

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Proposed Seniors Housing

**1793 – 1797 PITTWATER ROAD
AND 38 PARK STREET
MONA VALE**



NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose, NSW, 2086.

Statement of Environmental Effects

PROPOSED SENIORS HOUSING

38 Park Street and 1793 – 1797 Pittwater Road, Mona Vale

Prepared under instructions from

Mona Vale 3 Pty Limited and Gartner Trovato Architects

By

Greg Boston

B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)

**Boston Blyth Fleming Pty Limited
Town Planners**
(ACN 121 577 768)

Suite 1/9 Narabang Way Belrose
NSW 2085

Tel: (02) 9986 2535
Email: greg@bbfplanners.com.au

Date: September 2020

TABLE OF CONTENTS

- 1.0 Introduction**
- 2.0 Site Description and Location**
- 3.0 Development Proposal**
- 4.0 Statutory Controls**
 - 4.1 General**
 - 4.2 Pittwater Local Environmental Plan 2014**
 - 4.2.1 Zone and Zone Objectives
 - 4.2.2 Height of Buildings
 - 4.2.3 Heritage Conservation – Statement of Heritage Impact
 - 4.3 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**
 - 4.3.1 Aims of Policy
 - 4.3.2 Land to Which Policy Applies
 - 4.3.3 Key Concepts
 - 4.3.4 Site Compatibility Criteria
 - 4.3.5 Site Related Requirements
 - 4.3.6 Design Requirements
 - 4.3.7 Development Standards to be Complied With
 - 4.3.8 Standards That Cannot be Used to Refuse Development Consent
 - 4.4 Compliance Table - HSPD Standards**
 - 4.5 Compliance Table – Pittwater 21 Development Control Plan**
 - 4.6 State Environmental Planning Policy No. 55 (Remediation of Land)**
 - 4.7 State Environmental Planning Policy (BASIX) 2004**
 - 4.8 Matters for Consideration - Section 4.15(1) of the EP&A Act 1979.**
- 5.0 Conclusion**

1.0 INTRODUCTION

On 9th July 2020, development consent DA2019/1072 was granted for the construction of 16 seniors house dwellings with basement parking on No's 1795 and 1797 Pittwater Road and No. 38 Park Street, Mona Vale pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP HSPD").

The adjoining property at No. 1793 Pittwater Road has since been secured with the subject application seeking to consolidate all 4 sites to facilitate the construction of an additional 6 seniors housing dwellings with basement parking on the consolidated allotment. Such outcome necessitates minor modifications to the previously approved development to achieve a shared access driveway and basement ramp outcome with minor refinements also proposed to the approved fenestration where it adjoins the additional dwellings. The application also proposes consolidated landscaping and drainage outcomes.

The architect has responded to the client brief to provide for a consolidated seniors housing 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. Careful consideration has also been given to ensuring that the additional dwellings do not compromise the design quality, streetscape and residential amenity outcomes afforded through approval of the DA2019/1072.

The final design is also responsive to the minutes arising from formal pre-DA discussions with Council (PLM2020/0128) and the informally exhibited draft Mona Vale Place Plan and the Northern Beaches Local Strategic Planning Statement which identifies potential opportunities for increased residential densities surrounding Mona Vale Town Centre and 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 2 storey detached building form 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 noting that the only adjoining property, No. 1791 Pittwater Road, is occupied by a non-residential health services facility use. 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, Statement of Heritage Impact, stormwater management plans, BASIX certificate, BCA report, perspectives and a 3D model.

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 being medium density housing located immediately adjacent to the Mona Vale Town Centre. The highly articulated and modulated 2 storey building form will be complimentary and compatible with the built form characteristics of the seniors housing development previously approved on the consolidated allotment pursuant to DA2019/1072 and that of development established within the sites visual catchment.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Act. It is considered that the application, the subject of this document succeeds on merit and is worthy of the granting of development consent.

The Sacred Heart Catholic Church is located opposite the site in Park Street with Woolworths Mona Vale and Mona Vale Town Centre further to the south east. The Mona vale Anglican Church is located opposite the development site in Pittwater Road as are a number of townhouse developments.



