

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed seniors
housing pursuant to SEPP
(Housing) 2021

12 – 14 Gladys Avenue
Frenchs Forest

Statement of Environmental Effects

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October 2024

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Attachment 1 Clause 4.6 variation request – Building Height

Attachment 2 Clause 4.6 variation request – Floor Space Ratio

1 INTRODUCTION

The subject application proposes the demolition of the existing dwellings and the construction of a seniors housing development incorporating nineteen (19) in-fill self-care housing units (2 x 2 bedroom and 17 x 3 bedroom) and basement car parking for 28 vehicles pursuant to the provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). The application also proposes the implementation of an enhanced site landscape regime.

The architect has responded to the client brief to provide for a residential development of exceptional design quality which responds appropriately to the constraints and opportunities identified through detailed site and context analysis. Such design response includes the adoption of a pavilion style building form which recognises and reflects the battle axe nature/ pattern of development along the northern side of Gladys Avenue. All stormwater will be directed to the stormwater easement at the rear of the site created in accordance with the deferred commencement condition associated with development consent DA2022/1474 involving the subdivision of the 2 existing Lots into 4 Lots.

The proposed development displays a highly articulated and modulated 2 and 3 storey building form which takes advantage of the topographical characteristics of the site and which is compliant with the height and setback requirements of SEPP Housing which anticipates appropriately designed 3 storey building forms. The resultant form and massing are complimentary and compatible with surrounding development and consistent with that anticipated for infill development pursuant to SEPP Housing. The proposed FSR reflects the desired future character of the Frenchs Forest Precinct which anticipates medium density housing forms located within and immediately adjacent to the recently gazetted town centre. The development will provide superior levels of amenity for future occupants whilst maintaining appropriate levels of amenity to the adjoining residential properties.

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

- Boundary survey prepared by ENG Land Services
- Architectural plans, elevations, sections, shadow diagrams, montages prepared by Smith & Tzannes
- Design Verification Statement and Compliance Report prepared by Smith & Tzannes
- Stormwater Management Plans prepared by Eboke Engineering Consultants
- Accessibility Report prepared by Accessibility Solutions
- Arborist Report prepared by Naturally Trees
- Landscape Plans prepared by Paul Scrivener Landscape
- Traffic Impact Assessment prepared by Terraffic
- Construction Traffic Management Plan prepared by Terraffic
- Geotechnical Investigation Report prepared by Crozier Geotechnical Consultants
- Waste Management Plan prepared by Smith & Tzannes
- NCC Assessment Report prepared by Design Right Consulting

- Quantity Surveyor Report prepared by Vasey Consulting
- BASIX Certificate

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

- Environmental Planning and Assessment Act, 1979, as amended (**EP&A Act**)
- Warringah Local Environmental Plan 2011 (**WLEP 2011**)
- Warringah Development Control Plan 2011 (**WDCP 2011**)
- State Environmental Planning Policy (Housing) 2021 (**SEPP Housing**)
- State Environmental Planning Policy (Sustainability Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021

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

- The proposal appropriately responds to the relevant planning controls applicable to the site and the proposed development.
- The proposed development is consistent with the desired future character of the locality as reflected by the subdivision pattern and spatial arrangement of surrounding development.
- The proposed development will not have an unreasonable impact on the environmental quality of the land and the amenity of surrounding properties.
- The accompanying clause 4.6 variation requests demonstrate that compliance with the building height standards at clauses 84 and 108(2)(a) and the FSR standard prescribed by clause 108(2)(c) of SEPP Housing is unnecessary given the developments consistency with the implicit/ adopted objectives of the standards with sufficient environmental planning grounds to justify the variations. The clause 4.6 variation requests are well-founded.
- The site is assessed as suitable for the proposal, having regard to the relevant considerations pursuant to the SEPP (Housing) 2021.

2 SITE ANALYSIS

2.1 SITE DESCRIPTION AND LOCATION

2.1.1 THE SITE

The properties upon which the proposed development is located are legally described as Lots A and B, DP 393276, 12 and 14 Gladys Avenue, Frenches Forest. The consolidated allotment is irregular in shape having battle axe handle frontage to Gladys Avenue of 9.375 metres before splaying out in width as depicted in the survey extract below. The site has an area of 4704m² and contains a number of trees the majority of which are located towards the rear boundary of the allotment. The site falls approximately 26m across its surface towards the rear of the allotment.



Figure 1 - Survey extract

The subject properties are occupied by one and two storey dwelling houses with a swimming pool located at the rear of 12 Gladys Avenue. An exposed rock outcrop runs across the rear of the properties. An aerial photograph of the site and its immediate surrounds as depicted in Figure 2.



