at 53 Oaks Avenue adjacent to St Kevins Catholic Primary School.

The site currently consists of two allotments each containing a single storey semi-detached dwelling. Each lot contains vehicular access via driveway

crossing from Oaks Avenue, with attached garages located at the rear of the site. The site contains some vegetation including trees within the rear setback and garden area within the front setback.

The land has a cross-fall from the north-western corner of the site – RL17.30 to the south-eastern corner of the site – RL20.39 of approximately 3m across a length of 50m.

The aerial photograph below depicts the subject site and adjoining properties.



Source: Six Maps

Photograph 4 depicts the existing dwellings on the site.



Source: Chapman Planning

Photograph 5 depicts the existing dwellings on the site and the residential flat building adjoining the western boundary – 43 Oaks Avenue, Dee Why.



Source: Chapman Planning

Photograph 6 depicts the existing dwellings on the site and the residential flat building adjoining the eastern boundary – 47-49 Oaks Avenue, Dee Why.



Source: Chapman Planning

3.0 DEVELOPMENT PROPOSAL

The development proposal is for the demolition of the existing attached dwellings on the subject site, and construction of a four storey in-fill affordable residential flat building development with basement carparking. The proposal contains a total of 12 x apartments including a mix of 1, 2 and 3 bedroom units, including 2 x affordable rental units.

The development application is made under *State Environmental Planning Policy (Housing) 2021* – (Housing SEPP) with 2 x dwellings within the

development proposed to be utilized as affordable rental housing. The definition of *affordable housing* and the planning provisions contained in the Housing SEPP are addressed at Section 4.4 of this Statement.

The development proposal is described in detail as follows:

▪ **Basement Level**

A basement carpark level proposed accessed via driveway crossover at the north-eastern corner of the site, containing a total of 11 x car spaces (including 4 x spaces within a car stacker), bicycle parking, plant/equipment areas, and waste storage rooms.

A turntable is proposed at the north-eastern portion of the basement allowing for vehicles to exit the proposed carpark in a forward direction. A central lift and stair core provides access from the basement carpark to the levels of the development above.

▪ **Ground Floor**

The proposed development has been designed in a contemporary built form with a central pedestrian entry path from the street, providing access to a residential lobby containing lift and stair access to the levels above.

The ground floor level contains 1 x 1 bedroom apartment sized 54.45m², 1 x 2 bedroom apartment sized 75m², and 1 x 3 bedroom apartment sized 98.27m². Unit G01 is orientated towards Oaks Avenue and provided with private open space - balcony 900mm above the ground floor level within the front setback area with direct outlook to the street providing activation of the public domain and passive surveillance of the street from this dwelling. Units G02 and G03 are designed with rear-facing courtyard areas sized 58m² with landscaped lawn areas.

Each unit has been designed with an open plan kitchen, living and dining area with direct access to the dwelling's private open space, and are provided with a central bathroom, laundry closet, and internal storage areas. Units G02 and G03 are also provided with an ensuite bathroom accessed from its primary bedroom.

▪ **First and Second Floor**

The first and second floor levels of the development each contain 1 x 1 bedroom apartment sized 63.48m² and 3 x 2 bedroom apartments sized 75m²-76.9m², and each provided with balconies – private open space sized 10m²-11.65m². Each unit has been designed with an open plan kitchen, living and dining area with direct access to its balcony and are provided with a central bathroom, laundry closet, and internal storage areas. The two bedroom units also contain an ensuite bathroom accessed from their primary bedrooms.

Units 103 and 104 have been dedicated as affordable rental housing units. Units 102 and 202 are designed as adaptable units.

▪ Third Floor

The third floor of the development contains 1 x 3 bedroom apartment sized 117.3m², provided with a balcony – private open space sized 12.22m². This unit has been designed with an open plan kitchen, living and dining area with direct access to its balcony and provided with a central bathroom, laundry closet, and internal storage areas.

The southern portion of the third floor level contains a rooftop communal open space area including outdoor seating and BBQ facilities for the use of the residents of the development. Landscaped planters are proposed at the edges of the communal open space area.

▪ Roof Level – Materials and Finishes

The rooftop level of the development contains a secondary rooftop communal open space area sized 95.9m² orientated towards Oaks Avenue with landscaped planter areas at the side edges of the terrace to provide visual separation from the adjoining properties to the east and west.

The proposal has been designed in a contemporary 3-4 storey form that incorporates a flat roof form, with the third floor level of the development – Unit 301 recessed from the edges of the floors below to minimise the visual prominence of the upper-most level. The development has been designed with a mixture of materials and finishes including pre-cast concrete panels, light and dark painted render, metal cladding, metal louvres and glass balustrading.

▪ Landscape Works

The application is supported by a Landscape Plan prepared by *Paul Scrivener Landscape*. The landscape plan shows proposed landscape works within the front, side and rear setbacks of the site including consolidated deep soil landscaped areas at the front and rear portions of the site.

The proposed landscaping includes the planting of a range of canopy trees, screen planting, shrubs, and groundcovers across the site. The proposed canopy trees include *Lilly Pilly*, *Grey Myrtle*, *Coast Banksia* and *Flax Leaf Paperbark*.

The proposal includes the retention and removal of a number of trees across the site in accordance with the submitted landscape plan, with the application supported by an Arborist Report prepared by Advanced Treescape Consulting which supports the encroachment into the tree protection zone for the trees to be retained and the removal of the nominated trees subject to suitable replacement trees as shown on the landscape plan prepared by *Paul Scrivener Landscape*.

4.0 PLANNING CONTROLS

4.1 SEPP (Sustainable Buildings) 2022

A BASIX certificate has been prepared for the development and found that the proposed residential flat building complies with the State Government's water and energy reduction targets.

4.2 SEPP (Resilience and Hazards) 2021

Chapter 4 of this SEPP requires the consent authority to consider whether land is contaminated and if contaminated it is satisfied that the land is suitable for the purpose.

The development application is supported by a Preliminary Site Investigation prepared by EI Australia. The Preliminary Site Investigation concludes:

Based on the findings of this PSI, and with considerations of EI's Statement of Limitations (Section 7), EI consider that there is generally a low risk of potential contamination to be present onsite that could preclude the proposed side development. The additional works required for determining site suitability can be adequately managed as part of the development consent process and the State Environmental Planning Policy (Resilience and Hazards) 2021.

