

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Proposed Seniors Housing
Development

**54 Bardo Road
NEWPORT**



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Statement of Environmental Effects

PROPOSED SENIORS HOUSING DEVELOPMENT

54 Bardo Road, Newport

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1.0 INTRODUCTION

This document forms a component of a development application that proposes the demolition of the existing site structures and the construction of a seniors housing development incorporating 6 units and 8 car parking spaces pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPP HSPD”).

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 whilst maintaining appropriate levels of amenity to the adjoining and nearby residential properties. The final design outcome is also responsive to the revised Draft North District Plan which indicates that there will be a 54% increase in the number of people aged 65 years and older in the next 20 years. In this regard, the proposal will meet a clear and increasing demand for seniors housing on the Northern Beaches enabling existing residents to age in place.

The proposal provides for development that creates 2 buildings on the site which are highly articulated and sympathetic to the existing detached dwelling character of the area. The proposal has been designed to address the issues raised by Northern Beaches Council via a pre-lodgement meeting held on 13 August 2020 (PLM2020/0170). In preparation of the document consideration has been given to the following statutory planning regime:

- Environmental Planning and Assessment Act, 1979 (“the Act”);
- Pittwater Local Environmental Plan 2014 (“PLEP”);
- Pittwater 21 Development Control Plan 2011 (“PDCP”);
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPP HSPD”);
- State Environmental Planning Policy (BASIX) 2004 (“SEPP BASIX”); and
- State Environmental Planning Policy No. 55 (Remediation of Land) (“SEPP 55”).

Architectural drawings including floor plans, elevations and sections have been prepared in relation to the development proposed.

The application is also accompanied by a survey plan, shadow/ solar diagrams, traffic management report, arborist report, access report, landscape plans, schedule of finishes, geotechnical report, drainage plans, BASIX certificate, BCA report and photomontage.

The proposal is permissible and in conformity with the aims and implicit objectives of SEPP HSPD and the subordinate standards and controls applicable to this form of development on this particular site. The proposed height and density are as anticipated for this form of development and its highly articulated and modulated 1 and 2 storey building form ensuring that it will be complimentary and compatible with the built form characteristics of development established within the sites visual catchment. T

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document succeeds on merit and is worthy of the granting of development consent.

2.0 SITE DESCRIPTION AND LOCATION

The subject property is legally described as Lot 44 in DP 4689, No. 54 Bardo Road, Newport. The allotment is rectangular in shape with frontage and address to Bardo Road of 20.115 metres, depth of 60.96 metre and an area of 1220m². The site contains a number of trees located towards its frontage and down its eastern boundary and falls approximately 3.5 metres across its surface in a southerly direction. An aerial location/context photograph is provided in Figure 1 below.



Figure 1 – Site location/ aerial context

The property is occupied by a single residential dwelling with pitched and tile roof and a metal carport accessed via a driveway from Bardo Road with photograph of the sites presentation as viewed from Bardo Road at Figure 2 over page.



Figure 2 – Subject site as viewed from Bardo Road

The adjoining properties are occupied by single storey dwelling houses with various detached ancillary structures. Development along Bardo Road is characterised by a mix of 1 and 2 storey detached dwellings interspersed by older residential flat buildings as depicted in the following photographs.



Figure 3 – No. 52 Bardo Road, the property to the east of the subject site, as viewed from the street



Figure 4 – No. 56 Bardo Road, the property to the west of the subject site, as viewed from the street



Figure 4 – Development located on the southern side of Bardo Road directly opposite the subject site

3.0 DEVELOPMENT PROPOSAL

This document forms a component of a development application that proposes the demolition of the existing site structures and the construction of a seniors housing development incorporating 6 units and 8 car parking spaces pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPP HSPD”).