Figure 2 - Aerial image with the subject site bordered in yellow



Figure 3 – Subject site as viewed from Gladys Avenue

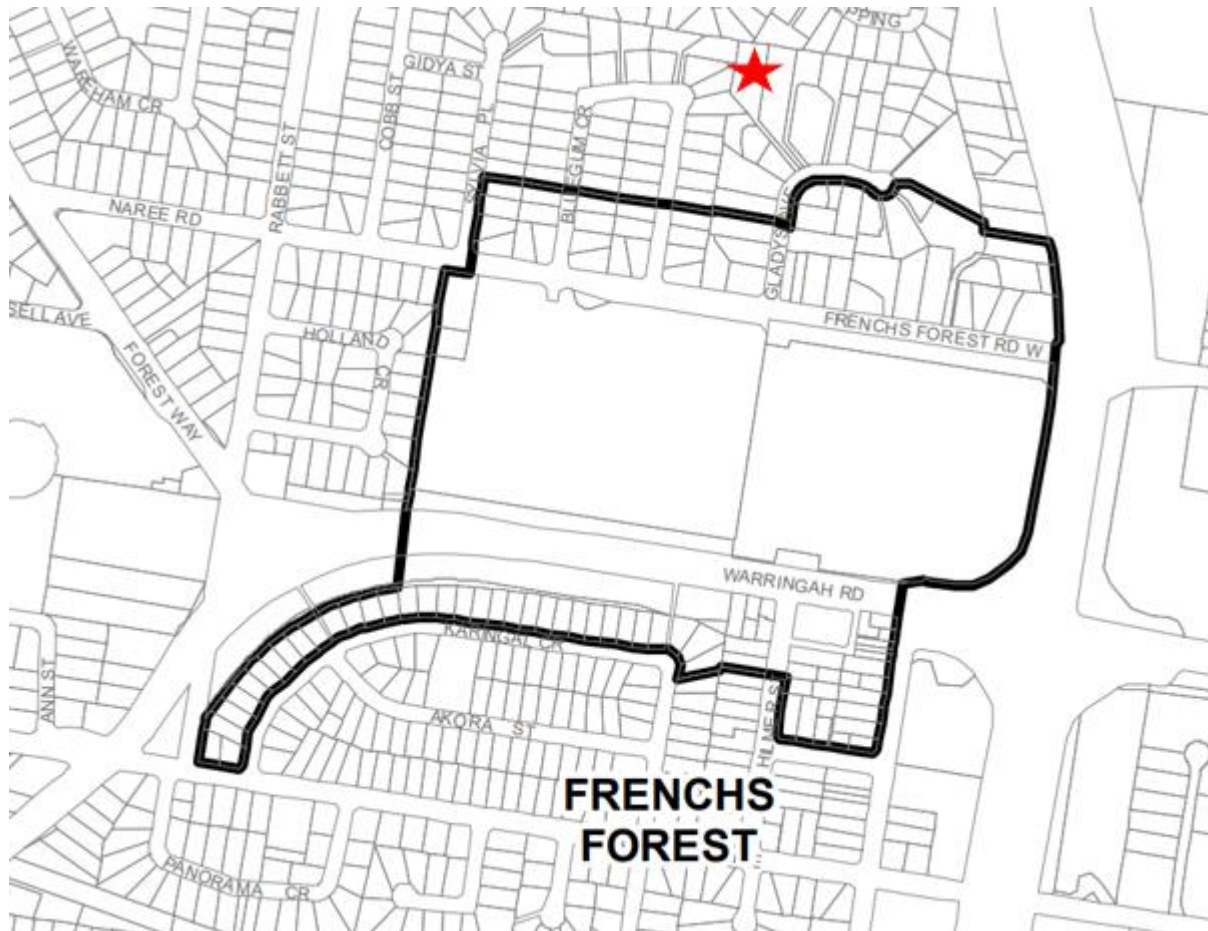


Figure 4 – Subject site (red star) relative to recently gazetted Frenchs Forest Town Centre Precinct

2.1.1 THE LOCALITY

The subject property is located immediately adjacent to the recently gazetted Frenchs Forest Town Centre Precinct in which the recently constructed Northern Beaches Hospital, Forest High School and surrounding residential uses are located.

The local urban form is characterised by a leafy suburb comprising of 1-2 storey residential homes with a mix of designs developed post 1950. A majority of the architecture come under the broad umbrella of late 20th century style. The area is in a state of change due to the vicinity of the Northern Beaches Hospital. Sites closer to the hospital have been recently re-zoned to allow denser development, which falls in the Frenchs Forest Town Centre precinct.

The adjacent Frenchs Forest Precinct anticipates dense residential/mixed use along Frenchs Forest Road West to the south of the site. Further south is proposed the new Town Centre on the site of the existing High School. The subject site is located North of the Frenchs Forest Road West Neighbourhood and the desired future character is to provide a contextually appropriate transition to surrounding low density residential areas, whilst increasing housing diversity and activating Frenchs Forest Road West with a range of office, health and medical uses to support the town centre and Hospital. To the West, East and North of the site are larger suburban sites that have been subdivided over the years.

The properties located immediately to the south of the site 10, 10A, 10B Gladys Avenue and 29, 31, 33 and 35 Blue Gum Crescent are occupied by detached dwelling houses as are the properties to the east 16 and 16A Gladys Avenue. We note that a boarding house has been approved but not constructed at 16 Gladys Avenue. The properties to the north of the site have frontage and address to Epping Drive and are occupied by detached dwellings. The built form and land use characteristics of properties located within proximity of the site are depicted in the site analysis diagram over page.

