



**Address:** No. 36 Bardo Road, Newport  
**Proposal:** Seniors Housing Development  
**DECEMBER 2022**

## STATEMENT OF ENVIRONMENTAL EFFECTS



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BARDO ROAD, NEWPORT

## PROJECT INFORMATION

The Proposal: This Statement of Environmental Effects accompanies a development application lodged with consent of the registered property owners. The proposal seeks approval for demolition of the existing dwelling and construction of a seniors housing development comprising 6 independent living units over a basement level of car parking.

Site: Lot 34 Section 2 Deposited Plan 4689  
No. 36 Bardo Road  
NEWPORT NSW 2106

Architect: **PopovBass**  
No. 208 Devonshire Street  
SURRY HILLS NSW 2010



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## ATTACHMENTS

SURVEY PLAN

ARBORICULTURE IMPACT ASSESSMENT

GEOTECHNICAL INVESTIGATION

ARCHITECTURAL PLANS

LANDSCAPE PLAN

STORMWATER MANAGEMENT PLAN

BASIX CERTIFICATE

BCA COMPLIANCE ASSESSMENT REPORT + FIRE SAFETY SCHEDULE

ACCESS REPORT

TRANSPORT ASSESSMENT

TRAFFIC IMPACT ASSESSMENT

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

WASTE MANAGEMENT PLAN



# 1 THE SITE & CONTEXT

The site is identified as No. 36 Bardo Road, Newport and comprises Lot 34 Section 2 Deposited Plan 4689. The site is regular in shape, has an area of 1,220m<sup>2</sup>, falls to its 20.115 metre Bardo Road frontage and has a depth of 60.96 metres. Existing development upon the site comprises an existing brick and tile single level dwelling. Development in the immediate vicinity of the site consists of a mix of dwelling houses, walk up residential flat developments, other seniors housing developments and a centre-based child care facility.

The site is located in the suburb of Newport, which is approximately 31 kilometres north of the Sydney Central Business District. The following description of the Newport Locality has been extracted from the Pittwater 21 Development Control Plan:

*The Newport Locality was occupied by farming settlements from the early 1800s, and was a port for coastal steamers in the latter part of the nineteenth century. The Newport Hotel built in 1880 attracted visitors from Manly by coach and Sydney by steamer. As the road improved and beach holidays became popular, Newport expanded. Until the 1950s, Newport remained largely a holiday location with few permanent residents. Residential development and permanent occupation of dwellings increased from the 1950s.*

*Since this time, the locality has developed into a predominantly low-density residential area, with dwellings built along valley floor, plateau and slopes. The locality is characterised mainly by one and two-storey dwelling houses on 500-1,300 square metre allotments (some blocks may be smaller), increasing to 950-1,600 square metres on the plateau and slopes. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. Medium-density housing adjoins the Newport Commercial Centre along Ocean and Foamcrest Avenues, and in pockets along Kalinya Road, Gladstone Street, Livingston Place, and Queens Parade.*

*The locality is serviced by the Newport Commercial Centre on Barrenjoey Road, north of Bardo Road and South of Coles Parade, and neighbourhood retail centre at Kalinya Street. The locality also contains the Newport Primary School, Newport Arms Hotel, and recreational facilities including the Newport Bowling Club and several reserves.*

The site is also serviced by Keoride, which is an app-based public transport service which allows customers to order a vehicle when they want to travel to key hubs across the Northern Beaches. Keoride transports passengers between their place of residence and designated set down 'hubs', including B-Line interchanges and key centres across the Northern Beaches.

Development Application No. DA2020/0502 was granted consent on 2 September 2021 for the consolidation of Nos. 34 & 36 Bardo Road, demolition of existing structures and construction of a seniors housing development to accommodate twelve (12) self-contained dwellings, including associated basement level car parking and landscape works. It is noted the Keoride service is now available in this locality as a permanent public transport service satisfying the relevant requirements of State Environmental Planning Policy (Housing) 2021.



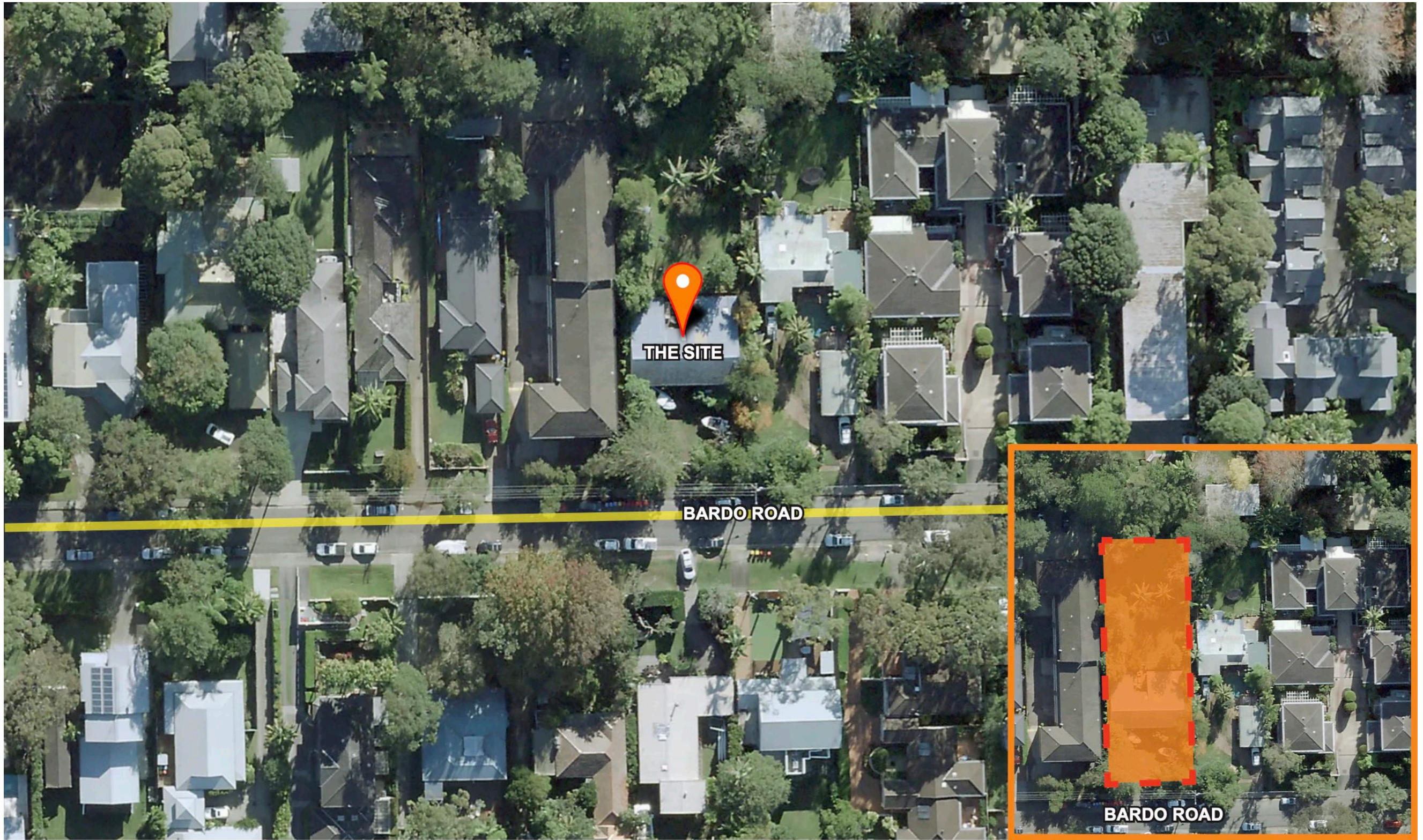


FIGURE 1

The site and its context (extract from Google Earth).