The development has been broken into 2 separate buildings reflecting the detached style housing typology established within the street block. The scope of works is depicted on the following architectural plans prepared by Giles Tribe Architects:

DA001	COVER PAGE	J	03/09/20
DA002	DEMOLITION PLAN	F	03/09/20
DA003	SITE ANALYSIS	G	03/09/20
DA004	SITE IMAGES	F	03/09/20
DA005	SITE PLAN	G	03/09/20
DA006	BASEMENT PLAN	N	03/09/20
DA007	GROUND FLOOR PLAN	O	03/09/20
DA008	LEVEL 1 PLAN	M	03/09/20
DA009	ROOF PLAN	H	03/09/20
DA010	NORTH & WEST ELEVATIONS	I	03/09/20
DA011	SOUTH & EAST ELEVATIONS	H	03/09/20
DA012	SECTION AA & BB	G	03/09/20
DA013	SECTION CC & DD	G	03/09/20
DA014	LANDSCAPE CALCULATION PLAN	J	03/09/20
DA015	DEEP SOIL PLAN	I	03/09/20
DA016	GFA CALCULATIONS	H	03/09/20
DA017	SHADOW DIAGRAMS	F	03/09/20
DA018	SOLAR DIAGRAMS	F	03/09/20
DA019	WINDOW SCHEDULE	D	03/09/20
DA020	PHOTOMONTAGE	A	03/09/20
DA021	BUS STOP DISTANCE	F	03/09/20

Specifically, the application provides for the following built form outcome:

Basement Level

This floor plate incorporates car parking for 8 residential car parking spaces. The basement level also incorporates storage for the individual unit and services areas.

Separate lifts are proposed to directly access the 2 units within the rear building from the basement. A common lift is proposed from the basement to access the front building. Stair access is also provided to all unit from the basement level.

Ground Floor (RL 15.27 for front building; RL 16.80 for rear building)

There are 4 units proposed at this level. Both the front and the rear buildings will contain 1 x 2 bedroom unit and 1 x 3 bedroom unit. Each unit includes an open plan kitchen/dining/living area which opens to private open space areas.

An outdoor common open space area is proposed between the 2 buildings. The bin storage area is located at the front of the site.

First Floor (RL 18.37)

The front building includes 2 first floor units. 1 x 3 bedroom unit and 1 x 2 bedroom unit. Each unit contains an open plan kitchen/living/dining area which opens to a balcony.

The proposal also involves the implementation of an enhanced and integrated site landscape regime as depicted on the landscape plans prepared by Site Image with the required tree removal identified and appropriately addressed in the accompanying arborist advice prepared by Tree Survey. This report also contains recommendations in relation to tree protection to ensure the trees nominated for retention are appropriately protected. The landscape proposal incorporates appropriate deep soil perimeter landscape treatments which will soften and screen the development and ensure that the 1 and 2 storey buildings sit within a landscape setting.

The acceptability of accessibility is dealt with in the accompanying access report prepared by Accessibility Solutions with excavation addressed in the geotechnical report prepared by White Geotechnical Group. No objection is raised to the recommendations contained within these reports forming appropriate conditions of development consent.

All stormwater will be gravity drained to the street drainage system via the required on-site stormwater detention system as detailed on the accompanying stormwater drainage plans prepared by Loka Consulting Engineers.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

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 Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined together with any steps to mitigate against any potential adverse environmental impacts.

4.2 Pittwater Local Environmental Plan 2014

4.2.1 Zone and Zone Objectives

The subject property is zoned Residential R2 Low Density Residential pursuant to Pittwater Local Environmental Plan 2014 (PLEP 2014). Dwelling houses are permissible with consent in the zone. As such, this form of development is permissible in the zone pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPP HSPD”). The property is not heritage listed or located within a heritage conservation area.

The stated zone objectives are as follows:

- *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 development meets the relevant zone objectives by providing housing which will meet the needs of the community. The height and scale of the development is responsive to context, compatible with that of adjoining development and will not result in unacceptable or jarring residential amenity or streetscape impacts.

PLEP 2014 also contains other provisions applicable to development on the land and although such provisions cannot derogate from SEPP HSPD consideration has been given as follows.