Figure 2 – Development site as viewed from Pittwater Road



Figure 3 – Development site as viewed from Park Street



Figure 4 – Adjoining health services facility uses

3.0 DEVELOPMENT PROPOSAL

On 9th July 2020, development consent DA2019/1072 was granted for the construction of 16 seniors house dwellings with basement parking on No's 1795 and 1797 Pittwater Road and No. 38 Park Street, Mona Vale pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP HSPD").

The adjoining property at No. 1793 Pittwater Road has since been secured with the subject application seeking to consolidate all 4 sites to facilitate the construction of an additional 6 seniors housing dwellings with basement parking on the consolidated allotment. Such outcome necessitates minor modifications to the previously approved development to achieve a shared access driveway and basement ramp outcome with minor refinements also proposed to the approved fenestration where it adjoins the additional dwellings. The application also proposes consolidated landscaping and drainage outcomes.

The scope of works is depicted on the following architectural plans prepared by Gartner Trovato Architects:

DEVELOPMENT APPLICATION DRAWING LIST	
No:	Drawing Name
DA-00	COVER SHEET
DA-01	ACCESS TO SERVICES & EXISTING SITE PLAN + DEMO
DA-02	SITE ANALYSIS + SITE PLAN
DA-03	BASEMENT + CARPARK PLAN
DA-04	GROUND FLOOR PLAN
DA-05	FIRST FLOOR PLAN
DA-06	ROOF PLAN
DA-07	NORTH + EAST ELEVATIONS
DA-08	WEST ELEVATIONS A + B
DA-09	SOUTH ELEVATION
DA-10	SECTIONS A & B
DA-11	SHADOW DIAGRAMS
DA-12	PERSPECTIVE VIEWS A
DA-13	PERSPECTIVE VIEWS B
DA-14	PERSPECTIVE VIEWS C
DA-15	PERSPECTIVE VIEWS D
DA-16	EXTERNAL COLOURS + MATERIALS
DA-17	LOWER ROOF PLAN
LA-01	LANDSCAPE PLAN
LA-02	PLANT SPECIES SCHEDULE

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

Basement Level

This floor plate incorporates changes to the previously approved driveway and basement ramp to facilitate shared access to a new basement located on No. 1793 Pittwater Road. This basement accommodates 12 carparking spaces, 76 bicycle spaces, WC and bulky goods storage area with internal lift access to the residential foyer above. A new consolidated service room, plant room, rainwater tank and OSD tank are also proposed adjacent to the basement access ramp.

Ground Floor Plan

The ground floor level proposes 3 x 3 bedroom apartments with direct access from living rooms to street facing private open space balconies and landscaped front courtyards. The main bedroom has an ensuite with each apartment having an open planning living room with separate bathroom and laundry.

A waste storage and collection room is located adjacent to the Pittwater Road frontage affording safe and convenient waste collection by Council waste contractors.

First Floor Plan

The ground floor level proposes 3 x 3 bedroom apartments with direct access from living rooms to street facing balconies. The main bedroom has an ensuite with each apartment having an open planning living room with separate bathroom and laundry.

The proposal requires the removal of a number of trees as detailed in the accompanying arborist report prepared by Jacksons Nature Works with such loss adequately compensated for through the implementation of an enhanced site landscape regime prepared by the project Architect. All stormwater will be gravity drained to a new kerb inlet pit in Pittwater Road as depicted on the accompanying stormwater plans will prepared by iStruct Consulting Engineers.

The acceptability of the proposed excavation is addressed in the accompanying geotechnical report prepared by Crozier with the suitability of the proposed driveway and basement design addressed in the accompanying Traffic and Parking Assessment Report prepared by Terraffic Pty Limited.