Any minor contamination impacts will be managed with the application of the recommendations proved in Section 6.

4.3 SEPP (Biodiversity and Conservation) 2021

The aims of Chapter 2 of this SEPP are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

This development application seeks the removal of trees on the site, and is supported by an Arborists Report prepared by Advanced Treescape Consulting which confirms the proposed tree removal is appropriate for the site subject to suitable replacement trees in accordance with the landscape plan prepared by *Paul Scrivener Landscape*. Landscaping is proposed to off-set the removal of established vegetation on the subject site as depicted on the submitted landscape plan prepared by *Paul Scrivener Landscape*.

4.4 SEPP (Housing) 2021

The development application for in-fill affordable housing is pursuant to Chapter 2, Part 2 – Division 1, Clause 15C of the Housing SEPP. This Division applies to the proposal as *residential flat buildings* are permissible with development consent on the subject site under the Warringah LEP 2011, and greater than 10% of the gross floor area of the development is to be used for the purposes of affordable housing.

The subject site is within an accessible area being within 350m walking distance of bus stops 209924 and 209913 along Pittwater Road, which are regularly serviced between 6am-9pm Monday-Friday and 8am-6pm Saturday-Sunday.

Section 1.4 of the Environmental Planning & Assessment Act 1979 defines *affordable housing* as:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

Clause 13 of the Housing SEPP defines *very low income*, *low income*, and *moderate income households* as follows:

(1) *In this Policy, a household is taken to be a very low income household, low income household or moderate income household if—*

(a) *the household—*

(i) *has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—*

(A) *very low income household—less than 50%,*

(B) *low income household—50–less than 80%,*

(C) *moderate income household—80–120%, and*

(ii) *pays no more than 30% of the gross income in rent, or*

(b) *the household—*

(i) *is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and*

(ii) *pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme.*

The relevant matters contained within Part 2, Division 1 of the SEPP are addressed in the table below:

SEPP (Housing) 2021 – Chapter 2 Affordable Housing <i>Part 2 Development for affordable housing – Division 1 In-fill affordable housing</i>	
Clause 15C Development to which division applies	Assessment/Comment
<p>(1) <i>This division applies to development that includes residential development if—</i></p> <p>(a) <i>the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i></p> <p>(b) <i>the affordable housing component is at least 10%, and</i></p>	<p>Complies – The site is zoned R3 Medium Density Residential zone and <i>residential flat buildings</i> are permissible in the zone and as such this Part of the SEPP applies.</p>

<p><i>(c) all or part of the development is carried out—</i></p> <p><i>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</i></p> <p><i>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</i></p> <p><i>(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</i></p> <p><i>(3) In this section—</i> relevant zone means the following— <i>(a) Zone E1 Local Centre,</i> <i>(b) Zone MU1 Mixed Use,</i> <i>(c) Zone B1 Neighbourhood Centre,</i> <i>(d) Zone B2 Local Centre,</i> <i>(e) Zone B4 Mixed Use.</i></p>	<p>Complies – 152.94m² GFA, 16% of the development is dedicated to affordable housing. (Total development GFA 927.95m²).</p> <p>The site is within an accessible area being 350m-400m walking distance of bus stop 209924 and 209913 along Pittwater Road which are regularly serviced between 6am-9pm Mon-Fri and 8am-6pm Sat-Sun by the Dee Why B-Line buses, 178, 179, 180, 180X, 181X and 199 Lines.</p> <p>N/A</p> <p>N/A</p> <p>Noted</p>
<p>Clause 16 Affordable housing requirements for additional floor space ratio</p>	
<p><i>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</i></p> <p><i>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i></p> <p><i>affordable housing component = $\frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$</i></p>	<p>The site is not subject to a maximum permissible FSR control pursuant to the Warringah LEP 2011.</p>

<p>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p> <p>Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</p> <p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	
<p>Clause 18 Affordable housing requirements for additional building height</p>	
<p>(1) This section applies to development that includes residential development to which this division applies if the development—</p> <p>(a) includes residential flat buildings or shop top housing, and</p> <p>(b) does not use the additional floor space ratio permitted under section 16.</p> <p>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</p> <p>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> $\text{affordable housing component} = \frac{\text{additional building height}}{(\text{as a percentage})} \div 2$	<p>The proposal is for a residential flat building and does not use the additional FSR permitted under Section 16, as no FSR control applies to the site pursuant to the <i>Warringah LEP 2011</i>.</p> <p>The LEP contains a maximum height control of 11m for the site. The affordable housing component of the development is 16.4% of the total gross floor area, and as such an additional building height of 30% is provided to the development resulting in a maximum height of 14.3m.</p> <p>The proposal has a maximum height of 14m and therefore complies.</p>

Clause 19 Non-discretionary development standards – the Act, s4.15	
<p><i>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i></p> <p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p>	
<p><i>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</i></p> <p><i>(a) a minimum site area of 450m²,</i></p>	Complies
<p><i>(b) a minimum landscaped area that is the lesser of—</i></p> <p><i>(i) 35m² per dwelling, or</i></p> <p><i>(ii) 30% of the site area,</i></p>	Complies – The minimum required landscaped area for the site is 30% ² . The proposal provides 257.31m ² – 33.47% and complies.
<p><i>(c) a deep soil zone on at least 15% of the site area, where—</i></p> <p><i>(i) each deep soil zone has minimum dimensions of 3m, and</i></p> <p><i>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i></p>	Complies – The minimum required deep soil area for the site is 15%. The proposal provides 116.68m ² – 15.17% and complies.
<p><i>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</i></p>	Complies – 9/12 units – 75% achieve 3 hours of solar access in midwinter between 9am-3pm to living rooms and private open space.
<p><i>(e) the following number of parking spaces for dwellings used for affordable housing—</i></p> <p><i>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i></p> <p><i>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i></p> <p><i>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i></p>	Complies – 2 x affordable units (2-bedroom units) are provided, requiring 1 x parking space.