4.2.2 Height of buildings

The subject application is made pursuant to the provisions of SEPP HSPD which contains development standards in relation to building height. Whilst the SEPP HSPD building height provisions prevail over the clause 4.3 PLEP height standard an assessment against the latter numerical provision is considered appropriate. In this regard clause 4.3 states that the height of a building on any land is not to exceed 8.5 metres or 8 metres above any flood planning level (FPL). The stated objectives of such control are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Building height (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

We confirm that the entire development sits below the 8.5/ 8.0 m FPL height development standard. Having regard to the stated objectives of the standard we note:

- The height, bulk and scale of the highly articulated 1 and 2 storey building forms is compatible with the height and scale of surrounding and detached dwelling form of the low density zone. We note that SEPP HSPD anticipates a medium density building form within a low density residential environment;
- The height of the development does not give rise to any unacceptable residential amenity impacts in terms of views, privacy or solar access;
- The height of the development will not give rise to adverse impact on the scenic quality of Pittwater's coastal and bush environments with the building not being readily discernible as viewed from street and the rear building comprises only a single storey built form.

- The height of the development will not be perceived as inappropriate or jarring in its context as viewed from public places such as parks and reserves, roads and community facilities.
- Consistent with the conclusions reached by the Senior Commissioner in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the Rose Avenue or Lantana Avenue streetscapes or having regard to the built form characteristics of development within immediate proximity of the site including the recently approved seniors housing development (DA2016/0621) at No's 30 and 34 Rose Avenue.

The streetscape and physical impacts of the development have been found to be acceptable with appropriate levels of residential amenity maintained to adjoining properties. The proposal satisfies the numerical standard and its associated objectives and accordingly there is no statutory impediment to the granting of consent.

4.3 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The following section of this report assesses the proposal against the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

4.3.1 Aims of Policy

The stated aims of the SEPP are 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, and*
- make efficient use of existing infrastructure and services, and*
- be of good design.*

The policy indicates that these aims will be achieved by:

- setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in the policy, and*

- (b) *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

This report clearly and comprehensively demonstrates that the development is of good design and achieves the aims, development criteria and standards prescribed by the Policy and responds positively to the characteristics of the site through the design initiatives adopted including the highly articulated and detached building form with the inclusion of a generous landscaped curtilage.

4.3.2 Land to Which Policy Applies

Section 4 of the SEPP states that this policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

- (a) *development for the purpose of any of the following is permitted on the land:*
 - (i) *dwelling-houses,*
 - (ii) *residential flat buildings,*
 - (iii) *hospitals,*
 - (iv) *development of a kind identified in respect of land zoned special uses.*

The allotment, the subject of this application, is zoned primarily for urban purposes on which dwelling houses are a permissible use.

As the sites are not classified as environmentally sensitive land as identified in Schedule 1, or zoned for industrial purposes, the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 apply.

4.3.3 Key Concepts

The development proposes the provision of self-contained dwellings to be used permanently for seniors or people with a disability. The proposed dwellings are self-contained as defined in clause 13 of the SEPP.

4.3.4 Site Compatibility Criteria

The subject application is not one to which the application of a site compatibility certificate applies pursuant to clause 25 of the SEPP.

4.3.5 Site-related Requirements

Location and access to facilities

Pursuant to clause 26 a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access to:

- (a) *shops, banks and other retail and commercial services that residents may reasonably require, and*
- (b) *community services and recreational facilities, and*
- (c) *the practice of a general medical practitioner.*

The proposed development is within walking distance to the Newport Town centre with access to retail and commercial services, medical services, community services and recreational facilities with these provisions addressed within the accompanying access report prepared by the LOKA Consulting Engineers.

Bush fire prone land

Pursuant to Clause 27 a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land – vegetation category 2” or “Bush fire prone land – vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled *Planning for Bushfire Protection*, dated December 2001.

The subject site is not identified as bushfire prone land.