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(1) of the Act. 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. We note at paragraph 153 of the judgment in the matter of Eastern Suburbs Leagues Club Ltd v Waverley Council [2019] NSWLEC 130 Moore J found:

I have concluded that the provisions of the SEPP do have the effect of overriding both the building height development standard and the FSR development standard otherwise applicable to the site as arising from the WLEP. As a result of this conclusion, it is not necessary for me to consider whether or not the contingent requests made by the Club for dispensation utilising cl 4.6 of the WLEP from compliance with those development standards meets the relevant tests set by cl 4.6(3) and (4).

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 proposal has a maximum building height of 8.2 metres measure to the clerestory roof form over Unit 4 (section A) with the entire development sitting comfortably below the height standard.

Having regard to the stated objectives of the standard we note:

- The height, bulk and scale of the highly articulated 2 storey stepped building form is compatible with the height and scale of surrounding and nearby development noting 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 as it is stepped down appropriately to the rear;
- 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 Pittwater Road or Park Street streetscapes or having regard to the built form characteristics of development within immediate proximity of the site.

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.

4.2.3 Heritage Conservation – Statement of Heritage Impact

Pursuant to clause 5.10(4) of PLEP the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Further, pursuant to clause 5.10(5) the consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or
- (b) require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The subject sites are not heritage listed however are within the vicinity of a number of heritage items namely Item 2270021 – Glenroy House at Glenroy at No. 1789 Pittwater Road and Item 2270168- St John’s Anglican Church and gravestones at No. 1624 Pittwater Road, Mona Vale as depicted in Figure 5 below.

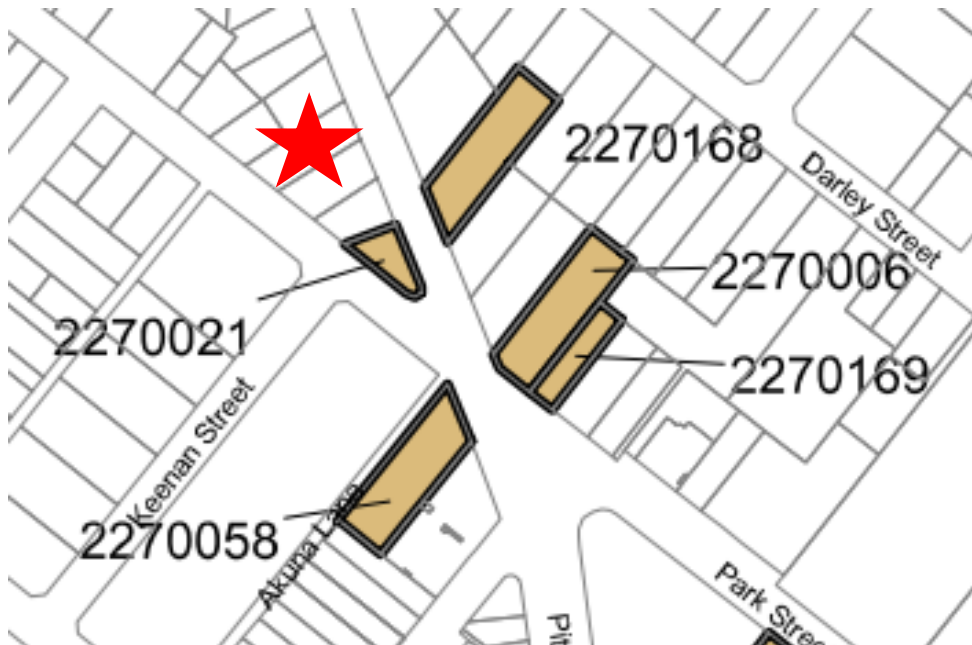


Figure 5 – PLEP heritage map extract with site shown with red star

Having inspected the site and determined the spatial relationship of the properties it is considered that the proposed seniors housing development will have no impact on the heritage significance of the heritage items for the following reasons:

- The heritage items do not immediately adjoin the subject property and to that extent will have no direct physical impact on the items or their immediate setting in terms of overshadowing, privacy or view loss either to or from the items.

- The proposed development maintains a complimentary and compatible articulated 2 storey form viewed from both street frontages and as such will have no impact on the streetscape significance of the heritage items.