<p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p>	<p>Complies – 10 x non-affordable units (1, 2 and 3 bedroom units) provided, requiring 9.5 x parking spaces.</p> <p>Total parking spaces – 11 spaces</p>
<p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p>	<p>Complies – all dwellings meet minimum unit size as per the ADG.</p>
<p>(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</p>	<p>N/A</p>
<p>(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—</p> <p>(i) for each dwelling containing 1 bedroom—65m²,</p> <p>(ii) for each dwelling containing 2 bedrooms—90m²,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</p>	<p>N/A</p>
<p>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</p>	<p>N/A</p>
<p>Clause 20 Design requirements</p>	
<p>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</p>	<p>N/A</p>
<p>(2) Subsection (1) does not apply to development to which Chapter 4 applies.</p>	<p>N/A</p>
<p>(3) Development consent must not be granted to development under this division unless the consent authority has</p>	<p>Complies – the development is compatible with desired future character for the precinct as established by the surrounding development</p>

<p><i>considered whether the design of the residential development is compatible with—</i></p> <p><i>(a) the desirable elements of the character of the local area, or</i></p> <p><i>(b) for precincts undergoing transition—the desired future character of the precinct.</i></p>	<p>context which consists of low-rise residential flat buildings as well as examples of 8+ storey development within the vicinity of the site.</p> <p>As detailed in the proceeding assessment of the development against the <i>design quality principles</i> of the SEPP, the development is consistent with the scale and density of surrounding contemporary redevelopment within the locality, whilst also sitting comfortably within the Oaks Avenue streetscape and as such is considered to be demonstrative of the expected scale of development within the precinct.</p>
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Chapter 4 of the Housing SEPP applies to the development application being a new residential flat building with more than 3 storeys and more than 4 self-contained dwellings.

Clause 147(1) of the SEPP states that the design of a residential apartment building must be in accordance with Schedule 9 of the Housing SEPP - *Design Quality Principles*. The following table assesses the development application in accordance with these principles. A Design Verification Statement prepared by MAI is submitted with the development application.

Principle	Comment
Context and Neighbourhood Character	<p>The proposed development is a 3-4 storey residential flat building located within the R3 Medium Density Residential zone within the catchment of the Dee Why Town Centre.</p> <p>The immediate locality is defined by low-rise residential flat building development, noting the immediate surrounds of the site are characterised by older housing stock between 3-4 storeys in height. There are 8+ storey development within the visual catchment of the site including the contemporary redevelopment within the Dee Why Town Centre west of the site.</p> <p>The development proposal has been designed with a 3-4 storey form, noting the uppermost level has been recessed from the rear of the site to reduce its visual impact upon the adjoining flat buildings to the east, south and west. The development responds to the established form of development within the neighbourhood, and is an appropriate contemporary redevelopment within the zone.</p>

	<p>The proposed building alignment – street setback aligns with that of the adjoining properties, and allows for a deep soil landscaped setback at the Oaks Avenue frontage – north-western corner of the site to provide appropriate landscaping to the public domain interface.</p> <p>The residential dwellings (1, 2 and 3 bedroom dwellings) include affordable rental housing units and adaptable units which contribute to the provision of affordable and diverse residential accommodation within the locality. The additional residential density is suitable within the context of the site being within close proximity to well-serviced bus stops and the nearby Dee Why Town Centre.</p>
Built Form and Scale	<p>The development proposal has been designed to present a suitable built form and scale of development to Oaks Avenue that will contribute to the desired future character of the locality and is consistent with the form and scale of established development in the locality.</p> <p>The building height is appropriate for the subject site complying with the maximum height limit set by the Housing SEPP which permits additional building height as a result of the provision of affordable housing.</p> <p>The development will not dominate the streetscape of Oaks Avenue noting the building has been designed in a slender vertically proportioned form, with an upper level that has been designed with dark metal cladding presenting a recessive appearance to the street. The proposed landscaping within the front setback includes canopy tree plantings to soften the appearance of the built form when viewed from the street.</p> <p>The building has been designed with a series of balconies, articulated/recessed elements and a variety of building materials and finishes on each façade to break up the overall scale of the development when viewed from the street frontage and site boundaries.</p>
Density	<p>The density of the building is compatible with the desired future character of the locality presented in the Warringah LEP and DCP, notwithstanding the additional height provided to the proposal under the</p>

	<p>provisions of the Housing SEPP. The proposed dwellings, including rental dwellings provide housing in the catchment of public open space, public transport, and nearby commercial centres – Dee Why Town Centre.</p> <p>The articulated building design, and variety of materials and finishes improve the presentation of the development to the public domain and serve to break up the building form, thereby presenting a suitable outcome for this site.</p>
Sustainability	<p>The residential units have been designed to maximise residential amenity for the subject site with 9 out of 12 units – 75% of the units to receive 3 hours of sunlight to living rooms in midwinter, and all units – 100% being cross-ventilated, thus reducing reliance on heating and cooling systems.</p> <p>The amenity of the units is attributed to the orientation of the subject site and the design of the building with all units designed with multiple aspects and the use of pop-out windows at the side elevations contributing to a good level of natural light to each unit.</p>
Landscape	<p>The development proposal includes 257.31m² – 33.47% of the site as landscaped area meeting the requirements of the Housing SEPP with respect to affordable housing, which will ensure the development is appropriately landscaped.</p> <p>The development includes 116.68m² – 15.17% of the site as deep soil areas across the site capable of accommodating more substantial landscaping – mature canopy tree plantings within the front and rear setbacks of the site. This presents a good outcome for this development within the R3 – Medium Density Residential zone.</p> <p>The development proposal is supported by a landscape plan prepared by <i>Paul Scrivener Landscape</i> that details a comprehensive landscape approach across the site. The landscape plan includes the planting of a range of mature trees, shrubs and groundcovers to offset the removal of existing vegetation.</p>
Amenity	<p>The units have been designed in accordance with the Apartment Design Guide ensuring the dwellings are of suitable dimension and designed to maximise solar</p>