**FIGURES 2 – 6**

The subject site (above) and its immediate context, including a range of established low – medium density residential developments.



## 2 THE PROPOSAL

It is the NSW Government's aim that all people in New South Wales, including older people, people with disabilities and those on low incomes have access to affordable and well-designed housing. Various policies are promoted by the government to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services, and are of good design. In 1982, the NSW Government made a State Environmental Planning Policy (SEPP 5) to support the supply of housing for older people and people with a disability. In March 2004, the Government replaced SEPP 5 with a new policy focused on balancing growing demand for this type of accommodation with maintaining the character and feel of local neighbourhoods – State Environmental Planning Policy (Seniors Living) 2004, followed by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

In November 2021, State Environmental Planning Policy (Housing) 2021 was introduced, which consolidated 5 housing related policies and introduced changes to each, including changes to planning rules for seniors housing to ensure this form of housing continued to meet industry standards and community expectations.

The application seeks approval for seniors housing comprising 6 x 3 bedroom independent living units and basement carparking, including provision for 2 parking spaces per dwelling. Each unit comprises 3 bedrooms, which includes one bedroom as a 'flexible' room that can be adapted into a study or rumpus room according to the needs of the future occupants. Each master bedroom comprises a walk in robe and ensuite. All dwellings comprise a large open plan kitchen, living and dining area that opens onto a paved terrace / balcony area, acting as an extension of the living space.

The proposed development has also been designed in accordance with the Seniors Living Policy – Urban Design Guidelines for Infill Development to ensure the design responds to both neighbourhood and streetscape character, and the opportunities and constraints afforded the site. The proposed colours and materials, including dark, earthy tones, and significant building articulation ensure the proposed development is consistent with the character and desired future character of Bardo Road, and the Newport area. The proposed new landscaping ensures the development is ensconced in the landscaped setting of the locality.

The site is serviced by Keoride, an app-based public transport service in operation across the Northern Beaches. It allows customers to order a vehicle when they want to travel to key hubs across the Northern Beaches, and transports passengers between their place of residence and designated set down 'hubs' – including B-Line interchanges and key centres. The service is jointly operated by Keolis Down and the NSW State Government. It commenced a 4 year trial in 2017, and in 2021 was designated a permanent public transport service, with Keolis Downer awarded an 8 year contract to operate the service (as well as B-Line services).





**FIGURE 7**

Photomontage image of the proposed development.



# 3 STATUTORY PLANNING FRAMEWORK

## 3.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Clause 4.6(1)(a) of State Environmental Planning Policy (Resilience and Hazards) 2021 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Department of Planning publication “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In this regard, Section 2.2 of the Guidelines states:

*When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.*

*When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.*

The Guidelines continue at Section 3.2.1 by stating that:

*The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.*

Due to the site’s extensive period of residential use, there is no reason to suspect contamination by past land use activities. Council acknowledged in their assessment of Development Application No. DA 2020/0502 by stating that:

*Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.*

As there is no reason to suspect contamination by past land uses, the application may be processed in the usual way.

## 3.2 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The NSW Housing Strategy: Housing 2041 is the NSW Government’s plan to meet the State’s housing needs over the next 20 years. State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021 and supports this strategy by driving the development of affordable and diverse housing to meet the needs of our growing community. The Housing SEPP gives incentives to supply affordable and diverse housing in the right places and for every stage of life.

Part 5 of the Housing SEPP sets out the land use planning and assessment framework for seniors housing in NSW, and is applicable to land in the R2 Low Density Residential zone.

In determining a development application for development for the purposes of in-fill self-care housing, a consent authority must consider the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004, published on the Department’s website. The SEPP’s relevant provisions are considered in Table 1 over page.



**TABLE 1**

SEPP (Housing) 2021 Assessment Criteria.

SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
<b>DIVISION 1 LAND TO WHICH THIS PART APPLIES</b>			
79 Land to which Part applies	This Part applies to land in the following zones—  (a) Zone RU5 Village, (b) Zone R1 General Residential, (c) Zone R2 Low Density Residential, (d) Zone R3 Medium Density Residential, (e) Zone R4 High Density Residential, (f) Zone B1 Neighbourhood Centre, (g) Zone B2 Local Centre, (h) Zone B3 Commercial Core, (i) Zone B4 Mixed Use, (j) Zone B5 Business Development, (k) Zone B6 Enterprise Corridor, (l) Zone B7 Business Park, (m) Zone B8 Metropolitan Centre, (n) Zone SP1 Special Purposes, (o) Zone SP2 Infrastructure, (p) Zone RE2 Private Recreation.	Complies. The site is zoned R2 Low Density Residential.	YES
80 Land to which Part does not apply—general	(1) This Part does not apply to the following land—  (a) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan,  (b) land described in Schedule 3.  (2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because—  (a) the land is identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or  (b) in relation to land used for the purposes of an existing registered club—the land is described in another environmental planning instrument as—  (i) private open space, or  (ii) open space where dwellings or dwelling houses are permitted.	N/A.  N/A. The site is not identified as environmentally sensitive land.  N/A.  N/A.	N/A  N/A  N/A  N/A
81 Seniors housing permitted with consent	Development for the purposes of seniors housing may be carried out with development consent—  (a) on land to which this Part applies, or  (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.	Complies.  N/A.	YES  N/A
<b>DIVISION 2 PRELIMINARY</b>			
82 Definitions	In this Part—	Noted.	



CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	<p><b>gross floor area</b> means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the inner face of the external enclosing walls, as measured at a height of 1.4m above each floor level—</p> <p>(a) excluding columns, fin walls, sun control devices and elements, projections or works outside the general lines of the inner face of the external wall, and</p> <p>(b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and</p> <p>(c) excluding—</p> <p>(i) car parking needed to meet the requirements of this Part or the council of the local government area in which the development is located, and</p> <p>(ii) internal access to the car parking, and</p> <p>(d) excluding space for the loading and unloading of goods, including access to the space, and</p> <p>(e) for in-fill self-care housing—including car parking provided at ground level, other than for visitors, in excess of 1 per dwelling, and</p> <p>(f) for a residential care facility—excluding floor space used for service activities provided by the facility below ground level (existing).</p> <p><b>hostel</b> means residential accommodation for seniors or people with a disability where—</p> <p>(a) meals, laundering, cleaning and other facilities are provided on a shared basis, and</p> <p>(b) at least 1 staff member is available on site 24 hours a day to provide management services.</p> <p><b>in-fill self-care housing</b> means seniors housing consisting of at least 2 independent living units and at which none of the following services are provided on the site—</p> <p>(a) meals,</p> <p>(b) cleaning services,</p> <p>(c) personal care,</p> <p>(d) nursing care.</p> <p><b>prescribed zone</b> means a zone specified in section 79.</p> <p><b>seniors means</b> the following people—</p> <p>(a) people who are at least 60 years of age,</p> <p>(b) people who are resident at a facility at which residential care, within the meaning of the Aged Care Act 1997 of the Commonwealth, is provided,</p> <p>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</p> <p><b>serviced self-care housing</b> means seniors housing comprising independent living units where the following services are available on the site—</p> <p>(a) meals,</p> <p>(b) cleaning services,</p> <p>(c) personal care,</p> <p>(d) nursing care.</p>		
83 Amendments to the bush fire evacuation risk map	<p>(1) The Planning Secretary may prepare maps for the purposes of amending or replacing the Bush Fire Evacuation Risk Map.</p> <p>(2) In preparing a map, the Planning Secretary must consider the following matters—</p> <p>(a) the size of the existing population within the locality,</p> <p>(b) age groups within the population and the number of persons within the age groups,</p> <p>(c) the number of hospitals and other facilities, including the number of beds, providing care to the residents of the facilities within the locality,</p>	Noted.	







SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	<p>Note—Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.</p>		
86 Development standards for seniors housing—Zones RE2, SP1, SP2 and RU5	<p>(1) Development consent must not be granted for development for the purposes of seniors housing unless the consent authority is satisfied as follows—</p> <p>(a) for development on land in Zone RE2 Private Recreation—</p> <p>(i) the development is carried out on land used for the purposes of an existing registered club, and</p> <p>(ii) the land adjoins land in a prescribed zone,</p> <p>(b) for development on land in Zone SP1 Special Purpose or Zone SP2 Infrastructure—</p> <p>(i) development for the purposes of a place of public worship, an educational establishment, a hospital or seniors housing is permitted on the land, and</p> <p>(ii) the land adjoins land in a prescribed zone,</p> <p>(c) for development on land in Zone RU5 Village—</p> <p>(i) the development is carried out on land within 50km of a 24-hour health services facility, and</p> <p>(ii) the land is serviced by reticulated water and sewerage.</p> <p>(d) (Repealed)</p> <p>(2) Nothing in this section prevents a consent authority from granting development consent for development for the purposes of seniors housing on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.</p> <p>(3) (Repealed)</p>	N/A. The site is located in the R2 Low Density Residential Zone and therefore this Clause is not applicable.	N/A
87 Additional floor space ratios	<p>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—</p> <p>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or</p> <p>(b) the development is carried out on land in Zone B3 Commercial Core.</p> <p>(2) Development consent may be granted for development to which this section applies if—</p> <p>(a) the site area of the development is at least 1,500m<sup>2</sup>, and</p> <p>(b) the development will result in a building with the maximum permissible floor space ratio plus—</p> <p>(i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or</p>	<p>N/A. Residential flat development, nor shop top housing is permitted on the site by another EPI.</p> <p>N/A. The site is zoned R2 Low Density Residential.</p> <p>N/A.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>



SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	(ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or		
	(iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and		
	(c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.		
88 Restrictions on occupation of seniors housing	(1) Development permitted under this Part may be carried out for the accommodation of only the following—	Noted.	
	(a) seniors or people who have a disability,	Able to comply.	YES
	(b) people who live in the same household with seniors or people who have a disability,	Able to comply.	YES
	(c) staff employed to assist in the administration and provision of services to housing provided under this Part.	Able to comply.	YES
	(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	Able to comply.	YES
89 Use of ground floor of seniors housing in business zones	(1) This section applies to a building used for the purposes of seniors housing on land in a business zone.	N/A. The site is not located in a business zone.	N/A
	(2) Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.	N/A.	N/A
	(3) Subsection (2) does not apply to a part of a building that—	N/A.	N/A
	(a) faces a service lane that does not require active street frontages, or		
	(b) is used for 1 or more of the following purposes—		
	(i) a lobby for a residential, serviced apartment, hotel or tenanted component of the building,		
	(ii) access for fire services,		
	(iii) vehicular access.		
	(4) Subsection (2) does not apply if another environmental planning instrument permits the use of the ground floor of the building for residential purposes.	N/A.	N/A
90 Subdivision	(1) Development consent may be granted for the subdivision of land on which development has been carried out under this Part.	Noted.	
	(2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone B3 Commercial Core.	N/A. The site is not located in the B3 Commercial Core zone.	N/A
91 Fire sprinkler systems in residential care facilities	(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.	Able to comply.	YES



SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	(2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.	N/A. The proposed development is not for a residential care facility.	N/A
92 Development on land used for the purposes of an existing registered club	<p>(1) Development consent must not be granted for development under this Part on land used for the purposes of an existing registered club unless the consent authority is satisfied that—</p> <p>(a) the development includes appropriate measures to separate the club from residential areas to avoid land use conflicts, and</p> <p>(b) an appropriate protocol will manage the relationship between the seniors housing and the gambling facilities on the site of the club to minimise harm associated with the misuse and abuse of gambling activities by residents of the seniors housing.</p> <p>Note—The Gaming Machines Act 2001 provides for gambling harm minimisation measures.</p> <p>(2) For the purposes of subsection (1)(a), appropriate measures include the following—</p> <p>(a) separate pedestrian access points for the club and the residential areas of the seniors housing,</p> <p>(b) design principles underlying the building aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the seniors housing.</p>	N/A. The site is not used for the purposes of an existing registered club.	N/A
DIVISION 4 SITE-RELATED REQUIREMENTS			
93 Location and access to facilities and services— independent living unit	<p>(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services—</p> <p>(a) by a transport service that complies with subsection (2), or</p> <p>(b) on-site.</p> <p>(2) The transport service must—</p> <p>(a) take the residents to a place that has adequate access to facilities and services, and</p> <p>(b) for development on land within the Greater Sydney region—</p> <p>(i) not be an on-demand booking service for the transport of passengers for a fare, and</p> <p>(ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and</p> <p>(c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.</p> <p>(3) For the purposes of subsections (1) and (2), access is adequate if—</p> <p>(a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and</p> <p>(b) the distance is accessible by means of a suitable access pathway, and</p> <p>(c) the gradient along the pathway complies with subsection (4)(c).</p>	<p>Complies.</p> <p>Complies. The proposed development will be serviced by the public transport service Keoride. See Transport Report.</p> <p>N/A. The site will be serviced by Keoride.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>N/A. The site is located within the Greater Sydney Region.</p> <p>Complies. See Transport Assessment and Access Report.</p> <p>Complies. See Transport Assessment and Access Report.</p> <p>Complies. See Transport Assessment and Access Report.</p>	<p>YES</p> <p>YES</p> <p>N/A</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>N/A</p> <p>YES</p> <p>YES</p> <p>YES</p>



SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	(4) In subsection (3)—  (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and  (b) the distance is to be measured by reference to the length of the pathway, and  (c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than—  (i) 1:12 for a maximum length of 15m at a time, or  (ii) 1:10 for a maximum length of 5m at a time, or  (iii) 1:8 for a maximum length of 1.5m at a time.	Complies. See Access Report.  Complies. See Access Report.  Complies. See Access Report.	YES  YES  YES
	(5) In this section—  facilities and services means—  (a) shops and other retail and commercial services that residents may reasonably require, and  (b) community services and recreation facilities, and  (c) the practice of a general medical practitioner.  provide a booking service has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016, section 7. Note—  Provide a booking service is defined as carrying on a business taking bookings for taxis or hire vehicles to provide passenger services, whether immediately or at a later time, and communicating the bookings to drivers for passenger services or providers of passenger services.	Noted.  Noted.  Noted.	
94 Location and access to facilities and services— residential care facilities	(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—  (a) on-site, or  (b) by a transport service other than a passenger service.  (2) In this section—  facilities and services—see section 93. passenger service has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016.  Note—A passenger service is defined as the transport, by a motor vehicle other than a bus, of passengers within, or partly within, this State for a fare.	N/A. The proposed development is not for a residential care facility.	N/A
95 Water and sewer	(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—  (a) be connected to a reticulated water system, and	Complies.	YES



SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	(b) have adequate facilities for the removal or disposal of sewage.	Complies.	YES
	(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—	Noted.	
	(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or	Able to comply.	YES
	(b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.	N/A. Reticulated services are available.	N/A
	(3) In this section— relevant authority means the public authority responsible for water and sewerage services in the area in which the seniors housing is located.	Noted.	
96 Bush fire prone land	(1) A consent authority must not consent to development under this Part on bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.	N/A. The site is not located on bush fire prone land.	N/A
	(2) In determining a development application for development under this Part on land near bush fire prone land, the consent authority must—		
	(a) consult with the NSW Rural Fire Service and consider its comments, and		
	(b) consider the following including—		
	(i) the location of the development,		
	(ii) the means of access to and egress from the location,		
	(iii) the size of the existing population within the area,		
	(iv) age groups within the population and the number of persons within the age groups,		
	(v) the number of hospitals and other facilities providing care to the residents of the facilities within the area, and the number of beds within the hospitals and facilities,		
	(vi) the number of schools within the area and the number of students at the schools,		
	(vii) existing seniors housing within the area,		
	(viii) the road network within the area and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the area in the event of a bush fire,		
	(ix) the adequacy of access to and from the site of the development for emergency response vehicles,		
	(x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and its site,		
	(xi) the requirements of Fire and Rescue NSW.		
	(3) In this section— bush fire prone land means land identified on a bush fire prone land map, certified under the Act, section 10.3, as the following—		
	(a) "Bush fire prone land—vegetation category 1",		
	(b) "Bush fire prone land—vegetation category 2",		

SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA

CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	(c) "Bush fire prone land—vegetation category 3", (d) "Bush fire prone land—vegetation buffer".  Planning for Bushfire Protection means the document titled Planning for Bush Fire Protection (ISBN 978 0 646 99126 9) prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.		
<b>DIVISION 5 DESIGN REQUIREMENTS</b>			
97 Design of in-fill self-care housing	In determining a development application for development for the purposes of in-fill self-care housing, a consent authority must consider the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004, published on the Department's	Complies.	YES
98 Design of seniors housing	A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.	Complies.	YES
<b>DIVISION 6 DESIGN PRINCIPLES</b>			
99 Neighbourhood amenity and streetscape	Seniors housing should be designed to—		
	(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and	Complies.	YES
	(b) recognise the desirable elements of—		
	(i) the location's current character, or		
	(ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and	Complies. The proposed development is consistent with the character of the existing streetscape and reflects a high standard of architectural design that is consistent with the desired 2 storey locality of the area. It is further noted the proposed development is located adjacent an existing residential flat walk up development, and in proximity to other seniors housing developments, and opposite Bardo road to an existing centre-based child care facility demonstrating compatibility with the location's current and desired future character.	YES
	(c) complement heritage conservation areas and heritage items in the area, and	N/A. The site is not located in a heritage conservation area, nor is it located in proximity to a heritage item.	N/A
	(d) maintain reasonable neighbourhood amenity and appropriate residential character by—		
	(i) providing building setbacks to reduce bulk and overshadowing, and		
	(ii) using building form and siting that relates to the site's land form, and		
	(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and		
	(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	Complies. The proposed development maintains solar access to the adjoining sites and will not unreasonably overshadow neighbours. The proposed building height is compatible in scale with the built form on adjoining sites.	YES
	(e) set back the front building on the site generally in line with the existing building line, and	Complies. The 7.3 metre to 9.4 metre front setback is compatible with the pattern of front setbacks within the street.	YES
	(f) include plants reasonably similar to other plants in the street, and	Complies. See landscape plan.	YES
	(g) retain, wherever reasonable, significant trees, and	Complies. See Arboricultural Impact Assessment.	YES
	(h) prevent the construction of a building in a riparian zone.	N/A. The site is not identified as containing any riparian land.	YES



SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA				
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE	
100 Visual and acoustic privacy	Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by—	Complies.	YES	
	(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	Complies. Upper level windows / balconies are screened or highlight where they face a side boundary.	YES	
	(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Complies.	YES	
101 Solar access and design for climate	The design of seniors housing should—			
	(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and	Complies. 5 of the 6 units proposed receive solar access as required by the SEPP. The proposed development does not significantly impact upon the solar access of adjoining properties. See Sun's Eye diagrams in architectural plans that illustrate the residential flat development to the site's north continues to receive 2 hours of sunlight to the living room windows/balconies at mid winter.	YES	
102 Stormwater	(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	Complies.	YES	
	The design of seniors housing should aim to—			
103 Crime prevention	(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	Complies.	YES	
	(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	Complies.	YES	
104 Accessibility	Seniors housing should—			
	(a) be designed in accordance with environmental design principles relating to crime prevention, and	Complies. See CPTED Assessment at Section 4 of this report.	YES	
	(b) provide personal property security for residents and visitors, and	Complies. See CPTED Assessment at Section 4 of this report.	YES	
	(c) encourage crime prevention by—	Complies. See CPTED Assessment at Section 4 of this report.	YES	
	(i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and	Complies. See CPTED Assessment at Section 4 of this report.	YES	
	(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and	Complies. See CPTED Assessment at Section 4 of this report.	YES	
	(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Complies. See CPTED Assessment at Section 4 of this report.	YES	
104 Accessibility	Seniors housing should—			
	(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and	Complies. See Access Report.	YES	
	(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Complies. See Access Report and Traffic Impact Assessment.	YES	

SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
105 Waste management	Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	Complies. See Ongoing Waste Management Plan.	YES
<b>DIVISION 7 NON-DISCRETIONARY DEVELOPMENT STANDARDS</b>			
106 Interrelationship of Division with design principles in Division 6	Nothing in this Division permits the granting of consent to development under this Part if the consent authority is satisfied that the design of the seniors housing does not demonstrate that adequate consideration has been given to the principles set out in Division 6.	Noted.	
107 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15	<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities—</p> <p>(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</p> <p>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</p> <p>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m,</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p>(d) internal and external communal open spaces with a total area of at least—</p> <p>(i) for a hostel—8m<sup>2</sup> for every bed, or</p> <p>(ii) for a residential care facility—10m<sup>2</sup> for every bed,</p> <p>(e) at least 15m<sup>2</sup> of landscaped area for every bed,</p> <p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(g) for a hostel—at least 1 parking space for every 10 beds in the hostel,</p> <p>(h) for a residential care facility—at least 1 parking space for every 15 beds in the facility,</p> <p>(i) at least 1 parking space for every 2 employees who are on duty at the same time,</p> <p>(j) at least 1 parking space for the purpose of ambulance parking.</p>	N/A. The proposed development is not for a hostel or residential care facility.	N/A
108 Non-discretionary development standards for independent living units—the Act, s 4.15	(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted.	



SEPP (HOUSING) 2021 – PART 5 HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY – ASSESSMENT CRITERIA

CONTROL	REQUIREMENTS	PROPOSED	COMPLIANCE
	(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—		
	(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	Complies. The proposed maximum building height is 9.43 metres.	YES
	(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—	Complies.	YES
	(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and	Complies.	YES
	(ii) is limited to an area of no more than 20% of the surface area of the roof, and	Complies.	YES
	(iii) does not result in the building having a height of more than 11.5m,	Complies.	YES
	(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The proposed FSR is 0.75:1. Despite this, the proposed development has been designed by a skillful architect, complies with the building envelope controls established by the DCP, is consistent with the previous scale of development approved upon the site, and is compatible with the scale of development in the area.	NO
	(d) for a development application made by a social housing provider—at least 35m <sup>2</sup> of landscaped area per dwelling,	N/A. The application is not being made by a social housing provider.	N/A
	(e) if paragraph (d) does not apply—at least 30% of the site area is landscaped,	Complies. 462.88m <sup>2</sup> of the site area is landscaped (37.7%).	YES
	(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	Complies. 194.61m <sup>2</sup> of the site area is deep soil (15.9%). 119.68m <sup>2</sup> of this deep soil is located within the rear of the site, which equates to 65% of the total deep soil required.	YES
	(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,	Complies. 5 of the 6 dwellings receive 2 hours of solar access at mid winter (83%).	YES
	(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—		
	(i) at least 15m <sup>2</sup> of private open space per dwelling, and	Complies.	YES
	(ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,	Complies.	YES
	Note—The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one—see Schedule 4, section 2.		
	(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—	Complies.	YES
	(i) an area of at least 10m <sup>2</sup> , or	Complies.	YES
	(ii) for each dwelling containing 1 bedroom—an area of at least 6m <sup>2</sup> ,	N/A.	N/A
	(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	N/A.	N/A
	(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.	Complies. 12 parking spaces are provided.	YES

### 3.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX – BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 was gazetted on 1 July 2004 and created the requirement for a state wide building sustainability index, which seeks to encourage sustainable residential development. This policy aims to ensure consistency in the implementation of the BASIX scheme throughout the State. In accordance with the requirements of this SEPP, each application for residential development must be accompanied by a list of commitments made by the applicant as to the manner in which the development will be carried out, to become conditional upon the development consent. A BASIX Certificate accompanies this application and has been prepared in accordance with the legislation.

### 3.4 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

The Pittwater Local Environmental Plan 2014 applies to all land within the former Pittwater local government area (LGA). The particular aims of the LEP are to:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to promote development in Pittwater that is economically, environmentally and socially sustainable,
- (b) to ensure development is consistent with the desired character of Pittwater's localities,
- (c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,
- (d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,
- (e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,
- (f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,
- (g) to protect and enhance Pittwater's natural environment and recreation areas,
- (h) to conserve Pittwater's European and Aboriginal heritage,
- (i) to minimise risks to the community in areas subject to environmental hazards including climate change,
- (j) to protect and promote the health and well-being of current and future residents of Pittwater.

#### Land Use Zone

The site is zoned R2 Low Density Residential Zone. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

The proposed Seniors Housing development is permissible with consent within the R2 Low Density Residential Zone via application of State Environmental Planning Policy (Housing) 2021 and satisfies the objectives of the zone, as the development provides for the housing needs of the community.

#### Clause 4.3 – Building Height

Clause 4.3 of the LEP prescribes a maximum building height of 8.5 metres for the site. However, SEPP (Housing) prescribes a maximum building height for seniors housing of 9.5 metres. If there is an inconsistency between SEPP (Housing) and another environmental planning instrument, the SEPP prevails to the extent of the inconsistency. The development proposes a building height of 9.43 metres which complies with this relevant development standard.

#### Clause 4.4 – Floor Space Ratio

Clause 4.4 of the LEP does not prescribe a maximum floor space ratio.



#### Clause 5.10 – Heritage Conservation

Clause 5.10 of the LEP relates to heritage conservation. The site does not contain a heritage item, nor does it adjoin an item of heritage significance. The site is not located within a heritage conservation area.

#### Clause 7.1 – Acid Sulfate Soils

The site is identified on the Acid Sulfate Soils Map as containing Class 5 Acid Sulfate Soils. Clause 7.1 of the LEP prescribes development consent is required on land mapped as Class 5 on the Acid Sulfate Soils map for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The proposed development does not meet either of these criteria and therefore an Acid Sulfate Soils Management Plan is not required.

#### Clause 7.2 – Earthworks

Clause 7.2 of the LEP establishes the objectives of ensuring that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposed development comprises earthworks for the construction of the basement level for car parking. A geotechnical report has been prepared in support of this application and concludes the following in relation to the suitability of the site:

*The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.*

#### Clause 7.6 – Biodiversity

Clause 7.6 of the LEP relates to biodiversity and establishes the objectives of maintaining terrestrial, riparian and aquatic biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats. This Clause requires consideration of the likely impact of the development and satisfaction that either the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or if that impact cannot be reasonably avoided by adopting feasible alternatives, the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised, the development will be managed to mitigate that impact. The proposed development is supported by a landscape plan and arboricultural impact assessment that ensure no net loss in native canopy trees and ensures that at least 60% of new planting incorporates native vegetation (per species listed in Native Plant Species Guide available on the Council website), does not include environmental weeds, and maximises linkage within the wildlife corridor. It is suggested that any additional planting and requirements for retention of trees are imposed as conditions of consent to ensure the appropriate natural buffer for the wildlife corridor is achieved.

#### 7.10 – Essential services

This Clause prescribes that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- *the supply of water,*
- *the supply of electricity,*
- *the disposal and management of sewage,*
- *stormwater drainage or on-site conservation,*
- *suitable vehicular access.*

The proposed development will have adequate access to each of the abovementioned services.