Pursuant to Clause 5.10 of PLEP, Council can be satisfied that the proposed development will have a neutral impact on the heritage significance on the items, their curtilage or their setting.

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:

- (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *make efficient use of existing infrastructure and services, and*
- (c) *be of good design.*

The policy indicates that these aims will be achieved by:

- (a) *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 stepped building form and the maintenance 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 Mona Vale 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 ABE Consulting.

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 location of the sewer line is indicated on the site survey. 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 of the highly articulated and modulated 2 storey building form is compatible with the height and scale 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 both street frontages 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 horizontal 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 plan.

(b) Topography

Comment: The consolidated allotment falls approximately 5 metres across its surface in an easterly direction.

(c) Services

Comment: The proposed development will connect to existing services.

(d) Existing vegetation

Comment: The application is accompanied by a site survey and 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 built form characteristics of adjoining development are described in section 2.0 of this statement.

(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: The accompanying arborist report provides recommendations and management plans for the major trees on or surrounding the site.

(g) Street frontage features

Comment: The street frontages are characterised by relatively open landscape front yards with a number of properties, particularly those with multiple frontages, also having variable height front fencing.

(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 located immediately adjacent any heritage items.

(j) Direction and distance to local facilities

Comment: The subject site is located within immediate proximity of the Mona Vale town centre.

(k) Public open space

Comment: Village park, adjacent to Pittwater Library and Kitchener Park are located approximately 700m from the subject site.

(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.

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: The character of development within the sites visual catchment is eclectic in nature comprising a mixture of detached dwelling houses, dual occupancy development, villa housing, seniors housing, child care centres, Primary Schools, and Churches with medium density small lot residential development and residential flat/ multi dwelling housing further to the to the west and north of the site. The street block is located at the northern fringe of the Mona Vale Town Centre with the R2 Low Density Residential zoning of the land somewhat anomalous given the surrounding R3 Medium Density Residential zone and mixed use and density land uses which prevail within and immediately adjoining this particular street block.

The above land use characteristics were reflected in the Draft Mona Vale Place Plan with the entire street block located within the Residential Interface precinct in which buildings up to 12.5 metres in height or 3 storeys would provide a transitional height and scale between the Town Centre and the adjacent R2 Low Density Residential and R3 Medium Density Residential zones. Although the exhibition of this draft plan was put on hold, we are advised that the re-exhibition of this document is imminent.

Whilst not itself determinative, this is a matter which should be considered in the assessment of this application with the issue going to the weight which should be applied.

In any event, the consolidated proposal provides for a highly articulated and modulated building form broken into pavilions which reflect the form and massing of detached style housing. The building pavilions appropriately address both street frontages with the quality of the building design and finishes ensuring that the development will contribute positively to the built form quality and identity of the area consistent with this design principle.

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 Park Street or Pittwater Road streetscapes having regard to the built form characteristics established by development located within the sites visual catchment and within the immediate area generally.

The physical impacts of the development have been found to be acceptable with appropriate levels of residential amenity maintained to adjoining 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 sites are not heritage listed however are within the vicinity of a number of heritage items namely Item 2270021 – Glenroy House at Glenroy at No. 1789 Pittwater Road and Item 2270168- St John’s Anglican Church and gravestones at No. 1624 Pittwater Road, Mona Vale. In this regard we rely on the 4.2.3 of this report.

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

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

Comment: The majority of the development maintains a compliant 6.5 metre setback to Park Street with only minor balcony and wall intrusions. We note that a 10 metre front building setback applies to the Pittwater Road frontage with a variable setback of between 5 and 12 metres proposed to this frontage consistent with the setbacks established by the existing dwelling house located on the allotment. The splayed front boundary alignment leads to a design outcome which provides a staggered building alignment to the street with such approach resulting in a highly articulated and visually interesting building facade presentation to the street.

We consider such setbacks, to both street frontages, to be complimentary and compatible with those previously approved on this site (DA2019/1072) and those established by development along this section of Pittwater Road and Park Street, including No. 1791 Pittwater Road to the south of the site, with the setbacks proposed also affording for the retention and augmentation of landscape elements within this frontage. The waste storage area is located immediately adjacent to the Pittwater Road frontage to ensure strict compliance with the waste management provisions of the DCP.