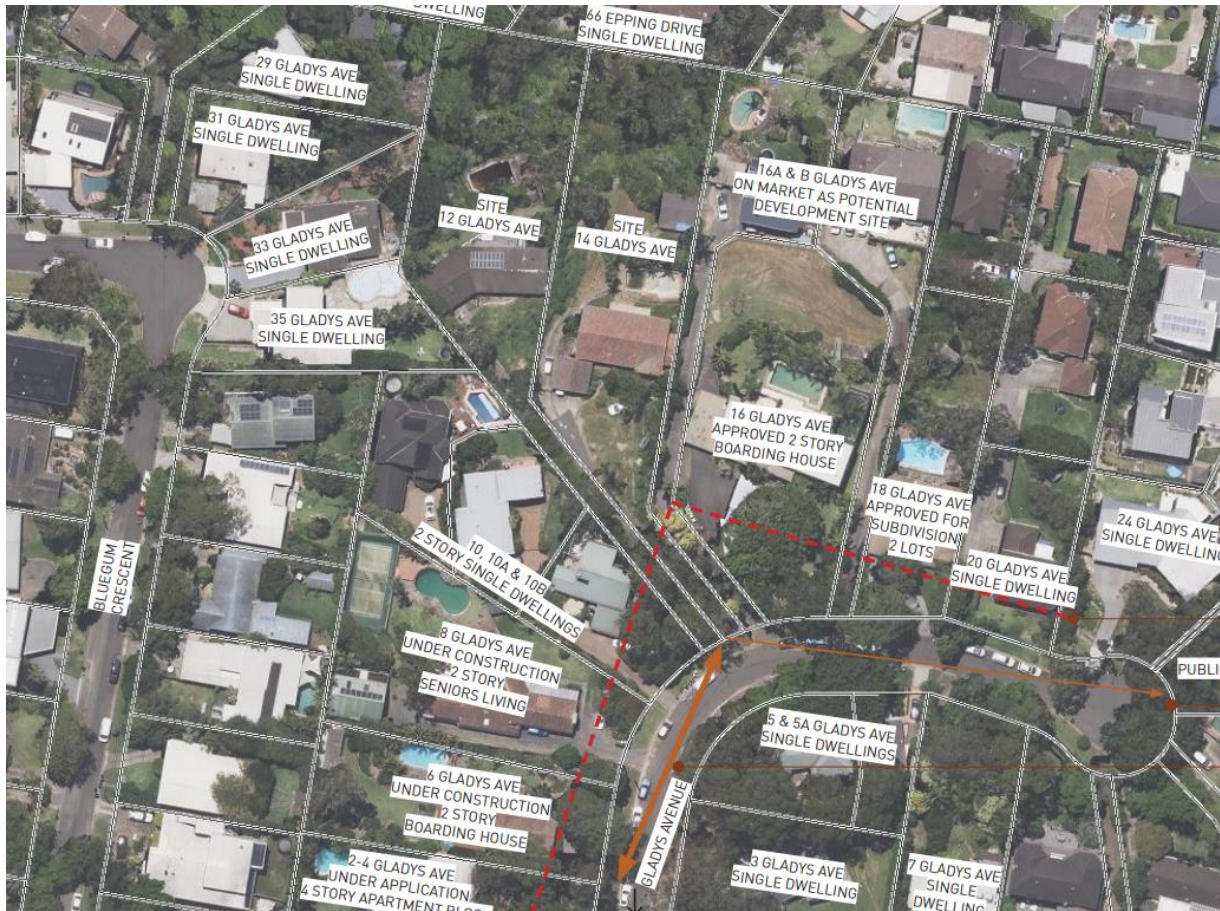


Figure 4 - Site analysis diagram depicting the built form and land use characteristics of properties located within proximity of the site

2.1.2 SITE ANALYSIS

There are no topographical constraints impacting the site relevant to the development as proposed. That said, development has been limited to the upper portion of the site to maintain the rear of the property as a landscaped feature of the development. The natural and built form characteristics of the site are detailed on the accompanying site survey. There are a number of trees on the site which are detailed in the arborist report. The relationship of the proposed development to the adjacent sites provides for appropriate built form separation with the pavilion style building topology adopted minimising potential impacts upon the amenity of these properties. Having regard to the Seniors Housing Design Guide published by the NSW Department of Planning & Environment the following observations are made:

Neighbourhood amenity and streetscape

The proposal provides appropriate spatial separation between communal open space and private open space areas with landscaping effectively used to provide appropriate visual and acoustic privacy screening where necessary.

Visual acoustic privacy

The pavilion building topology adopted has sought to reflect the character and style of housing within the immediate locality noting that it is characterised by a mixture of housing typologies and densities including detached style housing, boarding houses and seniors housing. The layout of the development provides private open space in the form of balconies and/or courtyards to each dwelling.

Solar access and designed for climate

We confirm that 95% of apartments receive compliant levels of solar access with 90% naturally cross ventilated. All apartments will receive excellent levels of solar access and amenity with a majority obtaining filtered district views. Appropriate shade and weather protection is provided to the north facing living areas of each apartment.

Accessibility

Disabled access is provided throughout the development with the required accessibility standards achieved.

Waste management

An appropriately sized waste collection area is conveniently located adjacent to the main entrance of the property where it can be serviced by Council's wheel in - wheel out waste management service.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 DETAILS OF THE PROPOSED DEVELOPMENT

The subject application proposes the demolition of the existing dwellings and the construction of a seniors housing development incorporating nineteen (19) in-fill self-care housing units (2 x 2 bedroom and 17 x 3 bedroom) and basement car parking for 28 vehicles pursuant to the provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). The proposed development is depicted on the following Architectural plans prepared by Smith & Tzannes:

DD-A-000	TITLE	A 27.09.2024
DD-A-001	NOTES	A 27.09.2024
DD-A-010	SURVEY PLAN	A 27.09.2024
DD-A-011	SITE LOCALITY	A 27.09.2024
DD-A-012	SITE ANALYSIS	A 27.09.2024
DD-A-013	PROPOSED SITE PLAN	A 27.09.2024
DD-A-014	DEMOLITION PLAN	A 27.09.2024
DD-A-015	EXCAVATION & FILL PLAN	A 27.09.2024
DD-A-100	ROOF	A 27.09.2024
DD-A-101	LEVEL 5	A 27.09.2024
DD-A-102	LEVEL 4	A 27.09.2024
DD-A-103	LEVEL 3	A 27.09.2024
DD-A-104	LEVEL 2	A 27.09.2024
DD-A-105	LEVEL 1	A 27.09.2024
DD-A-106	LEVEL 0	A 27.09.2024
DD-A-200	ELEVATIONS - EAST AND SOUTH	A 27.09.2024
DD-A-201	PAVILLION A - WEST	A 27.09.2024
DD-A-202	LOWER PAVILLION B & C ELEVATIONS	A 27.09.2024
DD-A-203	LOWER PAVILLION B & C ELEVATIONS	A 27.09.2024
DD-A-204	LOWER PAVILLION B & C ELEVATIONS	A 27.09.2024
DD-A-205	ENTRY DETAIL ELEVATION	A 27.09.2024

DD-A-206	SECTIONS	A 27.09.2024
DD-A-207	SECTIONS	A 27.09.2024
DD-A-800	AREA CALCULATIONS	A 27.09.2024
DD-A-801	GROSS FLOOR AREA	A 27.09.2024
DD-A-802	SOLAR ACCESS	A 27.09.2024
DD-A-803	CROSS VENTILATION	A 27.09.2024
DD-A-804	STORAGE	A 27.09.2024
DD-A-805	ACCESSIBILITY TO TRANSPORT & TOWN CENTRE	A 27.09.2024
DD-A-806	ACCESSIBILITY COMMON OPEN SPACES	A 27.09.2024
DD-A-807	ACCESSIBILITY TYPICAL FLOOR PLATES	A 27.09.2024
DD-A-808	ACCESSIBILITY TYPICAL FLOOR PLATES	A 27.09.2024
DD-A-809	MAX HEIGHT STUDY	A 27.09.2024
DD-A-810	TWO STORIES STUDY	A 27.09.2024
DD-A-850	SHADOWS - WINTER SOLSTICE	A 27.09.2024
DD-A-851	SHADOWS - WINTER SOLSTICE	A 27.09.2024
DD-A-852	SHADOWS - WINTER SOLSTICE	A 27.09.2024
DD-A-853	SHADOWS - WINTER SOLSTICE	A 27.09.2024
DD-A-854	SUN EYE DIAGRAMS - WINTER SOLSTICE	A 27.09.2024
DD-A-855	SUN EYE DIAGRAMS - WINTER SOLSTICE	A 27.09.2024
DD-A-900	PHOTOMONTAGE	A 27.09.2024
DD-A-901	BUILDING MATERIALS	A 27.09.2024
DD-A-990	NOTIFICATION PLAN	A 27.09.2024
DD-A-991	NOTIFICATION PLAN	A 27.09.2024