# 4 SECTION 4.15 OF THE EPAA

## 4.1 ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(i)

The proposal is permissible subject to the provisions of the LEP. The impacts of other environmental planning instruments including SEPP 55, SEPP (BASIX), SEPP (Housing for Seniors or People with a Disability) 2004 and SEPP (Coastal Management) 2018 have also been considered in the preparation of this development application. The provisions of these relevant environmental planning instruments have been satisfactorily addressed within Section 3 of the Statement of Environmental Effects.

## 4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(ii)

Nil.

## 4.3 DEVELOPMENT CONTROL PLANS – SECTION 4.15(1)(a)(iii)

Pittwater 21 Development Control Plan

The Pittwater 21 Development Control Plan (the DCP) was adopted on 8 December 2003 and came into effect on 1 February 2004 and applies to land within the former Pittwater LGA. The DCP has undergone several amendments since its affectation, most recently 18 January 2021. The objectives of the DCP are formed through three broad categories, environmental, social and economic, with the specific objectives extracted below:

### *Ecologically Sustainable Development*

- *In this DCP, ecologically sustainable development means development that maintains the ecological processes on which life depends while meeting the needs and improving the total quality of life of the present generation, without compromising the ability of future generations to do the same.*
- *Ecologically sustainable development is fundamental to the environmental, social and economic objectives of this DCP.*

### *Environmental Objectives*

- *conserve and enhance the ecological integrity, biodiversity, wildlife corridors, aquatic habitats, water quality, environmental heritage and environmental significance of Pittwater;*
- *maintain the natural beauty of the area by retaining natural landforms, minimising land excavation and fill, and by minimising erosion, pollution and other forces that may impact on the landscape;*
- *prescribe limits to urban development having regard to the potential impacts of development on the natural environment, natural hazards, and the provision, capacity and management of infrastructure; and*
- *plan, design and site development to achieve the principles of ecologically sustainable development.*



#### Social Objectives

- *meet the social needs of our community and future generations through provision of an appropriate balance and mix of land uses and development, including community facilities, open space and services;*
- *promote the provision of accessible, diverse and affordable housing options to cater for the changing housing needs of the community;*
- *plan, design and site development to minimise conflict between land uses and ensure the safety and security of people and property; and*
- *identify and conserve the heritage of the built forms and landscapes of Pittwater.*
- *maintain the village atmosphere of the centres, giving each a distinct identity and the people a sense of belonging.*

#### Economic Objectives

- *meet the economic and employment needs of our community and future generations through provision of an appropriate balance and mix of land uses and built forms;*
- *promote a strengthening of the local economic base by providing a range of sustainable employment opportunities that respond to lifestyle choices and technological change, while protecting local amenity, character and environmental values;*
- *encourage attractive and viable commercial areas through quality urban design;*
- *integrate development with transport systems and promote safe and sustainable access opportunities emphasising public transport initiatives, walking and cycling within, to and from the Pittwater local government area; and*
- *encourage appropriate recreational industries which respect the natural attributes and character of Pittwater.*

The specific sections which relate to the site and the proposed seniors housing development have been discussed in detail below:

#### **A4.10 Newport Locality**

The site is identified as being located within the Newport locality. The proposal is consistent with the desired future character of Newport by ensuring a 2 storey development that is in a landscaped setting, integrated with the landform. It is also consistent with the desired future character as it is located in proximity to public transport and community facilities. The proposed development is also located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The proposed building height, being less than the maximum height permissible by the SEPP works to ensure bulk and scale is minimised. The generous front and rear setback allows for existing and new native vegetation to be integrated with the development. The contemporary built form will utilise facade modulation and incorporate colours and materials that harmonise with the natural environment. The proposed development will ensure that the wildlife corridor is enhanced through retention of significant trees and additional native tree planting. It is therefore suggested the proposed development is consistent with this section of the Pittwater DCP 21.

#### **B4.6 Wildlife Corridors**

This section of the DCP has been established to obtain the outcome of retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats. The proposed development does not significantly reduce or degrade habitat available for locally native species, threatened species, endangered populations or endangered ecological communities. It also retains and ensures an adequate buffer to wildlife corridors. The proposed development ensures that significant trees are retained and that replacement trees are provided as native species that will assist in retaining and enhancing the wildlife corridor for native species (See Arboricultural Impact Assessment and Landscape Plan). Additionally it is noted that 75% of the total plant species proposed are native, and that all canopy trees proposed are native species (See Landscape Plan). The proposal is therefore consistent with this section of the DCP.

**C1.21 Seniors Housing**

This proposed development is for seniors housing and therefore this part of the DCP is applicable to the proposed development. This part of the DCP establishes the following:

*Seniors housing developed in accordance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, outside the R3 Medium Density Residential and B4 Mixed Use zones shall:*

- *Be in keeping with the development of the surrounding area in regard to bulk, building height, scale and character.*
- *Not result in such an accumulation of Seniors Housing developments to create a dominant social type in the surrounding neighbourhood.*
- *Not result in such an accumulation of Seniors Housing developments to create a dominant 'residential flat building' appearance in the neighbourhood.*

The proposed development is compatible with the surrounding area in terms of bulk, height, scale and character. The large setback afforded to the street frontage ensures the proposed seniors housing development does not appear dominant in the streetscape and is ensconced within a landscaped setting. The proposed development is two storeys in nature, and is highly articulated with The introduction of 6 seniors housing units in the locality will not create a dominant social type, but rather ensure a diverse range of people are able to reside within the locality in dwellings which are adaptable and accessible in nature.

**D10 Newport Locality**

The proposed development is generally consistent with this part of the DCP. The highly articulated nature of the proposed built form and dark and earth tone nature of the colours and finishes demonstrate compatibility with the character of the locality. Whilst landscaping cannot be a reason to refuse development as it is consistent with the minimum 30% prescribed by the SEPP, it should be noted the proposed development exceeds this minimum standard by having 37.7% of the site area as landscaped area, demonstrating a development which has been designed to be compatible with the landscaped character of the locality.

**D10.7 Front Building Line & D10.8 Side and Rear Building Line**

D10.7 establishes a front building setback of 6.5 metres, 'or established building line, whichever is the greater'. The proposed development has a front setback of 7.370 metres which is consistent with this control and the setback of adjacent dwellings. The proposed setback also ensures retention of a significant tree within the front setback.