Water and sewer

Pursuant to clause 28 a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

The subject site currently contains a dwelling house that is connected to a reticulated water and sewage system. The proposed development will

connect to these existing systems. The proposal can comply with the water and sewer provision requirements as outlined.

Compatibility Criteria for Certain Development to which Clause 24 does not apply

Having regard to the compatibility consideration at clause 25(5)(b)(i), (iii) and (v) we have formed the following opinions:

The height, bulk and scale and the provision of a detached built form reflects the low density nature of surrounding and nearby development noting that SEPP HSPD anticipates a medium density building form within a low density residential environment. The development appropriately addresses Bardo Road street frontage and maintains a vegetated link through the central portion of the site.

The height and form of the development does not give rise to any unacceptable residential amenity impacts in terms of views, privacy or solar access. The proposal fully complies with the threshold standards pertaining to height with all ceiling heights sitting comfortably below the 8 metre provision. Landscaped area is also in excess of the SEPP Control.

Consistent with the conclusions reached by the Senior Commissioner in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the streetscapes or having regard to the built form characteristics of development within immediate proximity of the site.

To that extent it can be reasonably concluded that the proposal is compatible with its surroundings having regard to the applicable assessment criteria.

4.3.6 Design Requirements

Site analysis

Pursuant to clause 30 of the SEPP a site analysis plan accompanies this application. An aerial photograph of the subject site and its immediate surrounds is contained in Section 2.0 of this report. The relevant issues are discussed as follows:

The Site

(a) Site Dimensions

Comment: These are detailed on the accompanying survey plans prepared by C & A surveyors.

(b) Topography

Comment: The topography of the site slopes gently upwards towards the rear of the site approximately 3m

(c) Services

Comment: The proposed development will connect to existing services.

(d) Existing vegetation

Comment: The application is accompanied by a site survey an arborist report which collectively show the location and species of existing trees relative to property boundaries.

(e) Micro climates

Comment: The site has good solar orientation and has exposure to prevailing breezes.

(f) Location of site features

Comment: The existing site structures and features are depicted on the accompanying survey plan. The site does not contain any heritage items.

(g) Views:

Comment: No scenic views are currently available from the subject site due to the topography of the site and intervening built form and landscape elements.

(h) Overshadowing

Comment: The sites obtain good levels of solar access throughout the day due to their orientation.

Surrounds of the site

(a) Neighbouring buildings

Comment: The neighbouring buildings are shown on the accompanying survey plan. The immediate neighbours to the east and west contain single residential dwellings.

(b) Privacy

Comment: Good levels of privacy are currently afforded to the immediately adjoining properties.

(c) Walls built to the site's boundaries

Comment: No walls are currently built to the site boundaries.

(d) Difference in levels

Comment: The associated levels are shown on the site survey. There is currently no significant change in levels between properties.

(e) Views and solar access

Comment: No scenic views are currently available from the subject site due to the topography of the site and intervening built form and landscape elements. All adjoining properties receive good levels of solar access throughout the day to living and private open space areas.

(f) Major trees

Comment: A number of significant trees are identified in the Arborist Report prepared by Tree Survey that will require Tree Protection Zones to be implemented during the life of the development. The Arborist Report provided provides recommendations and management plans for the major trees on or surrounding the site.

(g) Street frontage features

Comment: The street frontage is characterised by open landscape front yards with primary access from Bardo Road.

(h) Built form and character of adjoining development

Comment: The built form characteristics of adjoining development are described in section 2.0 of this statement. The locality benefits from nearby open space recreational areas.

(i) Heritage features

Comment: The subject properties are not heritage listed nor within the vicinity of any heritage items.

(j) Direction and distance to local facilities

Comment: The subject site is located within 600 - 700m or approximately 10 minute walk to Newport town centre.

(k) Public open space

Comment: The site is located in close proximity to local public open spaces. Dearin Reserve is located to the south west which is situated next to Pittwater. Newport Oval is situated to the east of the site with Newport Beach located further east.