The application proposes variable side boundary setbacks to the southern boundary of between 2.2 and 3.2 metres with the development highly articulated and modulated in both the vertical and horizontal planes. The side boundary setbacks proposed are contextually appropriate and well in excess of those prescribed by the “*Seniors Living Policy: Urban Design Guidelines for Infill Development*” with the resultant wall length not justifying any additional facade articulation.

The setbacks proposed are also consistent with those required by clause D9.7 of P21DCP which based on the average wall heights proposed would require a side boundary setback of approximately 4 metres. In this regard, the DCP provision states that these setback controls may be varied for residential flat development (as proposed) provided Council is satisfied that the adjoining properties will not be adversely affected and that the outcomes of this clause are achieved. An assessment of the proposed side boundary setbacks against the outcomes of the control is as follows:

- *To achieve the desired future character of the Locality.*

Comment: The desired future character of the Mona Vale Locality is identified as follows:

The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development.

Any medium density housing will be located within and around commercial centres, public transport and community facilities.

Retail, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible building height limit is increased to promote economic growth within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

We have formed the considered opinion that the proposed development is consistent with the desired future character of the Mona Vale Locality being located around/ at the fringe of the Mona Vale commercial centre and within immediate proximity of public transport and community facilities.

The development will be adequately serviced and safe from hazards with a complimentary and compatible 2 storey building form proposed.

The contemporary building form utilises highly modulated and articulated façade treatments with the pavilion style nature of the proposal reflecting the form and massing of detached style housing. The building heights proposed will ensure that the development will sit below the height of surrounding tree canopy with the landscape regime proposed ensuring the buildings sit within a landscaped setting. The proposal does not require the removal of any significant trees or natural landscape features.

Accordingly, Council can be satisfied that the proposal achieves the desired future character of the Locality as outlined.

- *The bulk and scale of the built form is minimised.*

Comment: The highly articulated and modulated building form across the consolidated allotment has been broken into building pavilions reflecting the form and massing of detached style housing with the deep soil landscaping achieved around the perimeter of the site ensuring the development sits within a landscape setting.

We also note that the variable side boundary setbacks proposed provide for highly articulated building facades which visually present less bulk and scale than fully compliant single plane wall alignments. In this regard, the side boundary setbacks, wall heights and pavilion style building forms minimise the bulk and scale of the development and accordingly this outcome is satisfied.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: Having inspected the site and its immediate surrounds to determine available view lines we have formed the considered opinion that the development, by virtue of the side boundary setbacks proposed, will not give rise to any adverse public or private view affectation. Accordingly, this outcome is satisfied.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment: As above.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment: The proposal has been designed through detailed site analysis to ensure that appropriate levels of privacy and solar access are maintained between apartments within the development and to surrounding development. In this regard, living areas and the majority of standard height fenestration has been oriented to the front and rear of the site minimising the opportunity for direct overlooking between properties. The side boundary setbacks proposed provide for the planting of substantial landscape treatments which will afford secondary levels of privacy attenuation between properties.

The solar diagrams prepared in support of the proposal confirm that 16 of 22 or 72% of Units (Units 1, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16 in previously approved scheme and Units 1, 2, 4 and 5 in the current scheme) receive the required 3 hours of solar access on 21st June in strict accordance with the minimum 70% SEPP HSPD requirement. We note that in relation to Units 10 and 11 that solar access is obtained through the clerestory roof forms. The shadow diagrams also demonstrate that complaint levels of solar access will be maintained to the adjoining residential properties as required by the applicable Pittwater 21DCP control. Accordingly, this outcome is satisfied.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment: The side boundary setbacks afford appropriate deep soil landscape opportunity around the perimeter of the site to enable the implementation of the enhanced site landscape regime proposed. Such landscaping incorporates substantial landscaping which in the short to medium term will provide a mature tree canopy and an attractive streetscape. Accordingly, this outcome is satisfied.