	<p>access and ventilation with 9 out of 12 units – 75% of the units to receive 3 hours of sunlight to living rooms in midwinter, and all units – 100% being cross-ventilated.</p> <p>The design of the residential flat building development maximizes external glazing for cross ventilation to the units and provides opportunity for different views from dual aspect units.</p> <p>The development proposal includes various areas of communal open space providing residents additional access to sunlight and recreational areas at different times of the year.</p>
Safety	<p>The proposed dwellings include balconies and outdoor areas which promote casual surveillance of both the primary street frontage and communal areas of the site.</p> <p>The front-facing balcony provided to the ground floor unit contributes to passive surveillance and activation of the Oaks Avenue frontage.</p> <p>The entries to the proposed development will be access controlled with clear sightlines. The basement parking area will be finished with appropriate lighting, minimizing opportunities for concealment.</p>
Housing Diversity and Social Interaction	<p>The development proposal provides affordable housing to meet demand and addresses housing affordability with the provision of 1, 2 and 3 bedroom units (including adaptable and livable units) in accordance with market demand.</p>
Aesthetics	<p>The proposal contributes to the established density and character of the locality along Oaks Avenue, and represents an appropriate contemporary redevelopment of the site.</p> <p>The proposed built form – 3-4 storeys has been designed with the upper-most level contained within a recessed roof form with dark vertically proportioned metal cladding serving to reduce the visual prominence of the additional height provided to the development by the Housing SEPP. The design incorporates contemporary design elements including a mixture of materials and finishes include pre-cast concrete panels, light and dark painted render, metal cladding, metal louvres and glass balustrading</p>

	The elevations of the building incorporate recessed and framed components, with screening and pop-out window elements which provide visual articulation when viewed from the adjoining properties.
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In accordance with Clause 147(1)(b) of the SEPP, the Apartment Design Guide is to be considered by the consent authority, and the following table assesses the development in accordance with the relevant controls contained in the ADG.

Apartment Design Guide	Design Criteria	Comment
Part 3 – Siting the Development		
Open Space (% & m ²) Communal	25% of the site area to be communal open space Principle C.O.S to receive 50% Direct sunlight, minimum 2 hours	Yes 193.02m ² – 25.11% The principle communal open space – rooftop terrace of the site will receive direct solar access throughout the day in midwinter.
Deep Soil Zone (% & m ²)	15% of site area to contain deep soil landscaping	Yes 116.68m ² – 15.17%
Visual Privacy	Setback to boundary <u>Up to 12m / 1 – 4 storeys:</u> <i>Non-Habitable:</i> 3m <i>Habitable:</i> 6m <u>Up to 25m / 5-8 storeys:</u> <i>Non-Habitable:</i> 4.5m <i>Habitable:</i> 9m	*Note 1
Vehicle + Pedestrian Access	Vehicle + Pedestrian access to be separated to achieve safety – minimise conflicts	Separate driveway and pedestrian entry
Bicycle and Car Parking	Car Parking – Proximity to public transport	Affordable housing parking rates prevail.
Design of Building		
Solar and Daylight Access	70% of units to receive 2 hours solar access in midwinter between 9am-3pm	Complies – 9/12 units – 75% receive required solar access
	No more than 15% of units to receive no solar access.	Complies – 1/12 units – 8% receive no solar access

Natural Ventilation	60% of units to be naturally ventilated	Complies – 12/12 Units – 100% of units are naturally ventilated
Ceiling Height (m) Residential Habitable	2.7m	Complies
Floor to Floor	3.1m	
Apartment Size and Layout (m) (Open plan max depth from window)	Maximum depth of open plan units from a window is 8m	Max. window depth is <8m from a kitchen
Standard Apartment Sizes (m ²)	1 Bedroom: 50m ² 2 Bedroom: 70m ² 3 Bedroom: 90m ²	Complies 1 bed: Min. 54.45m ² 2 bed: Min. 75m ² 3 bed: Min. 96.27m ²
Bedrooms	9m ² 10m ² (Master bedroom)	Complies
Living Rooms	4m width for 2/3 bed	Complies
Private Open Space and Balconies	Minimum balcony size: 1 Bedroom: 8m ² & 2m depth 2 Bedroom: 10m ² & 2m depth 3 Bedroom: 12m ² & 2m depth	Complies
Courtyards at ground	15m ² Minimum depth 3m	Complies
Storage (m ³)	Storage to be provided: 1 Bedroom: 8m ³ 2 Bedroom: 10m ³ 3 Bedroom: 12m ³	Complies 50% of storage is located within each unit
Universal Design	20% of units (2.4) to meet Silver Level Livable housing guidelines	Complies – 3 x units provided as silver level

Note 1: The proposal is for an infill residential flat building development containing affordable housing – 16% of the GFA of the development. The building has been designed with non-habitable conditions – blank walls/privacy screens at the side elevations to ensure the privacy of adjoining properties is maintained. The design of the development has oriented private open spaces and primary windows towards the front and rear boundaries, and away from the adjoining properties.

The side elevations of the development incorporate privacy screens to side windows and balconies, angled pop-out windows, and obscure glazing to living areas, with a part 3m setback to non-habitable conditions meeting Part 3F of the ADG.

The proposed setbacks and building separation area acceptable for the development being a small footprint infill affordable residential development which has been designed to provide the required landscaped/deep soil areas, unit sizes, communal open space, and parking for the proposed density. The

setbacks are considered appropriate with respect to the scale of the development and surrounding development context.

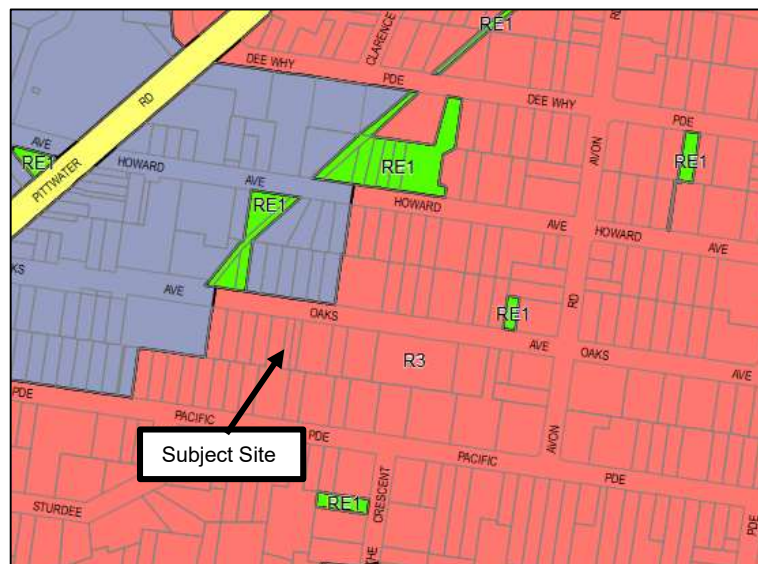
4.5 Warringah Local Environmental Plan 2011

The *Warringah Local Environmental Plan 2011* applies to the subject site and this development proposal. The subject site is zoned R3 – Medium Density Residential and *residential flat buildings* are a permissible land use within this zone.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposed *residential flat building* meets the above definition.