(l) Adjoining bushland and environmentally sensitive land

Comment: the site is not adjoining any environmentally sensitive land.

(m) Sources of nuisance

Comment: Other than potential traffic noise associated with the adjacent road network there are no immediate sources of nuisance.

The proposed development has been developed having regard to the above site analysis and accompanying plan.

Design of in-fill self-care housing

Pursuant to clause 31, In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004. In this regard, we provide the following analysis.

There are no topographical constraints impacting the site relevant to the development as proposed. These details are all included on the site survey submitted with the DA. The relationship of the proposed development to the adjacent sites provides for appropriate built form separation, with the compliant building height and scale mitigating any impacts to established views or outlooks from the properties.

Having regard to the urban design guidelines for infill development as published by the Urban Design Advisor Service of the NSW Department of Planning & Natural Resources the following observations are made:

Context

The development provides for 6 units set with 2 detached pavilions, the rear single storey, and located within an informal landscaped setting. The 1 and 2 storey detach forms are complimentary and compatible with the 1 and 2 storey detached dwelling house built form context in which the site is located.

Site Planning and Design

The design of the development has sought to reflect the character and style of detached style housing within the immediate locality, through the creation of detached 1 and 2 storey building forms. The layout of the development provides private open space in the form of terraces to each dwelling. The majority of the units will have a north/ south orientation with compliant levels of solar access achieved and appropriate levels of visual privacy maintained between development.

Impacts on the Streetscape

The proposal provides for the partial retention of mature vegetation on the land and a 1 and 2 storey building form that is consistent with the form of buildings contemplated for the locality. The front setback provides appropriately for landscaping with complimentary and compatible setbacks maintained, consistent with the average front setback established by development along this section of Bardo Road. The form of building provides for a contemporary infill outcome that is consistent with the intentions of the SEPP and the setting is augmented by the landscape detail as proposed by this application.

Impacts on the Neighbours

The 1 and 2 storey compliant building height combined with privacy measures, as necessary, to upper level terraces and an enhanced site landscaping regime will ensure that the privacy and amenity of adjacent sites are retained. The shadow diagrams submitted with the application demonstrate that there are limited shadow impacts to neighbouring properties.

Internal site amenity

All of the units are afforded with generous entertaining terraces accessed off the main living areas to each of the units. Internal amenity is enhanced through tree retention and additional plantings as detailed on the accompanying landscape plans.

Neighbourhood amenity and streetscape

Pursuant to clause 33 the proposed development should:

- (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: As previously indicated the building has been designed to respond to the context in which it is located being a mix of detached residential houses, older residential flat building as well as more recent seniors living developments. Where possible the significant trees on the site have been retained and incorporated as integrated elements within the scheme. The 1 and 2 storey pavilion style development will sit within a landscaped setting reflecting the desirable elements of the location's current character so that the new buildings will contribute to the quality and identity of the area.

Consistent with the conclusions reached by the Senior Commissioner in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191, I have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to Bardo Road streetscape or having regard to the built form characteristics of development throughout the immediate locality.

The physical impacts of the development have been found to be acceptable with appropriate levels of residential amenity maintained to adjoining residential properties. To that extent it can be reasonably concluded that the proposal is compatible with its surroundings.

- (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: The subject properties are not heritage listed or located within proximity of a heritage item.

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

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

Comment: The application proposed a 6.5m front setback and a 6.5m rear setback. The rear building proposed a 2m setback to both side boundaries with the front pavilion maintaining an eastern side setback of between 3 and 3.715 metres and a western side setback of between 4 – 5.35 metres.

These setbacks are contextually appropriate and well in excess of those prescribed by the “*Seniors Living Policy: Urban Design Guidelines for Infill Development*”. The setbacks proposed provide for a compliant building envelope circumstance, appropriate spatial separation between properties and well dimensioned deep soil landscape opportunities around the majority of the perimeter of the development.