The key development metrics are as follows:

KEY DEVELOPMENT METRICS	
SITE AREA	4,704 m ²
GROSS FLOOR AREA - RESIDENTIAL	2661 m ²
FSR	1.56:1
LANDSCAPED AREA (DEEP SOIL)	1,906 m ²
PLANTING AREA	2,207 m ²
COMMUNAL & PUBLIC OPEN SPACE	1,888 m ²
HEIGHT OF BUILDING	2 storey
NO. APARTMENTS	19
2 Bed	2 [10%]
3 Bed	17 [90%]
NO. CAR SPACES	28
RESIDENTIAL PARKING	28
VISITOR PARKING	0
RESIDENTIAL BICYCLE	21

The design strategy adopted by the project Architect is detailed in the accompanying Design Verification Statement an extract of which is as follows:

The proposed new dwellings have been designed to provide contemporary architecturally designed single level apartments which improves comfort and amenity whilst being sympathetic to the existing streetscape & views from across the valley. Another major consideration was the design strategy concerning the cliff faces across the site, and how residents will access different parts of the site.

Gladys Avenue is a curving narrow cul-de-sac with mature trees, and hedges lining it. There are large setbacks to existing dwellings with intense planting. This planting provides privacy to the dwellings from the street. We are proposing to maintain this by having the gate and entry pavilion well set back from the street, while providing planting, and retaining the gum tree that is currently on the driveway. We have ensured that the upper pavilion mass and features will be perceived as a single dwelling from the street.

In terms of topography, it seemed prudent to have a small 2 storey pavilion at the higher end of the site, and take advantage of the first site fall away and have the lower pavilions curve around the site in line with the cliff-face. The facade materiality, texture and articulations are a direct response to the cliff-face represented on the site.

By breaking the buildings up, we were able to create view corridors for the residents and maintain them for the surrounding neighbours. It also provides an advantage by maintaining the texture of a low density residential area on the hillside, as viewed from across the valley

Accessible pedestrian access between the proposed apartments and Toronto Avenue, and throughout the site in general, is achieved by virtue of a series of accessible pathways, the suitability of which is confirmed in the access report prepared by Accessibility Solutions.

The appropriateness of the design of the driveway and parking area is confirmed in the accompanying Traffic Impact Assessment prepared by Terraffic. The acceptability of the proposed stormwater disposal regime is depicted on the accompanying stormwater plans prepared by Eboke Engineering Consultants noting that stormwater will be drained through a recently registered easement at the rear of the property.

Proposed tree removal and design protection measures are detailed in the Arborist Report by Naturally Trees with a high-quality landscaped solution including compensatory plantings detailed on the landscape plans by Paul Scrivener Design. The acceptability of the proposed excavation is addressed within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with such report containing the following commentary:

It is considered likely that excavation into the existing cliff line below the residential structures may improve the overall stability of the site, as the overhangs and any boulders within that area would be we note that the report also contains the following removed.

4 STATUTORY PLANNING FRAMEWORK

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

4.1 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Zoning

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

Height of buildings

Pursuant to clause 4.3 of WLEP 2011, the height of buildings at the subject site is limited to 8.5m, as shown on the Height of Buildings Map of WLEP 2011. However, pursuant to clause 1.9 of WLEP 2011 and clause 8 of SEPP Housing, the provisions of SEPP Housing prevail in the event of any inconsistency between the two instruments.

Earthworks

The application is supported by a Geotechnical Report that provides a series of recommendations to ensure that the proposed excavation can be undertaken appropriately. The consent authority can be satisfied that the excavation required to accommodate the development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of MLEP 2013.

Development on sloping land

The site is identified within Areas A, B and C on the Landslide Risk Land Map of WLEP 2011. A Geotechnical Report accompanies the application with the report containing a number of recommendations in relation to excavation/ construction methodology to ensure the stability of the site and its surrounds during construction works. We note that the report contains the following commentary:

It is considered likely that excavation into the existing cliff line below the residential structures may improve the overall stability of the site, as the overhangs and any boulders within that area would be removed.

No objection is raised to such recommendations forming a condition of development consent.

4.2 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

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

Land to which part applies

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

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

Permissibility

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

Development standards – general

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

Development Standard	Proposed	Comment
(a) The site area of the development is at least 1000m ²	4704m ²	Complies
(b) the frontage of the site area of the development is at least 20m measured at the building line	>20m when measured at the building line. Note: This is not a frontage width standard.	Complies
(c) for development on land in a residential zone where residential flat buildings are not permitted— i. the development will not result in a building with a height of more than 9.5m, excluding servicing	Various roof, eave and lift overrun elements breach the standard by a maximum of 2.2 metres as depicted in Figure 5.	No. Refer to clause 4.6 variation request at Attachment 1

Development Standard	Proposed	Comment
<p>equipment on the roof of the building, and</p> <p>ii. if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and</p> <p>iii. if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p>	<p>All habitable floor space compliant with the standard.</p> <p>All plant and equipment complies with the standard.</p> <p>Various building elements are 3 storeys in height as defined with the upper level fully compliant with the prescribed building height plane.</p>	<p>Complies</p> <p>Complies</p>