The following plan depicts the zoning of the subject site.



The objectives of the R3 Medium Density Zone are specified as:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

The development proposal achieves the objectives of the zone based on the following assessment:

- The proposal provides for additional housing consistent with the medium density residential environment within a built form that is suitable for the site and compatible with the character of the streetscape,
- The proposal contributes to a variety of dwelling types to contribute to the housing needs of the community within the medium density zone, including 1, 2 and 3 bedroom units as well as affordable and adaptable dwellings,
- The development has been designed to sit within a landscaped setting including deep soil planting areas within the front and rear setbacks that incorporate native canopy tree plantings to ensure the development is viewed within a landscaped setting,
- The development proposal presents an articulated built form to Oaks Avenue being compatible with the bulk and scale of adjoining development, and is of a high visual quality.

Clause 4.3 Height of Buildings of the LEP contains a building height control of 11m for the subject site. The proposal has a maximum height of 14m measured to the top of roof form at the central part of the site and complies with the maximum permitted building height pursuant to Clause 18(2) of the *Housing SEPP* which provides a height bonus of up to 30% (14.3m) for affordable housing development where an additional floor space ratio is not used.

Clause 4.4 Floor Space Ratio of the LEP does not contain a floor space ratio for the subject site.

Clause 5.10 Heritage Conservation does not apply to the proposal noting the site is not a heritage items or located within a heritage conservation area. The St Kevin's Catholic Church – Item I45 is located north-east of the site at 46-50 Oaks Avenue but will not be impacted by the proposal noting the development is located opposite Oaks Avenue and outside of the direct visual catchment of the item.

Clause 5.21 Flood Planning applies to the proposal noting the site is partly mapped as low hazard flood area pursuant to Northern Beaches Council flood mapping. The proposal is compatible with the flood hazard of the land noting Council's Flooding Engineers confirmed that a Flood Management Report is not required at Pre-DA.

Clause 6.1 Acid Sulfate Soils does not apply to the proposal noting the subject site is not identified as containing acid sulfate soils

Clause 6.2 Earthworks applies controls relating to earthworks. The proposed earthworks are assessed in accordance with the following matters at clause 6.2(3) of the LEP as follows:

- a) The development application is supported by a geotechnical report confirming soil stability can be achieved and the basement excavation will not impact on existing drainage patterns.
- b) The earthworks for the basement are associated with residential flat building consistent with the objectives of the R3 – Medium Density Residential zone, the locality and will not impact on redevelopment of the site.
- c) The development application is supported by a Preliminary Site Investigation prepared by EI Australia and the site investigation found that the site has low risk contamination and can accommodate the proposed residential development. The quality of fill and destination of excavated material can be addressed by condition.
- d) The proposed excavation works will not effect the amenity of the adjoining properties and mitigation measures associated with excavation can be addressed by condition.
- e) The source of fill material and the destination of any excavated material can be addressed by condition.
- f) The Aboriginal Heritage Information Management System (AHIMS) confirms the site is not subject to aboriginal heritage,
- g) The fill and minor excavation will not effect waterway, drinking water catchment or environmentally sensitive land.

Clause 6.4 Development on sloping land does not apply to the proposal noting the site is within Area A of the Landscape Risk Map.

4.6 Warringah Development Control Plan 2011

The Warringah DCP identifies the desired future character and design principles and controls for development within areas covered by the Warringah LEP. The numerical controls contained in the DCP are addressed in the Development Control Table as Section 5 of this statement.

This section of the Statement addresses the relevant sections of Parts C-F of the DCP.

Part C3 Parking Facilities

As detailed previously, the proposed development complies with the parking requirements for infill affordable residential flat building development pursuant to the Housing SEPP, providing 11 x parking spaces for the proposed 12 x units.

The proposal presents a variation to the provisions of Part C3 of the DCP which state that mechanical car stacking spaces should be avoided. It is considered that in the site circumstances, being an infill site, the use of a car stacker serves to reduce the excavation footprint of the development to one basement level being appropriate for the site, and allows for deep soil areas to be provided within the front and rear setbacks of the development.

The application is supported by a Traffic Report prepared by *Terraffic* which supports the proposed parking layout and confirms the proposed parking will comfortably cater to the parking generation requirements of the proposed units.

Part C4 Stormwater

The development application includes stormwater plans prepared by *SGC Consultants* that detail effective stormwater management from the subject site to address the requirements of Part C4 of the DCP.

Part C5 Erosion and Sedimentation

Part C5 applied to the development application noting the site is located on land classified as Area A of the Landscape Risk Map of the Warringah DCP 2011 and as such a Geotechnical Report has been submitted addressing the requirements of the DCP.

Part C7 Excavation and Landfill

Part C7 applies to the proposal noting the development application involves excavation for the site footings. The Development application is supported by a Geotechnical Report prepared by *EI Australia* that provides an analysis of the current sub surface conditions and recommendations for methods of excavation.

Part C9 Waste Management

Part C9 includes design principles for the effective management and handling of waste and recycling. The development proposal includes bin storage area located at the ground floor level. The bins will be wheeled to the street on collection day by residents.

The development application is supported by a waste management plan prepared by *AusWide Consulting*.

D14 Site Facilities

The development proposal includes garbage room storage within the parking area at ground level. Mailboxes are provided at pedestrian entrance adjoining driveway crossover.

D18 Accessibility

The development application is supported by an Access Report prepared by *Access Link Consulting* which addresses Part D18 of the DCP.

D19 Site Consolidation in the R3 and IN1 Zone

Part D19 contains provision regarding the consolidation of allotments for future development. The provisions of this part of DCP do not apply to the proposal noting the subject site is an existing isolated site located between existing residential flat buildings.

D20 Safety and Security

CPTED principles have been addressed through the design of the residential flat building, with the front elevation of the development addressing Oaks

Avenue with the entry/exit points of the site clearly visible from the public domain. Access to the site shall be controlled by key at the site entry.

The street frontage and common areas of the site, including the entry, communal bridge, parking area, pedestrian pathways and waste storage area, shall be clearly illuminated and have been designed to prevent entrapment points and blind corners.

The pedestrian access shall be demarcated through varied materials and finishes and features separate entrance and access path to driveway.