The setbacks proposed, coupled with the sensitive design and orientation of internal living and outdoor open space areas will ensure that appropriate levels of aural and visual privacy are maintained to adjoining properties. Further, the shadow diagrams clearly demonstrate that well in excess of 3 hours of solar access will be maintained to the principal living and outdoor open space of neighbouring properties between 9:00am and 3:00pm on 21st June.

- (ii) *using building form and siting that relates to the site’s land form, and*

Comment: The building forms step down the site in response to topography.

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

Comment: The development maintains a complimentary and compatible 2 storey presentation to Bardo Road. The single storey form of the rear building ensures that the developments bulk and scale is minimised.

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

Comment: No buildings are to be located on the boundary.

- (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 front building setbacks are consistent with the established building line.

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

Comment: The existing site landscaping will be supplemented and enhanced in conjunction with the proposed development. These landscape elements are shown on the landscape concept plans provided.

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

Comment: The proposal also involves the implementation of an enhanced and integrated site landscape regime as depicted on the landscape plans. The Arborist Report identifies that 8 trees are to be removed of the 17 that were identified. The landscape proposal retains the most significant trees on the site and incorporates appropriate deep soil perimeter landscape treatments which will soften and screen the development and ensure that the buildings sit within a landscape setting.

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

Comment: Not applicable.

Visual and acoustic privacy

Pursuant to clause 34 the proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

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

Comment: The proposal maintains appropriate levels of both aural and visual privacy through appropriate building design and orientation of internal living. The first floor balconies of the front building are situated a significant distance from neighbouring properties and will be screened by the landscaping treatments proposed. The first floor windows are restricted to highlight windows to provide access to natural light to these rooms. It is considered that the proposal maintains the visual and acoustic privacy of neighbouring properties.

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

Comment: This has been addressed through building design and landscaping.

Solar access and design for climate

Pursuant to clause 35 the proposed development should:

(a) *ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*

Comment: The accompanying shadow diagrams clearly demonstrate that the orientation of the site, location of proposed built form elements, spatial separation maintained between adjoining properties and topography will ensure that the development will not unreasonably shadow any adjoining properties at any time during the day.

The proposal ensures that all unit will receive compliant levels of solar access in mid winter. Neighbouring properties will also receive compliant levels of the solar access in mid-winter.

- (b) 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: As previously indicated all of the units receive 3 hours or more solar access.

Stormwater

Pursuant to clause 36 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 gravity drained to Bardo Road as depicted on the accompanying stormwater plans will prepared by LOKA Consulting Engineers.

- (b) include, where practicable, on-site stormwater detention or re-use for second quality water uses.*

Comment: Please refer to the accompanying drainage plans prepared by LOKA Consulting Engineers.

Crime prevention

Pursuant to clause 37 the proposed development should 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: These design principles have been considered and detailed with the development application. Appropriate levels of casual surveillance are achieved to public open spaces from all units. All basement car parking and publicly accessible areas will be appropriately lit night with the and landscape designs minimising potential concealment and entrapment opportunities.

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

Comment: The rear building will provide separate lifts to each unit from the basement level. Stairs are also provided from the basement to the rear building. The front building unit will have a common lift and stairs accessed from the basement. Pedestrian entry will be adjacent to the eastern boundary accessed from Bardo Road. It will run adjacent to the eastern boundary and provides access to the rear building.

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

Comment: These design principles have been considered and detailed with the development application. Good levels of casual surveillance are achieved from all units/ townhouses.

Accessibility

Pursuant to clause 38 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: The site has well defined and accessible links to and from the site with Newport Town Centre and public transport along Gladstone Street within a short walking distance from the subject site. The access to the proposed development is in compliance with these provisions as detailed within the access report prepared by Accessibility Solutions.

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

Comment: The proposal incorporates the required quantum of resident spaces in safe and convenient basement parking facilities. We note that no visitor parking is required.