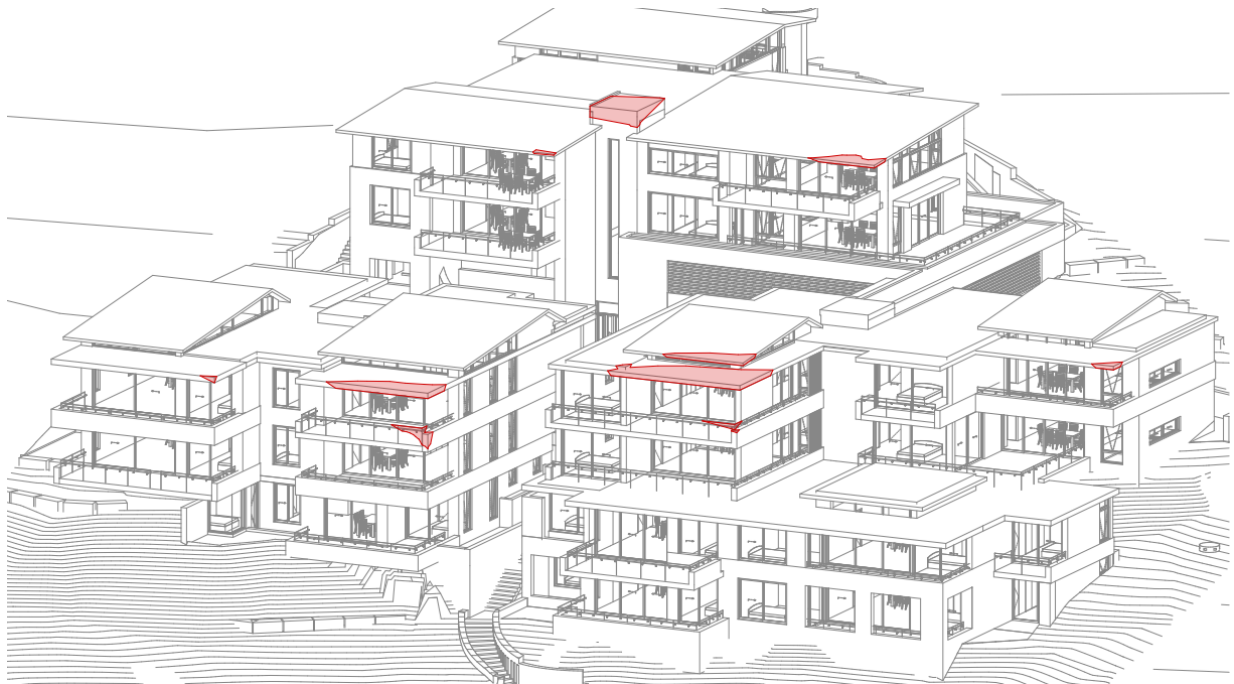


Figure 5 - Plan extract 9.5 m building height plane diagram showing non-compliant built form elements. Site analysis diagram depicting the built form and land use characteristics of properties located within proximity of the site

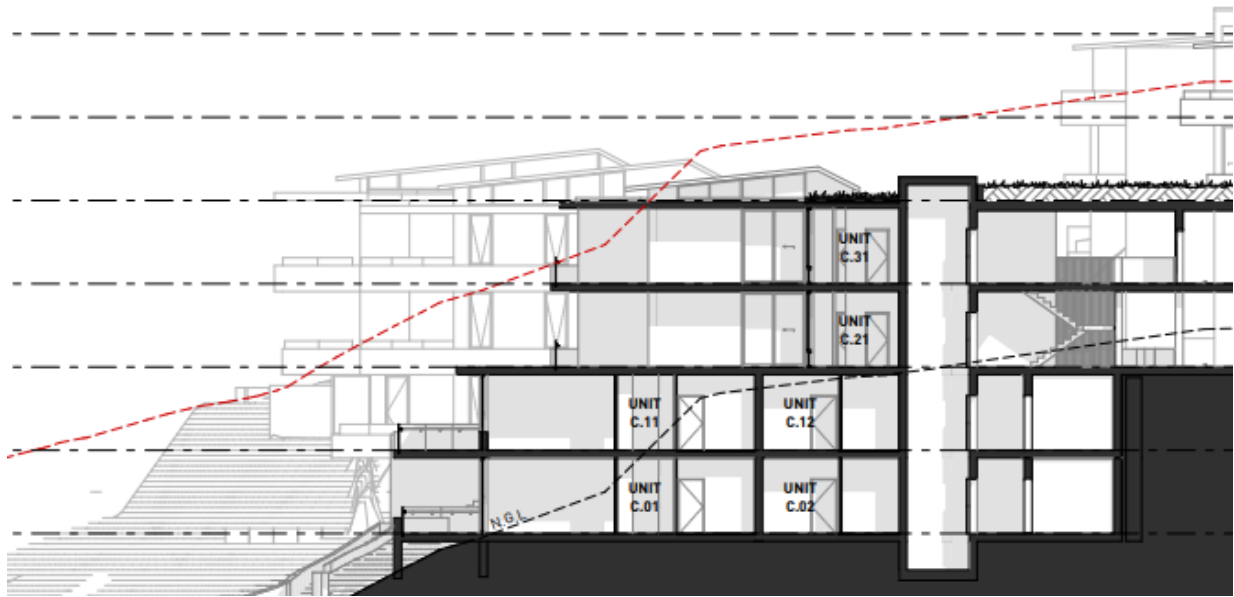


Figure 6 - Plan extract showing maximum extent of building height breach associated with cantilevered terrace roof element

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

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

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

Development standards – independent living units

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

The application is supported by an Access Report prepared by Accessibility Solutions which confirms compliance with these standards.

Location and access to facilities and services

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

Subsection (2) provides that the transport service must –

- a) *take the residents to a place that has adequate access to facilities and services, and*

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

Subsection (3) prescribes that access is adequate is –

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

The application is supported by an Access Report prepared by Accessibility Solutions which confirms compliance with these standards noting that a footpath along the western side of Gladys Avenue will be constructed in accordance with the approved and recently constructed seniors housing development at 8 Gladys Avenue.

The access report considers the proposed pedestrian access along Gladys Avenue and Frenchs Forest Road to access two bus stops which are serviced by bus routes 136, 141, 169, 193 and 280 that travel to and from a number of retail and commercial centres. A review of the proposed works confirms the distance to the easterly outbound bus stop is 196 metres and 223 metres to the westerly bus stop which complies with clause 93(2b) of the SEPP HS.

Water and Sewer

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

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

Design of in-fill self-care housing

Pursuant to clause 97 of SEPP Housing, the consent authority is to have regard to the Seniors Housing Design Guideline in its consideration of the application. An assessment against the relevant provisions is contained at section 2.1.2 of this report.

Having regard to the clause 97(2) provisions which require the consent authority to be satisfied that the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8 we provide the following commentary.

Neighbourhood amenity and streetscape

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

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

Comment: The architect has responded to the client brief to provide for a residential development of exceptional design quality which responds appropriately to the constraints and opportunities identified through detailed site and context analysis. Such design response includes the adoption of a pavilion style building form which recognises and reflects the battle axe nature/ pattern of development along this section of Gladys Avenue. The subject property will not be readily discernible in a streetscape context and will be appropriately landscaped to ensure it recognises the localities vegetated characteristic.