- *Flexibility in the siting of buildings and access.*

Comment: The proposed design adopts the flexibility afforded by this outcome to provide highly articulated and modulated side boundary setbacks and a better planning outcome than a fully compliant side boundary setback design incorporating a single plane wall alignment. Accordingly, this outcome is satisfied.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment: As previously indicated the proposal does not require the removal of any significant trees or landscape features with the enhanced site landscape regime proposed softening and screening the building form in the round. Accordingly, this outcome is satisfied.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment: Not applicable.

Accordingly, Council can be satisfied that the outcomes of the side boundary setback provisions are satisfied and accordingly, strict compliance is both unreasonable and unnecessary under the circumstances.

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.

- (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 both street frontages.

- (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 prepared by the project Architect.

- (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 prepared by prepared by the project Architect. The landscape proposal 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 both internally between the previously approved dwellings and those now proposed and externally to the adjoining health services facility to the south through appropriate building design and orientation of internal living and elevated private open space areas and the provision of fixed privacy screen and landscaping elements.

(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.

(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 the majority of apartments 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 a new kerb inlet pit in Pittwater Road as depicted on the accompanying stormwater plans will prepared by Barrenjoey 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 iStruct 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 noting their primary orientation towards both street frontages. 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 lift core services a total of 6 apartments (3 on each level). Entry from the street is provided from both street frontages with walkways through the site providing access to the lift core.

- (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 Mona Vale Town Centre and public transport along Pittwater Road 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 ABE Consulting.

- (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. The proposed parking arrangement has been reviewed by Terrafic Pty Limited 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 next to the Pittwater Road frontage.

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 3240.42m² 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 in excess of 20 metres.

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.*

This definition has been consistently been interpreted and applied to the horizontal ceiling level and not to raked or vaulted ceilings. On this basis the proposal 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 subject site has 2 street frontages with no rear boundary. These provisions do not apply.

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:

- (a) **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 consolidated proposal provides for a gross floor area of 2594.31m² representing an FSR of 0.8:1.

We note that although there are no stated objectives associated with the clause 50 SEPP HSPD provisions that the clause 33, 34 and 35 Design Principles pertaining to neighbourhood amenity and streetscape, visual and acoustic privacy and solar access and design for climate, provide assistance in relation to the ensuring that new buildings contribute to the quality and identity of the area, maintain reasonable neighbourhood amenity and appropriate residential, streetscape and landscape character. We also note that the FSR threshold of 0.5:1 anticipated infill seniors housing development within established low density residential zones with such FSR generally reflecting the density and scale of low density detached style housing. This submission demonstrates that the built form and land use context of the site is far from low density residential in character.

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. The density as reflected by FSR is also contextually appropriate having regard to the sites proximity to the Mona Vale Town Centre and the 12.5 metre/ 3 storey building form anticipated within the draft Mona Vale Place Plan which will provide for an FSR of approximately 0.8:1.

The site being located within short walking distance of the Mona Vale Town Centre makes it ideally suited to increased residential densities and this form of residential accommodation.

- (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 across the consolidated site of 1338.3m² or 41.3% of the site area with such quantum exceeding the standard.

- (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 1157.6m² or 35.7% 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 solar diagrams prepared in support of the proposal confirm that 16 of 22 or 72% of Units (Units 1, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16 in previously approved scheme and Units 1, 2, 4 and 5 in the current scheme) receive the required 3 hours of solar access on 21st June in strict accordance with the minimum 70% SEPP HSPD requirement.

- (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 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 24 bedrooms the 6 additional dwellings require 12 car parking spaces. The proposal provides for an additional 12 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 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	Yes
		2 storeys	Yes
		No rear boundary	N/A
FSR (Clause 50(b) SEPPHSPD)	Threshold of 0.5:1	0.80:1	No – 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.	41.3% of site landscaped. 35.7% deep soil zone.	Yes Yes
Parking total 48 bedrooms (Clause 50(h) SEPPHSPD)	12 resident spaces	12 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	4 metres based on wall height	<p>Minor variations</p> <p>The variations sought succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.</p>	No Acceptable on merit
Front Building Setback	Min 6.5m to park Street and 10 metres to Pittwater Road	<p>Variations proposed as outlined</p> <p>The variations sought succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.</p>	No Acceptable on merit
Building Envelope	4.2 metres/ 45 degree envelope	Compliant	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(1) of the Act.