The proposed parking arrangement has been reviewed by Loka Consulting Engineers and deemed to be in accordance with the relevant Council guidelines.

Waste management

Pursuant to clause 39 the proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Comment: The development incorporates appropriately sized and conveniently accessed garbage storage facilities located at the front of the site adjacent to Bardo Road.

4.3.7 Development standards to be complied with

Minimum sizes and building height

Pursuant to clause 40 a consent authority must not consent to a development application unless the proposed development complies with the standards specified in this clause:

Site size

The size of the site is at least 1,000 square metres, and

Comment: The area of the entire development site is 1226.3m² and as such complies with the development standard.

Site frontage

The site frontage is at least 20 metres wide measured at the building line, and

Comment: The portion of the development Lot upon which the proposed buildings are located have widths measured at the building line of 20.115m which is compliant with this standard.

Height in zones where residential flat buildings are not permitted

- (a) *the height of all buildings in the proposed development must be 8 metres or less, and*

Comment: We note that for the purpose of this clause height is defined as follows:

***height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

We note that the development complies with the standard as depicted on the architectural plans.

- (b) *a building that is adjacent to a boundary of the site must be not more than 2 storeys in height, and*

Comment: In relation to storeys we confirm that the building is 2 storeys, compliant with the control.

- (c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*

Comment: The development proposes the rear building to be single storey in compliance with this control.

4.3.8 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:

- ***building height:*** *if all proposed buildings are 8 metres or less in height,*

Comment: Satisfied.

- (b) ***density and scale:*** *if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

Comment: The proposal provides for a gross floor area of 698.49m² representing an FSR of 0.569.:1.

It has been determined that the GFA/FSR has been appropriately distributed across the site have regard to the relationship of the proposal to the established built form arrangement on adjoining properties and the maintenance of appropriate residential amenity outcomes.

- (c) ***landscaped area:*** *if a minimum of 30% of the area of the sites is to be landscaped,*

Comment: The application provides for a total landscaped area of 450.46m² or 36.7% which is compliant with the control.

- (d) ***Deep soil zones:*** *if, in relation to that part of the site that is not built upon, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site. Two thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

Comment: The application provides for a total deep soil landscaped area of 15.34% of the site area with such areas in excess of 3 metres in both directions and located adjacent to both side boundaries to accommodate deep soil perimeter/ intervening landscaping.

- (e) **solar access:** *if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

Comment: As previously indicated, the orientation of the apartments and associated living and private open space areas will ensure that all of the apartments will receive 3 hours of solar access between 9am and 3pm on 21st June.

- (f) **private open space for in-fill self-care housing:** *if:*
 - (i) *in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*

Comment: All apartments/townhouses have compliant areas of private open space as detailed on the architectural plans provided.

- (h) **parking:** *if at least the following is provided:*
 - (i) *0.5 car spaces for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider.*

Comment: Based on 15 bedrooms the proposal requires 8 car parking spaces. The proposal provides for 8 resident spaces in strict accordance with such control.

4.4 COMPLIANCE TABLE- SEPP (HSPD) 2004

The table below provides a summary of details in respect to compliance with standards that apply to this development proposal.

SUMMARY OF COMPLIANCE WITH STANDARDS			
Standard	Required	Provided	Complies
Location, Facilities and Support Services (Clause 26 SEPPHSPD)	Site within 400m of transport that can provide access to Facilities and Support Services	Refer to accompany access report.	Yes
Building Frontage (Clause 40(3) SEPPHSPD)	Minimum street frontage of 20 metres wide at building line.	20.115 metres at building alignment.	Yes
Wheelchair Access Requirements (Schedule 3)	100% access to road or internal driveway; 10% access to adjoining road; 100% access to common areas and facilities; 100% adaptable to disabled persons requirements	100% access to road or internal driveway; greater than 10% access to adjoining road; 100% access to common areas and facilities; 100% adaptable to disabled persons requirement. Refer to accompany access report.	Yes
Height (Clause 40(4) SEPPHSPD)	<8.0m 2 storeys at boundary. Single storey in rear 25% of site.	>8.0m 2 storeys at front Single storey at rear.	Yes Yes