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

Comment: Not applicable.

- c) *maintain reasonable neighbourhood amenity and appropriate residential character by*

- i. *providing building setbacks to reduce bulk and overshadowing, and*

Comment: The proposed development complies with Warringah DCP setback controls with the 3rd storey elements compliant with the 45 degree building height plane standard. The shadow diagrams demonstrate the development will maintain compliant levels of solar access to adjoining properties.

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

Comment: The height, scale and form of the development relates to the topography of the site and that of the neighbouring sites. The built forms have been broken to enable the development to step down the slope of the land and is appropriately responsive to the context of the site through the adoption of a building pavilion form which reflects the rhythm of development established by the battle-axe subdivision pattern along this section of Gladys Avenue.

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

Comment: Given the battleaxe nature of the allotment the proposed development will not be readily discernible in a streetscape context. To the extent that it will be viewed down the driveway alignment the building presents as a two storey development compatible in scale with adjacent development.

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

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

- d) *be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*

Comment: The proposed development is sited to maintain a front setback which is sympathetic with the setbacks established by the two immediately adjoining properties. The proposed setbacks are consistent with the setback prescribed by WDCP 2011 and is appropriately responsive to the setbacks of adjoining dwellings noting the battleaxe nature of the site.

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

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

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

Comment: A detailed Arborist Assessment accompanies the DA and considers the removal and retention of existing trees on the site.

The arborist report has identified 65 trees in their report, 61 occur on the site, and 4 are neighbouring trees with potential impact. Of these 61 trees, 18 are identified as being of significance. Of these 18 the application proposes the removal of 3 significant trees and replace them as detailed on the accompanying landscape plans prepared by Paul Scrivener. Wherever possible major existing trees have been retained and incorporated as features of the overall landscape regime.

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

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

Visual and acoustic privacy

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

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

Comment: The design and orientation of individual apartments has been developed through appropriate site analysis to ensure that the development anticipates and appropriately addresses any potential amenity impacts to adjoining developments.

Adjoining development will not experience any unreasonable privacy impacts due to the orientation of private open space areas, spatial separation, implementation of integrated privacy attenuation measures into the design of the development and supplementary screening afforded through the landscaping proposed. We note that the rear apartments maintain a setback of approximate 25m to the rear boundary and to that extent do not result in any immediate overlooking opportunities.

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

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

Solar Access and Design for Climate

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

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

Comment: The accompanying shadow diagrams indicate that adequate solar access will be maintained to the north facing principal living areas and adjacent private open space areas of all surrounding properties between 9am and 3pm on 21st June.

- a) involving site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

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

Stormwater

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

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

Comment: All stormwater will be directed to the stormwater easement at the rear of the site created in accordance with the deferred commencement condition associated with development consent DA2022/1474 involving the subdivision of the 2 existing Lots into 4 Lots.

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

Comment: The accompanying stormwater management plans incorporated rainwater reuse.

Crime Prevention

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

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

Comment: The design of the development enables casual observation of all publicly accessible spaces. Access to each building pavilion is via a single access point with easily identified access to each dwelling.

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

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

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

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

Accessibility

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

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

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

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

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

Waste Management

Pursuant to clause 105 of SEPP Housing, the development should include waste storage facilities that maximise recycling by the provision of appropriate facilities. The bin store at the front of the site has been designed to house general waste, paper recycling, plastic recycling and vegetation bins, consistent with Council's Waste Management Policy.

Non-discretionary development standards for independent living units

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

Development Standard	Proposed	Comment
(a) no building has a height of more than 9.5m excluding servicing equipment on the roof of a building	11.7m	No. Refer to clause 4.6 variation request at Attachment 1
(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— <ul style="list-style-type: none"> i. is fully integrated into the design of the roof or contained and suitably screened from view from public places, and ii. is limited to an area of no more than 20% of the surface area of the roof, and iii. does not result in the building having a height of more than 11.5m, 	N/A	N/A
(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	0.56:1	<p>In relation to the GFA/ FSR proposed we have formed the following opinion:</p> <ul style="list-style-type: none"> - The proposed FSR reflects the desired future character of the Frenchs Forest Precinct which anticipates medium density housing forms located within and immediately adjacent to the recently gazetted town centre. - The landscaped area far exceeds the minimum requirements for deep soil zones and landscaped area, as prescribed by SEPP Housing. - The minimum setbacks to boundaries exceed the minimum setbacks prescribed by WDCP 2011. - The proposed development will not give rise to any unacceptable residential amenity impacts in terms of privacy, view loss, overshadowing or visual bulk.

Development Standard	Proposed	Comment
		<ul style="list-style-type: none"> - The integrated site landscape regime proposed will soften and screen the building when viewed from the street and neighbouring residential properties. - The development will increase the supply of housing for seniors in an accessible location. <p>The proposed development has a 2 and 3 storey built form presentation which takes advantage of the topographical characteristics of the site and which is compliant with the height and setback requirements of SEPP Housing which anticipates appropriately designed 3 storey building forms. The resultant form and massing are complimentary and compatible with surrounding development and consistent with that anticipated for infill development pursuant to SEPP Housing.</p> <p>Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of <i>Project Venture Developments v Pittwater Council</i> (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in a streetscape context nor when assessed against the built form characteristics of development within the site's visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.</p> <p>This submission is accompanied by a clause 4.6 variation request in support of the FSR proposed</p>

Development Standard	Proposed	Comment
		(Attachment 2) with such variation request well founded.
(d) for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling,	N/A	N/A
(e) if paragraph (d) does not apply—at least 30% of the site area is landscaped,	46%	The proposed development provides an area of 2199m ² or 46% of the site area far exceeding the 30% minimum prescribed.
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	40% with in excess of 65% of required deep soil landscaping located at the rear of the site.	<p>The proposed development provides an area of 1906m² of deep soil zone.</p> <p>The extent of deep soil area at the rear of the site is contextually appropriate.</p>
(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,	95%	17/18 (95%) of apartments receive 2 hours of direct sunlight to private open space and windows associated with living rooms between 9am and 3pm in midwinter.
(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— <ul style="list-style-type: none"> i. at least 15m² of private open space per dwelling, and ii. at least 1 private open space with minimum dimensions of 3m accessible from a living 	>15m ² 3m wide balconies adjacent and landscaped areas	The proposed ground floor apartments contain balconies with a minimum dimension of 3m and areas well in excess of 15m ² .