D22 Conservation of Energy and Water

A BASIX certificate has been prepared for the development and is submitted with the development application addressing the sustainability provisions of this Part of the DCP.

E1 Private Property Tree Management

Part E1 of the DCP applies to the proposal noting the development involves the removal of a number of existing trees on the site to accommodate the proposal. As addressed previously, the proposal is accompanied by an Arboricultural Impact Assessment confirming the proposal is acceptable with respect to tree removal.

E10 Landslip Risk

As addressed, the site is within Area A on the Landscape Risk Map.

The development application is supported by a Geotechnical Report prepared by EI Australia addressing site stability, the proposed design and its relationship to subsurface flow conditions.

Additionally, the development application includes stormwater plans prepared by *S&G Consultants* that detail effective stormwater management from the subject site.

E11 Flood Prone Land

The subject site is identified on Warringah DCP mapping as being low flood hazard land. The proposal is compatible with the flood hazard of the land noting Council's Flooding Engineers confirmed that a Flood Management Report is not required at Pre-DA.

5.0 DEVELOPMENT CONTROL TABLE

The following table is an assessment of the development proposal in accordance with the relevant numerical planning controls contained in the Warringah LEP 2011 and Warringah DCP 2011.

	Proposed	Standard	Compliance
Warringah LEP 2011			
Clause 4.3 Height of Buildings	14m	11m + 30% height bonus pursuant to Housing SEPP	Yes
Warringah DCP 2011			
Part B Built Form Controls			
B2 Number of Storeys	3-4 storeys	3 storeys	Note: Additional building height permitted in accordance with Housing SEPP
B3 Side Boundary Envelope	Variation to side boundary envelopes	5 metres side boundary envelope	*Note 1
B5 Side Boundary Setback	Side setbacks – 2-3m	4.5m	*Note 2
B7 Front Boundary Setback	6m	6.5m	*Note 2
B9 Rear Boundary Setback	6m	6m	Yes Note: Ground level private open space is not precluded from encroaching within rear setback
Part D Design Controls			
Landscape Open Space	257.31m ² & 33.47%	40%	Note: Housing SEPP prevails
Private Open space	8.64m ² – 12.22m ²	10m ² minimum dimension 2.5m	Note: Housing SEPP prevails
Solar Access	9/12 units receive solar access to POS	3 hours to 50% private open space	Note: Housing SEPP prevails

Note 1: The proposed development presents a variation to the side boundary envelope control measured at a height of 5m, with a 45° projection as a result of the site circumstances being an isolated infill development site. It is considered that any development of the land in accordance with the zoning and built form set out by the Warringah LEP and DCP, and Housing SEPP will likely protrude beyond the envelope set out by Part B3 of the DCP.

In the site circumstances, the proposed variation is acceptable as the development achieves the objectives of the control notwithstanding numerical non-compliance, based on the following:

- The proposal is not visually dominant by virtue of its height and bulk, being of a form that is compatible with the adjoining residential flat building development and will sit comfortably within the streetscape as a contemporary infill development that is consistent with the 3-4 storey scale of the adjoining development to the east.
- The variation does not result in any significant adverse solar access or privacy impacts upon adjoining properties and has been designed to

present reasonable impacts consistent with that envisioned within the zone upon the adjoining properties.

- The development has been designed in accordance with the provisions of the Housing SEPP which permit additional density – building height for the provision of affordable dwellings within the catchment of well-serviced public transit nodes. The additional building density proposed by the development is appropriate for the site being within the vicinity of the Dee Why Town Centre.

Note 2:

Further, the proposal presents a variation to the required side and front setback controls to side boundaries contained within the DCP. The proposed building setbacks are acceptable for the proposal being for an infill development, noting the front setback has been designed to align with the adjoining properties to the east and west, providing a consistent street alignment of built forms along Oaks Avenue.

The proposed variations to the side setback control of 4.5m are considered acceptable noting the proposal has provided non-habitable conditions and a 2m-3m setback with privacy screening and balconies orientated towards the front and rear of the site to mitigate privacy impacts upon adjoining properties. Further, recessed elements and articulation have been used along the side elevations to break up the built form. The development achieves the objectives of the control notwithstanding numerical variation based on the following assessment:

- The proposed setbacks allow for adequate deep soil landscaped areas within the front and rear setbacks and planting of mature canopy trees to ensure the building is located within a landscaped setting. The proposed variation to the side setback will be softened by proposed landscaping within planter areas, and whilst not being deep soil planting will suitably soften the proposal.
- The proposed setbacks do not contribute to significant visual bulk when viewed from the street, noting the proposed development is an infill development that is largely consistent with the form and scale of the adjoining properties, and the proposed deep soil areas ensure that in time landscaping will serve to soften the built form and ensure the development will not have an adverse visual impact upon the streetscape.
- The proposed setbacks meet the objectives of the ADG for building separation – non-habitable conditions where a reduced separation is proposed, with blank walls and privacy screens are provided to mitigate privacy impacts. The proposal is for the development of an isolated site and presents an appropriate design outcome being a slender building footprint and articulated built form.
- The proposed setbacks do not result in significant additional overshadowing or amenity impacts beyond that of a form of development envisioned for the site, and will not impact upon views.

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Planning Instruments

The planning instruments applying to the subject site and this development proposal are addressed in detail in the previous section of this report.

In summary, the subject site is zoned R3 - Medium Density Residential under the Warringah LEP 2011 and *residential flat buildings* are permissible with the consent of Council.

The proposal has been designed in accordance with the provisions of Chapter 2 of the Housing SEPP – non-discretionary standards which apply to in-fill affordable housing, and the Design Quality Principles contained in Schedule 9 of the Housing SEPP. As described in Section 4 of this Statement of Environmental Effects, the proposal complies with the non-discretionary standards of the Housing SEPP, and generally meets the design objectives contained in the Apartment Design Guide.

The development proposal meets the remaining relevant objectives and design controls contained in the Warringah DCP, noting the provisions of the SEPPs prevail above the DCP in the case of inconsistency.

6.2 Streetscape and Built Form

The subject site is an isolated parcel of land in the R3 – Medium Density Residential zone that has not been developed in accordance with the envisaged character of the medium density residential zone, and being an infill site the proposed development has been designed with an appropriate built form.