FSR (Clause 50(b) SEPPHSPD)	Threshold of 0.5:1	0.56:1	Exceeds but acceptable on merit
Landscaped Area (Clause 50(c) and (d) SEPPHSPD)	Minimum 30% of site as landscaped area. Deep soil zone –15% of site area.	36.7% landscaped area and 15.34% deep soil	Yes Yes
Parking total 15 bedrooms (Clause 50(h) SEPPHSPD)	8 resident spaces	8 accessible resident spaces	Yes
Neighbour amenity and streetscape (Clause 33 SEPPHSPD)	Attractive residential environment		Satisfactory
Visual and Acoustic Privacy (Clause 34 SEPPHSPD)	Appropriate site planning and acceptable noise levels		Satisfactory
Solar Access (Clause 35 SEPPHSPD)	Adequate daylight to living areas of neighbours and sun to POS		Satisfactory
Stormwater (Clause 36)	Minimise stormwater run-off.		Satisfactory
Crime Prevention (Clause 37 SEPPHSPD)	Personal property security for residents and visitors and encourage crime prevention.		Satisfactory
Accessibility (Clause 38 SEPPHSPD)	Access to public transport, parking and disabled access to all aspects of the development.		Satisfactory
Waste Management (Clause 39 SEPPHSPD)	Waste facilities that maximise recycling.		Satisfactory

4.5 Compliance Table – Pittwater 21 DCP

	Control	Proposed	Compliance
Side Boundary Setback	Min 1 / 2.5 metre	All setbacks consistent with this control	YES
Front Building Setback	Min 6.5m	6.5m	YES
Building Envelope	3 metres/ 45 degree envelope	The proposed development complies with this control	Yes

The balance of the DCP provisions pertaining to traffic access and safety, parking, stormwater, erosion and sedimentation, excavation, waste management, private open space, access to sunlight, privacy, building bulk and landslip risk have been addressed previously in this report in response to the SEPPHSPD considerations.

4.6 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

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

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

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

4.8 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

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(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

N/A

(iii) Any development control plan

Pittwater DCP applies

(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

N/A

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

N/A

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

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,

N/A

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*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

i. 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*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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*

New driveway access and parking arrangements are proposed. The proposal will result in an improved driveway arrangement to ensure the safe access and egress of cars from the site.

Public Domain

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

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

The application is accompanied by a landscape plan and an arborist report.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

No known hazards on the site

Economic Impact in the locality

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*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

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*

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

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

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

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site 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

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

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

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

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5.0 CONCLUSIONS

The proposal is permissible and in conformity with the aims and implicit objectives of SEPP HSPD and the subordinate standards and controls applicable to this form of development on this particular site. The proposed height and density are as anticipated for this form of development. The detached building form reflects the low density detached dwelling built form that is predominant along Bardo Road.

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 whilst maintaining appropriate levels of amenity to the adjoining and nearby residential properties. The final design outcome is also responsive to the revised Draft North District Plan which indicates that there will be a 54% increase in the number of people aged 65 years and older in the next 20 years. In this regard, the proposal will meet a clear and increasing demand for seniors housing on the Northern Beaches enabling existing residents to age in place.

Consistent with the outcome sought by Council the highly articulated and modulated 1 and 2 storey detached building forms assists in maintaining the visual appearance of detached style housing within a landscaped setting. Having regard to the detail of the proposal we have formed the considered opinion that the development will not give rise to any unacceptable environmental, streetscape or residential amenity impacts. The site being located within short walking distance of the Newport Town Centre and public transport links makes it ideally suited to increased residential densities and this form of residential accommodation.

Further, consistent with the conclusions reached by the Senior Commissioner in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the streetscapes or having regard to the built form characteristics of development within immediate proximity of the site.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Town Planners



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