D10.8 establishes a minimum side and rear setback of 3 metres when the wall height is 3 metres or less. Where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:

$$S = 3 + \frac{H - 2}{4}$$

S = the distance in metres

H = the height of the wall at that point measured in metres above existing ground level

It is noted that the proposed development does not strictly comply with the side setback calculations for the upper level with a proposed setback of 3.7 metres and minor non-compliance of the lift and plant area on the ground floor, being setback 2.9 metres to the southern boundary. It is suggested that as a result of this minor non-compliance, there is no impact upon the adjoining sites in terms of privacy, overshadowing or solar access. The existing residential flat development to the north will continue to receive 2 hours of solar access to all balconies and living room windows between 9am and 3pm at mid winter, and the dwelling to the south will continue to receive adequate solar access to private open space within the rear setback. It is further noted that upper level windows facing side boundaries are proposed as highlight windows, and any balconies have been screened to ensure privacy of both existing neighbours and future occupants of the proposed development. The



proposed setbacks also ensure the proposed development is generally consistent with Part D10.11 of the DCP which establishes the building envelope. The highly articulated nature of the built form and selected colours and materials will also ensure that the non-compliance of with the side setback control does not impact upon the visual amenity of neighbours, working to minimise the bulk of the proposed development. It is further noted the proposed development complies with this control at the rear setback.

#### **D10.11 Building Envelope**

This part of the DCP establishes building envelope controls for dwellings in the R2 Low Density Residential Zone. The proposed development complies with the building envelope controls, with the only element of the built form extending beyond the envelope control being the building's eaves, which is considered acceptable as it will provide shade in summer and maximise sunlight in winter.

#### **Other**

Other controls which apply to the development include those relating to stormwater, landscaping, traffic and parking. It is noted the proposal is generally consistent with the controls, aims and objectives of these parts of the DCP.

#### **4.4 IMPACTS OF THE DEVELOPMENT – SECTION 4.15(1)(b)**

The impacts of the proposal are considered acceptable in the circumstances of the case. Environmental, economic and social impacts, along with quantitative controls have been addressed throughout this report. Specific impacts of the development are addressed in the subsections below.

##### **4.4.1 Crime Prevention Through Environmental Design**

The application of Crime Prevention Through Environmental Design (CPTED) principles as developed in the USA in the early 1960s helps improve and maintain safe living and working environments. CPTED is considered in the literature as an environmental design science, but may also be considered as a risk management strategy, since there is likely to be risk and uncertainty created in terms of human behavioural outcomes resulting from, or being affected by, environmental and social conditions encountered in the community design process. CPTED is a crime prevention strategy that focuses on the design, planning and structure of cities and neighbourhoods. It aims to reduce opportunities for crime by employing design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space. The CPTED principles applied in the proposed development as follows.

*Surveillance:* There are three levels of surveillance which has been implemented within the development and includes natural, technical and formal guardians/organised surveillance. The natural forms of surveillance include the retention of existing site lines and the opportunity to see from upper level balconies to the ground floor entries of the site. Technical surveillance will be provided in the form of appropriate lighting throughout the development. Organised surveillance of the site will be provided by the occupants of the building, who act as formal guardians of the site. External balconies and windows overlooking the public realm to promote passive opportunities for surveillance 24 hours a day.

Surveillance can also be achieved on site by providing safe paths of travel into a building, providing signage, mirrors and educating occupants about the building.

*Access Control:* There are three types of access control, including natural access control, technical access control and organised access control, which has been implemented within the design of the building. The aim of access control is to attract, channel, encourage and restrict people into, throughout and out of an area. The environment should provide cues about who belongs there, when they can be there, what they should be doing and how long they can stay. Access control can be either real or symbolic barrier.

The access point available to the site between the development and the public domain is located at the Bardo Road Frontage and access to the basement car park is also only provided via Bardo Road. All access points will be appropriately secured to permit access only to desired users, being residential occupants and their visitors.

*Territorial Reinforcement:* The aim of territorial reinforcement is about ownership, who owns the space, who manages the space and who cares for the space. The hierarchy of spaces is allocated into three categories; private space, semi public/semi private and public spaces. This is further reinforced by the design, definition and designation of a space. This is demonstrated within the design by the differentiation between the public and private domains being unambiguous. In addition to access control, which clearly delineates public and private spaces, additional visual cues such as paving materials will be used to distinguish between public and private spaces.

*Space and Activity Management:* Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused and there is a high correlation between urban decay, fear of crime and avoidance behaviour. The regular maintenance of landscaping, and cleanliness of the shared spaces such as driveways, pathways, fences and external façade of the development will contribute to space and activity management.

In addition to the CPTED principles applied in the proposed development the following recommendations will be incorporated into the proposed development:

- *External lighting quality to meet ANZ standards;*
- *Lighting maintenance policy be established for this development;*
- *Sufficient security measures be put into place in relation to preventing possible theft during construction;*
- *Traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk and theft.*

#### 4.4.2 Demolition, Construction Management & Waste Management

Prior to the commencement of demolition and/or excavation work on site, the following details will be submitted to and be approved by the Principal Certifying Authority:

- (i) Plans and elevations showing distances of the subject building from the site boundaries, the location of adjoining and common/party walls, and the proposed method of facade retention.
- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
- (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.

These statements will, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Work Health and Safety Act 2011 and Regulation; the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations, and will include provisions for:

- (i) A Waste Management Plan for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the



building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (xiii) Induction training for on-site personnel.
- (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xvi) Disconnection of utilities.
- (xvii) Fire Fighting. (Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.
- (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environment Operations Act 1997*).
- (xxi) Working hours, in accordance with this development consent.
- (xxii) Any Work Cover Authority requirements.

Demolition and construction works include temporary fencing, hoarding and warning notices required to conduct the works and protect the general public. All demolition, construction and building work will be adequately managed so as to minimise disruption to the local community and the environment. Noise generated by construction activities will comply with Council's standard construction times. A plan of demolition can be found in Architectural Plans.

A Waste Management Plan has been submitted in support of this application.

#### 4.4.3 Arboricultural Impacts

An Arboricultural Impact Assessment has been prepared by Complete Aborcure in support of the proposed development. Eight trees on the subject site were assessed via visual inspection, and subsequently allocated a landscape significance rating of Low, Medium or High using the Significance of a Tree Assessment Rating System. From this information a Useful Life Expectancy rating was determined and the following recommendations were made:

9.1 Tree TA, one (1) x Weeping Bottle Brush (*Callistemon viminalis*) located on the council verge will require to be removed as to allow for the proposed driveway crossover to be constructed (subject to council approval).

9.2 To allow for ease of development, it is recommended that trees T1-T4 & T6-T8 are removed (subject to council approval). All these tree have been assessed as having low retention values.

9.3 It is recommended that an AQF1 level 5 arborist is engaged to supervise excavations within the TPZ of T5. Upon findings appropriate arboricultural advice can be provided.

9.4 Tree T5 will require fencing protection to be installed before any of the proposed works commence. This protection must stay in place until the completion of all works & must be compliant with sections 4.3 (Protective Fencing) and 4.4 (Signs) of AS 4970 (and Appendix C of this report).