The development proposal has been designed with a 6m setback to Oaks Avenue consistent with the adjoining development to the east and west, with the proposed front setback to accommodate landscape works forward of the built form which ensure the development will be viewed within a landscape setting.

The development proposal has been designed in a slender built form with the upper level contained within dark recessive cladding to reduce its visual prominence, and is of a form that is consistent with the adjoining residential development within the R3 – Medium Density Residential zoned land.

The development proposal has been designed consistent with adjoining development noting the site is a remnant allotment surrounded by residential flat building development. The development proposal varies side setback and building envelope controls noting the existing site circumstances result in variations to achieve a development form consistent with the objectives of the zone. Notwithstanding, the building is well articulated with adequate deep soil landscape area within the front and rear setbacks.

The street elevation of the proposal is well-articulated with recessed elements serving to break-up the building form and further articulated through the use of a variety of materials and finishes.

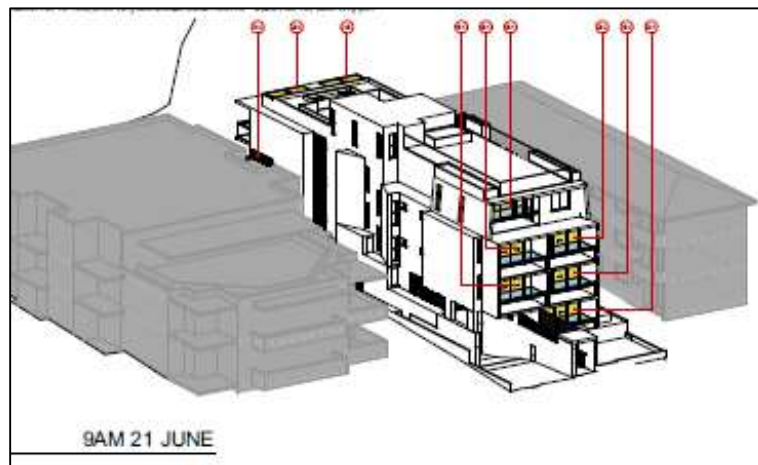
The development has been designed to be consistent with the desired future character set down by the planning controls noting the 3-4 storey form is compatible with nearby residential flat building development, and the proposed additional height can be comfortably absorbed on the site.

6.3 Solar Access and Overshadowing

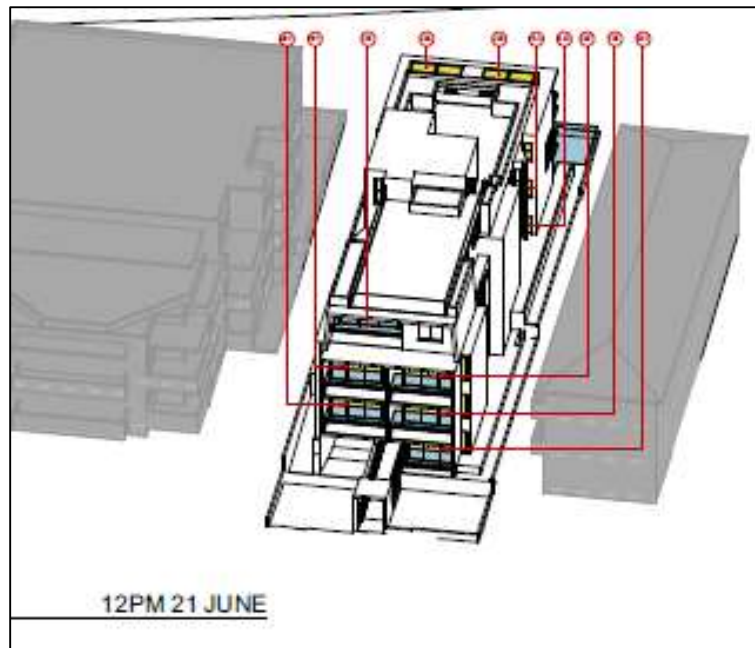
The development application is supported by solar access modelling prepared by MAI. The solar modelling confirms that 9/12 units (75%) will receive 3 hours of solar access at mid-winter meeting the requirements of the Housing SEPP.

With respect to the overshadowing impacts of the proposal upon the adjoining properties, the view-from-the-sun solar access diagrams confirm the following:

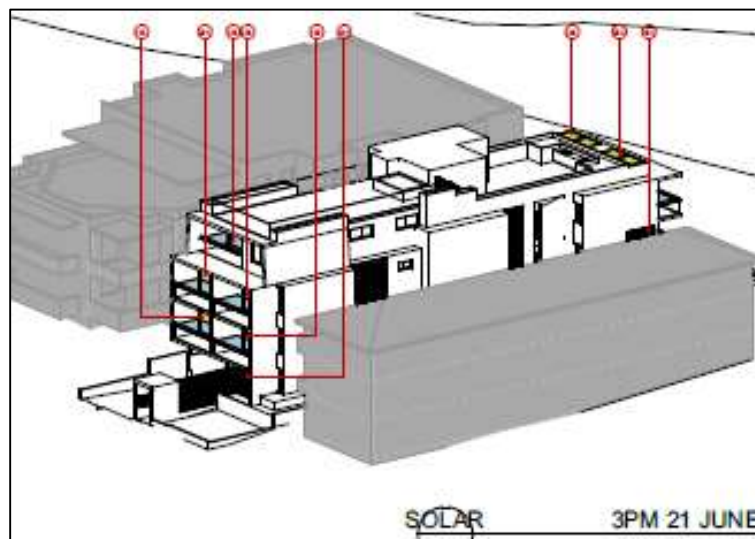
- **9am midwinter:** The shadow cast by the development at 9am mid-winter falls to the south-west of the site upon the adjoining residential flat building at 43 Oaks Avenue:



- **12 noon:** The shadow cast by the development will fall within the site and upon the paved parking and circulation areas of the adjoining flat buildings to the south as depicted in the model extract below:



- **3pm midwinter:** The shadow diagrams confirm the shadow cast from the proposal will fall upon the adjoining flat building development at 47-49 Oaks Avenue at 3pm in midwinter.



The development application is supported by elevational shadow diagrams which depict the shadow impacts of the proposal upon the adjoining units to the east and west.

The shadow impacts of the proposal upon the western adjoining property at 43 Oaks Avenue are confined to between 9am-10am in midwinter to the rear units – east facing between 9am – 10am at mid-winter. The additional overshadowing cast by the proposal upon this property is not unreasonable given the site circumstances and is consistent with the form of development planned for the R3- Medium Density zone and the subject site.