4.8.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with the character of the immediate area. The development is permissible in the zone and complies with the relevant statutory planning regime as detailed within this report.

4.8.2 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 on 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?*

These matters have been discussed in detail in the body of the 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?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable 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?*

These issues have been discussed in detail in the report. It has been determined that the development provides adequate carparking facilities and will not significantly increase traffic generation.

Public domain

The proposed development will have no additional impact on the public domain (ie roads, parks etc.).

Utilities

This matter has been discussed in detail in the body of his report.

Flora and fauna

These issues have been discussed in detail in the body of the report. The landscape concept plans accompanying this application proposes additional planting and landscaping treatments which will maintain the landscape quality of the site and locality generally.

Waste

Normal domestic waste collection applies to this development with a waste collection area provided within 6 metres of the Pittwater Road frontage.

Natural hazards

The proposal will be safe from hazards.

Economic impact in the locality

The proposed development will not have any significant impact on economic factors within the area other than short term employment opportunities during construction.

Site design and internal design

i) Is the development design sensitive to environmental conditions 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 considered to be minimal and within the scope of the policy 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 can comply with the provisions of the Building Code of Australia as detailed in the accompanying report prepared by BCA Logic. The proposal complies with 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 application is accompanied by a waste management plan prepared in accordance with Council requirements. We anticipate Council applying standard conditions with regards to the amelioration of construction related impacts.

4.8.3 The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments 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?*

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.

Are the site attributes conducive to development?

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

4.8.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that the consent authority will appropriate consider any submissions made in relation to the proposed development.

4.8.5 The public interest.

It is considered that the development is sensitive both to the natural and built environments and will cater for a clear demand for this form of housing on the Northern Beaches given its aging population. Approval is in the public interest.

5.0 CONCLUSIONS

On 9th July 2020, development consent DA2019/1072 was granted for the construction of 16 seniors house dwellings with basement parking on No's 1795 and 1797 Pittwater Road and No. 38 Park Street, Mona Vale pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP HSPD").

The adjoining property at No. 1793 Pittwater Road has since been secured with the subject application seeking to consolidate all 4 sites to facilitate the construction of an additional 6 seniors housing dwellings with basement parking on the consolidated allotment. Such outcome necessitates minor modifications to the previously approved development to achieve a shared access driveway and basement ramp outcome with minor refinements also proposed to the approved fenestration where it adjoins the additional dwellings. The application also proposes consolidated landscaping and drainage outcomes.

The architect has responded to the client brief to provide for a consolidated seniors housing 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. Careful consideration has also been given to ensuring that the additional dwellings do not compromise the design quality, streetscape and residential amenity outcomes afforded through approval of the DA2019/1072.

The final design is also responsive to the minutes arising from formal pre-DA discussions with Council (PLM2020/0128) and the informally exhibited draft Mona Vale Place Plan and the Northern Beaches Local Strategic Planning Statement which identifies potential opportunities for increased residential densities surrounding Mona Vale Town Centre and 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 2 storey detached building form 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 noting that the only adjoining property, No. 1791 Pittwater Road, is occupied by a non-residential health services facility use.

The density as reflected by FSR is also contextually appropriate having regard to the sites proximity to the Mona Vale Town Centre and the 12.5 metre/ 3 storey building form anticipated within the informally exhibited draft Mona Vale Place Plan which anticipated an FSR of approximately 0.8:1. The site being located within short walking distance of the Mona Vale Town Centre 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.

The variations sought to the P21 DCP provision in relation to front and side boundary setbacks, as detailed within this statement, succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development. Having given due consideration to the matters pursuant to Section 4.15(1) of the Act, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Yours faithfully

Boston Blyth Fleming Town Planners



Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director