#### 4.4.4 Accessibility

A Disability Access Report has been prepared by Lindsay Perry Access which reviewed the proposed seniors housing development against the current legislation and found the proposed development generally complies with current statutory requirements. The conclusions of the report were as follows:

*We consider that the drawings presented for assessment, for the purposes of a development application, generally comply with current statutory requirements.*

*This report demonstrates that the fundamental aims of accessibility legislation are achievable within the proposed development. Spatial planning and general arrangements of facilities will offer inclusion for all building users.*

*Disability is often defined as any limitation, restriction or impairment which restricts everyday activities and has lasted or is likely to last for at least 6 months. Disabilities can be very varied. They can be physical, cognitive, intellectual, mental, sensory, or developmental. They can be present at birth or can occur during a person's lifetime. They can also be permanent or temporary. In Australia, almost one in five people – 4.3 million – have a disability with one in three having severe or profound core activity limitation.*

*Equity and dignity are important aspects in the provision of access to buildings for all users. With respect to people with a disability, equity and dignity are sometimes overlooked in the construction of new buildings or refurbishment works. The design approach needs to maintain a high level of equity for people with disabilities and meet the performance requirements of the BCA. The performance requirements adopt two main concepts in the provision of access for people with a disability being to the degree necessary and safe movement. Both of these concepts need to be achieved within the context of equitable and dignified access.*

*In this respect, a wide range of disabilities needs consideration and a compromise reached between requirements of different disability groups. Measures need to be implemented to ensure inclusion of all users, not a particular disability group in isolation.*

#### 4.4.5 Building Code of Australia

The proposed development has been reviewed by Building Code Clarity to assess the proposed development against the deemed-to-satisfy provisions of the Building Code of Australia (BCA), excluding accessibility related provisions (Part D3, Clause E3.6 and Clause F2.4) which have been addressed in the access report. Their assessment has found the proposed development comprises a Class 2 and Class 7a building. The assessment concludes the proposed development is capable of complying with the BCA with consideration of minor issues through design or performance solutions.

#### 4.4.6 Geotechnical Investigations

White Geotechnical Group were engaged to undertake a geotechnical investigation upon the subject site. The geotechnical investigation involved determining the geology of the site and a subsurface investigation including 3 bore holes and 6 Dynamic Cone Penetrometer tests to a maximum of 2.7 metres.

The investigations revealed information relating to geological observations, ground water, surface water, geotechnical hazards, suitability of the site for the proposed development, stormwater and vibrations. This informed excavation support requirements, retaining walls, foundations and inspection requirements. It is noted the water table was not observed during the subsurface investigation, and the report concluded as follows:

*The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.*



#### 4.4.7 Traffic and Parking Impacts

This application is supported by a transport assessment that has been prepared by Arc traffic and transport to examine the relevant access, traffic and parking characteristics of the proposal, including existing and future traffic and transport conditions, existing and future public and active transport services and infrastructure, site access, trip generation and parking requirements, and a design review of key site components with reference to the appropriate Australian Standards. The assessment has concluded the subject site is suitable for the proposed development in terms of access, traffic and parking as follows:

*Further to our assessment of the proposed seniors living development at 36 Bardo Road, Newport, arc traffic + transport provides the following Conclusions:*

- *Access to the Site will remain via Bardo Road with a new two-way driveway generally located in the same location as the existing driveway;*
- *Access to services per the requirements of SEPP Housing will be provided by Keoride;*
- *The Proposal will generate 2 - 3 vehicle trips per hour in the peak periods, and as such have no impact on the operation of the local road network;*
- *The Proposal provides on-site parking that fully complies with the requirements of SEPP Housing;*
- *Waste collection will continue to be undertaken by Council kerbside in Bardo Road; and*
- *Access and parking areas have been designed with reference to the appropriate Australian Standards; it is anticipated that a Condition of Consent further to a future approval of the Proposal would necessarily require such design compliance.*

*In summary, arc traffic + transport has determined that the Proposal is fully supportable further to access, traffic and parking considerations.*

Additionally, a Traffic Impact Assessment has been prepared by Auswide Consulting to assess the implications of the existing development modifications on existing traffic, parking and transport conditions surrounding the site. The Traffic Impact Assessment concludes as follows:

*Based on the assessment presented in this report, it is considered that:*

- *Considering the proposed site location and land use, it is unlikely that the trips to and from the site will be cross-utilised. It is expected that the trips to the site will be direct.*
- *The proposed development changes will generate additional, but low levels of trips throughout the day. It is expected that the site will generate approx. 6 – 12 trips per day and 0.6 – 1.2 trips during evening peak hours. These trips may vary depending on the number of vehicles residents own however it is expected that these trips can be accommodated at the nearby intersections without affecting intersection performance or increasing delays and queues.*
- *Using the recommended parking rates presented in the State Environment Planning Policy (Housing) 2021, the site would require 9 parking spaces to be compliant with the requirement. As the development proposed to have 12 dedicated parking spaces for residents and visitors, there is no shortfall.*
- *The development and car parking plans are compliant with standards set by the State Environment Planning Policy (Housing) 2021 and applicable car park standards. The development's car parking dimensions meet the requirements set by the council and the sight distance for both vehicles and pedestrians are both within the requirements by AS/NZS 2890.1. It is also expected that Bardo Rd will have low levels of pedestrian and vehicular traffic, producing no safety hazards for either pedestrians or vehicles.*

*In conclusion, this study indicates that the development is not envisaged to have adverse impacts on the surrounding traffic or parking conditions. As such, the proposed development should be endorsed in a traffic and parking context.*

#### 4.5 SUITABILITY OF THE SITE – SECTION 4.15(1)(c)

The site is not affected by any known natural or technological constraints that would prevent development in accordance with the zone objectives.

**TABLE 2**

Does the proposal fit the locality?

CONSIDERATION	OUTCOME
Are the constraints posed by adjacent developments prohibitive?	No
Would development lead to unmanageable transport demands?	No
Are there adequate transport facilities in the area?	Yes
Will the locality contain adequate recreational opportunities and public spaces for new occupants?	Yes
Are utilities and services available to the site and adequate for the development?	Yes
Is the air quality and microclimate appropriate for the development?	Yes
Are there hazardous land uses or activities nearby?	No
Are ambient noise levels suitable for the development?	Yes
How critical is the site to the water cycle in the catchment?	N/A

**TABLE 3**

Are the site attributes conducive to development?

CONSIDERATION	OUTCOME
Is the site subject to natural hazards including floodplain, tidal inundation, subsidence, slip, mass movement, and bushfires?	No
Is the proposal compatible with conserving the heritage significance of the site?	N/A
Are the soil characteristics on the site appropriate for development?	Yes
Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site?	N/A
Is the site prime agricultural land and will development prejudice future agricultural production?	No
Will development prejudice the future use of the site for mineral and extractive resources?	N/A

#### 4.6 PUBLIC INTEREST – SECTION 4.15(1)(e)

The proposed development is considered to be in the public interest, promoting provision of housing which is accessible and designed to be adaptable to meet the diverse needs of seniors, whilst making efficient use of existing infrastructure and services.



## 5 CONCLUSION

Having taken into account the relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered an appropriate development of the site, sensitively considering context, whilst promoting a diversity of housing typologies, located proximate to existing infrastructure and amenities which meet the needs of Sydney's ageing population.



**Daniel McNamara**

Bachelor of Urban and Regional Planning (UNE)