Development Standard	Proposed	Comment
area located on the ground floor,		
(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— i. an area of at least 10m ² , or ii. for each dwelling containing 1 bedroom—an area of at least 6m ² ,	>14m ²	All apartments have an area of private open space in excess of 10m ² with dimensions in excess of 2m.
(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. (2 x 2 bedroom and 17 x 3 bedroom) 27.5 spaces required.	28 provided.	The proposed development provides compliant parking for residents as detailed within the accompanying traffic and parking report.

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

4.3 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The following relevant DCP 2011 controls have been addressed with respect to consideration of the proposed Seniors Housing Development.

Control	Requirement	Proposed	Compliance
Side Boundary Envelope DCP Control B3	Side boundary envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 5 metres.	All building elements are compliant with the side boundary envelope control.	Yes
Side Boundary Setbacks DCP Control B5	Side boundary setbacks 0.9m.	All setbacks well in excess of these minimums.	Yes
Front Boundary Setbacks DCP Control B7	6.5m	N/A SEPP prevails.	N/A
Rear Boundary Setback DCP Control B9	6.0m rear setback	>6m	Yes
Traffic, Access, and Safety DCP Controls C2	To minimise: a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street;	A Traffic and Parking Assessment Report has been prepared by Terrafic. The traffic and parking report demonstrates that the proposed development has no unacceptable traffic implications.	Yes

Control	Requirement	Proposed	Compliance
	<p>d) traffic, pedestrian, and cyclist conflict;</p> <p>e) interference with public transport facilities; and</p> <p>f) the loss of “on street” kerbside parking.</p>		
Stormwater DCP Control C4	<p>To ensure the appropriate management of stormwater.</p> <p>To minimise the quantity of stormwater run-off.</p> <p>To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.</p> <p>To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).</p>	Please refer to Stormwater Management Plans	Yes
Erosion and Sedimentation DCP Control C5	<p>To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.</p> <p>To prevent the migration of sediment off the site</p>	Please refer to the erosion and sediment control plan provided in the stormwater engineers drawings.	Yes

Control	Requirement	Proposed	Compliance
	<p>onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.</p> <p>To prevent any reduction in water quality downstream of the development site.</p>		
Excavation and Landfill DCP Control C7	Excavation and landfill works must not result in any adverse impact on adjoining land.	A geotechnical report has been prepared and concludes that the development has an acceptable level of risk provided the recommendations of the report are adhered to.	Yes
Demolition & Construction DCP Control C8	A demolition and waste management plan must be satisfactorily completed and submitted.	A demolition and waste management plan accompanies the application.	Yes
Waste Management DCP Control C9	<p>Each development must include or have access to Waste/Recycling Storage Rooms and Areas.</p> <p>Where the number of dwellings/units is 29 or less, the Waste/Recycling Storage Rooms or</p>	The proposal incorporates a dedicated residential enclosed waste storage area adjacent to Gladys Avenue and within 6.5 metres walking distance from the adjacent roadway, compliant with this control.	Yes

Control	Requirement	Proposed	Compliance
	<p>Areas must be located at the front of the development within 6.5 metres walking distance to the front boundary adjacent to the roadway. If a Waste/Recycling Storage Room or Area is to be provided at another suitable location within the building, a complementary Waste/Recycling Storage Room or Area must be provided within 6.5 metres walking distance to the front boundary adjacent to the roadway;</p>	<p>Bulk waste storage is provided for.</p>	
<p>Private Open Space DCP Control D2</p>	<p>Multi dwelling housing (not located at ground level) residential flat buildings and shop top housing, to provide 10sqm of private open space with a minimum dimension of 2.5 metres.</p> <p>Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment,</p>	<p>The provisions of SEPP Housing prevail in relation to private open space controls of WDCP 2011.</p>	<p>N/A</p>

Control	Requirement	Proposed	Compliance
	<p>recreation, and children's play.</p> <p>Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p> <p>Private open space shall not be located in the primary front building setback.</p> <p>Private open space is to be located to maximise solar access.</p>		
<p>Access to Sunlight</p> <p>DCP Control D6</p>	<p>Pursuant to these provisions development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:</p> <ul style="list-style-type: none"> • Development should avoid unreasonable overshadowing any public open space. • At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum 	<p>View from the sun solar diagrams have been prepared.</p> <p>As demonstrated in the analysis the principal living areas and private open space of the surrounding dwellings will continue to receive in excess of 3 hours of solar access between 9am and 3pm on 21 June.</p> <p>The provisions of SEPP Housing prevail in relation to solar access requirements to the proposed development.</p>	Yes

Control	Requirement	Proposed	Compliance
	of 3 hours of sunlight between 9am and 3pm on June 21.		
Views DCP Control D7	Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.	The development has been designed through detailed site analysis to identify potential view lines across the site. We are of the opinion that the buildings have been arranged on site to maintain a view sharing outcome with all surrounding residential properties noting that views available from adjoining properties are immediately across the side boundaries and through the central portion of the subject property. Whilst some view affectation may arise primary views from adjoining properties across their rear boundaries are preserved.	Yes
Privacy DCP Control D8	Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.	The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained to neighbouring properties through the design and orientation of the apartments, the appropriate use and	Yes

Control	Requirement	Proposed	Compliance
		placement of fenestration, maintenance of significant spatial separation and integrated privacy attenuation measures where considered necessary.	
Building Bulk DCP Control D9	Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways, and land zoned for public recreation purposes.	<p>The development has been designed through detailed site context analysis to provide through a contextually responsive building form maintaining appropriate amenity to neighbouring properties and a high level of amenity to future occupants.</p> <p>The pavilion style building typology adopted has regard to the scale and proportion of existing dwellings in the locality.</p> <p>The highly articulated building form and facade treatments provide visual interest to the streetscape.</p>	Yes
Building Colours and Materials DCP Control D10	Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	The proposed materials and finishes are indicated on the Schedule of Finishes submitted with the application.	Yes