The elevational shadow diagrams confirm that the shadow impacts of the proposal upon the eastern adjoining property at 47-49 Oaks Avenue are confined to 2pm – 3pm in midwinter, with solar access retained to the west elevation between 12pm – 1pm. The additional overshadowing cast by the proposal upon this property is not unreasonable given the site circumstances and is consistent with the form of development planned for the R3- Medium Density zone and the subject site.

Based on the above assessment, the development application will retain reasonable level of solar access to the side-facing windows and private open space of the dwellings surrounding the subject site. The adjoining low rise residential flat buildings will retain the envisioned form of solar access anticipated within the R3 Medium Density Residential zone.

6.4 Privacy Assessment

The potential visual privacy impacts resulting from the development proposal are mitigated noting the design includes narrow windows, angled windows to the north and screened windows which create non-habitable conditions to the side boundary. The setback from side boundaries has been designed to meet the visual privacy objectives of the ADG.

In addition to physical separation the landscape plan submitted with the development application indicates screening planting at the side boundaries and under storey shrubs which will mitigate direct overlooking of adjoining properties. Landscaping at the ground floor level adjacent to the ground floor units will provide for screening of the bedrooms and living areas of the units from the adjoining properties.

The development proposal is for a residential flat building development and will present acoustic impacts that are commensurate with the intended future density of the R3 – Medium Density Residential zone. The proposed rooftop terrace areas have been designed

In summary, the development proposal has been designed to meet the visual and acoustic privacy objectives and controls contained in the Liverpool DCP and the Housing SEPP - ADG.

6.5 Traffic and Car Parking

The development application is supported by a Traffic and Parking Impact Assessment prepared by *Terraffic*. The report assesses the traffic implications of the proposed development on the existing road network.

The report assesses the projected increase in traffic activity in accordance with the RTA Guide to Traffic Generating Development. The proposed residential flat building (12 units) will lead to an increase of 7 peak hour vehicle trips, with no noticeable impact on the local road network or service levels of nearby intersections.

The proposed basement carpark includes 11 x residential car spaces and residential bicycle spaces meeting to parking requirements of the Housing SEPP.

In summary, the proposed development will not generate unacceptable traffic implications and meets the parking requirements contained in Council's parking codes and the Australian Standard.

6.6 Section 4.15 Considerations

SEPP (Housing) 2021, SEPP (Sustainable Buildings) 2022, SEPP (Transport and Infrastructure) 2021, SEPP (Resilience and Hazards) 2021, Warringah LEP 2011 and Warringah DCP have been addressed in previous sections of this report pursuant to S.4.15 (1) (a).

With regard to remaining matters for consideration, it is considered that the preceding analysis covers the range of environmental impacts that may be associated with the development proposal. The following comments are made pursuant to S.4.15 (1) (b) and (c) which cover respectively:

(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; and

(c) the suitability of the site for the development;

- The development proposal is a suitable form and scale of development consistent with the desired future character of the R3 – Medium Density Residential zone.
- The development proposal provides affordable housing within proximity to well-serviced bus stops and nearby employment centres including the Dee Why Town Centre.
- The development proposal has been designed with a three-four storey form with recessive dark materiality at the upper level and reasonable setbacks for an infill isolated site that ensure the proposal will sit comfortably within the streetscape with respect to the established development of the surrounding locality.
- The proposed building footprint ensures there are consolidated deep soil landscaped areas accommodating landscape works/tree plantings ensuring that, the proposal will be viewed within a landscaped setting.
- The proposed units have been designed and positioned to maximise solar access and cross ventilation meeting the design criteria contained in Housing SEPP – ADG.

- The development proposal provides adequate on-site parking within the parking area in accordance with the Housing SEPP.
- The development proposal will not result in unacceptable traffic generation on the existing road network; and
- The development proposal is suitable for the site and locality as addressed in Section 6 of this statement.

7.0 CONCLUSION

In conclusion it is considered that the proposed development is acceptable under the considerations of S.4.15 of the EP&A Act 1979. The following conclusions are made in relation to the development proposal:

- *The proposed development is permissible with the consent of Council pursuant to Warringah Local Environmental Plan 2011,*
- *The development application is made pursuant to Chapter 2, Part 2 – Division 1 of SEPP (Housing) 2021, with 2 x dwellings proposed to be used for affordable rental housing,*
- *The development proposal is consistent with the objectives of the R3 – Medium Density Residential zone and provides affordable housing within close proximity to public transport, local services, and nearby employment centres,*
- *The proposal has been designed in accordance with the planning controls contained in SEPP (Housing) 2021 meeting the character, density, landscape area and parking controls, and is located within an accessible area within 350m walking distance of well-serviced bus stops along Pittwater Road,*
- *The development proposal complies with the 14.3m height development standard pursuant to Clause 18 of the Housing SEPP which provides a height bonus of up to 30% proportional to the affordable housing component provided within the development.*
- *The proposed development is compatible in the site context and designed to provide suitable landscaping within the front and rear setbacks. The proposed three-four storey form is compatible with the desired future character of the locality and the form and scale of the proposal meets the design requirement provisions at Clause 20 of SEPP (Housing) 2021,*
- *The proposal has been designed to meet the Design Quality Principles pursuant to Schedule 9 of the Housing SEPP and generally achieves the objectives contained within the Apartment Design Guide notwithstanding variation to the numerical design criteria,*

- *The development proposal meets the residential amenity design criteria with regard to solar access, ventilation, apartment size and layout contained in SEPP 65 – ADG,*
- *The proposed development is an appropriate built form for the site having respect to the provisions of the Warringah DCP noting the site is an isolated infill site, noting the criteria within the SEPP (Housing) 2021 and ADG prevail in the case of inconsistency,*
- *The design of the building ensures environmental sustainable measures are achieved and residential amenity is maximised, and*
- *The proposed building will not result in unreasonable amenity impacts on adjoining properties, dwellings and the streetscape with respect to bulk and scale, visual/acoustic privacy, or solar access.*

For reasons outlined in this Statement of Environmental Effects, the development application for demolition of the existing building and construction of an in-fill affordable residential flat building development containing 12 x units at 45-45A Oaks Avenue, Dee Why should be granted development consent.

Chapman Planning
Member PIA