Control	Requirement	Proposed	Compliance
		The materials and finishes are considered to be sympathetic to the style of the surrounding development and complementary to natural environment.	
Roofs DCP Control D11	Roofs are to be designed to complement the local skyline.	The development incorporates flat roof elements, to minimise bulk and scale.	Yes
Glare and Reflection DCP Control D12	Ensure that development will not result in overspill or glare from artificial illumination or sun reflection.	The proposed window glazing and roof finishes will not give rise to any unacceptable glare or reflection.	Yes
Accessibility DCP Control D18	To ensure convenient, comfortable, and safe access for all people including older people, people with prams and strollers and people with a disability.	<p>The proposed development has been designed to ensure a convenient, comfortable, and safe access for all people including wheelchair accessibility.</p> <p>The application is accompanied by an Access Report confirming compliance with the SEPP Housing provisions.</p>	Yes

Control	Requirement	Proposed	Compliance
Safety and Security DCP Control D20	<p>Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</p> <p>Service areas and access ways are to be either secured or designed to allow casual surveillance.</p> <p>There is to be adequate lighting of entrances and pedestrian areas.</p> <p>After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>Entrances to buildings are to be from public streets wherever possible.</p>	<p>The design of the development enables casual observation to and from all publicly accessible areas of the development. Access to each building pavilion is via a single access point providing a safe and easily identified access to each dwelling.</p> <p>The basement car parking areas and common circulation spaces will be appropriately lit at night with no objection raised to the imposition of a condition in this regard.</p>	Yes
Private Property Tree Management DCP Control E1	<p>Development is to be situated and designed to minimise the impact on remnant native vegetation including canopy trees and understorey vegetation on remnant native ground cover species.</p>	<p>An Arborist Report has been prepared and accompanies this application. This report considers the trees required for removal.</p>	Yes
Landslip Risk DCP Control E10	<p>The site is identified as falling within Landslip Risk Areas A and B.</p>	<p>Please refer to the geotechnical report provided.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>The applicant must demonstrate that:</p> <ul style="list-style-type: none"> The proposed development is justified in terms of geotechnical stability; and The proposed development will be carried out in accordance with good engineering practice. 		

4.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

4.4.1 REMEDIATION OF LAND

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

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

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

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

4.5 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Chapter 4 and Schedule 9 of the SEPP aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics to improve the design quality of residential flat building in the State.

These provisions apply to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

The proposed development is for the erection of a part 2/part 3 storey building, as defined, containing nineteen (19) dwellings. As per the definition of a 'Residential Flat Building' and the provisions of Clause 4 outlining the application of the Policy, the provisions of SEPP 65 are applicable to the proposed development.

Clause 147(1)(a) requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 9. The proposal's compliance with the design quality principles is detailed in the accompanying Architect Design Verification Statement.

Pursuant to clause 147(1)(b) states that in determining a development application for consent to carry out residential flat development the consent authority is required to take into consideration the Apartment Design Guide. In this regard an Apartment Design Guide compliance table is attached to the accompanying Architect Design Verification Statement.

4.6 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.

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

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

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

(i) The provision of any Planning Instrument

Comment: This report clearly and comprehensively addresses the relevant provisions of all applicable planning instruments, including SEPP Housing, WLEP 2011, SEPP Housing, SEPP (Resilience and Hazards) and SEPP (Sustainable Buildings) 2022.

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

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

(iii) Any development control plan

Comment: WDCP 2011 applies with these provisions having been assessed within this report.

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

Comment: N/A

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

Comment: N/A

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

Comment: N/A

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

Context and Setting

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

Comment: These matters have been addressed within this report.

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

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

Access, transport, and traffic:

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

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

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

Public Domain

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

Utilities

Comment: This has been addressed within this report.

Flora and Fauna

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

Waste Collection

Comment: Normal domestic waste collection applies.

Natural hazards

Comment: The site is located within Area A on the Landslide Risk Land Map. The application is supported by a Geotechnical Report.

Economic Impact in the locality

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

Site Design and Internal Design

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

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

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

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

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

Comment: The proposed development can comply with the provisions of the Building Code of Australia as detailed in the accompanying NCC Assessment Report prepared by Design Right Consulting.

Construction

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

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

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

(c) The suitability of the site for the development

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

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

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

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

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

(e) The public interest

Comment: It is considered that the development is sensitive both to the natural and built environments and is consistent with the provisions of SEPP Housing. The development will provide for additional housing for seniors or people with a disability in an area ideally suited to this form of housing.

5 CONCLUSION

The architect has responded to the client brief to provide for a residential development of exceptional design quality which responds appropriately to the constraints and opportunities identified through detailed site and context analysis. Such design response includes the adoption of a pavilion style building form which recognises and reflects the battle axe nature/ pattern of development along the northern side of Gladys Avenue. All stormwater will be directed to the stormwater easement at the rear of the site created in accordance with the deferred commencement condition associated with development consent DA2022/1474 involving the subdivision of the 2 existing Lots into 4 Lots.

The proposed development displays a highly articulated and modulated 2 and 3 storey building form which takes advantage of the topographical characteristics of the site and which is compliant with the height and setback requirements of SEPP Housing which anticipates appropriately designed 3 storey building forms. The resultant form and massing are complimentary and compatible with surrounding development and consistent with that anticipated for infill development pursuant to SEPP Housing. The proposed FSR reflects the desired future character of the Frenchs Forest Precinct which anticipates medium density housing forms located within and immediately adjacent to the recently gazetted town centre. The development will provide superior levels of amenity for future occupants whilst maintaining appropriate levels of amenity to the adjoining residential properties.

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

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

- The proposal appropriately responds to the relevant planning controls applicable to the site and the proposed development.
- The proposed development is consistent with the desired future character of the locality as reflected by the subdivision pattern and spatial arrangement of surrounding development.
- The proposed development will not have an unreasonable impact on the environmental quality of the land and the amenity of surrounding properties.
- The accompanying clause 4.6 variation requests demonstrate that compliance with the building height standards at clauses 84 and 108(2)(a) and the FSR standard prescribed by clause 108(2)(c) of SEPP Housing is unnecessary given the developments consistency with the implicit/ adopted objectives of the standards with sufficient environmental planning grounds to justify the variations. The clause 4.6 variation requests are well-founded.

- The site is assessed as suitable for the proposal, having regard to the relevant considerations pursuant to the SEPP (Housing) 2021.

Yours faithfully

Boston Blyth Fleming Town Planners



Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director

Attachment 1

Clause 4.6 variation request – Building height

Separately circulated

Attachment 2

Clause 4.6 variation request – Floor space ratio

Separately circulated