



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing buildings and structures, tree removal, excavation, basement parking and the construction of 3 Self-Contained dwellings under SEPP (Housing for Seniors or People with a Disability) 2004.

27 Bellevue Avenue
Avalon Beach, NSW 2107

Prepared for: Stephen & Julia Thompson

REF. M190179





Contents

1.	INTRODUCTION.....	5
1.1	Overview.....	5
1.2	Supporting Documents.....	5
1.3	Purpose of Statement.....	5
2.	BACKGROUND.....	6
2.1	Pre-development application meeting	6
3.	SITE ANALYSIS AND CONTEXT	10
3.1	The Site.....	10
3.2	Surrounding Development	13
4.	DESCRIPTION OF THE PROPOSAL.....	18
4.1	Demolition and Excavation	18
4.2	Tree removal.....	18
4.3	Building arrangement and configuration	18
4.4	Access and parking.....	19
4.5	Civil Works.....	19
4.6	Deep soil and landscaping.....	19
4.7	Water management.....	19
5.	ENVIRONMENTAL PLANNING ASSESSMENT.....	20
5.1	Preamble	20
5.2	Statutory and policy compliance.....	20
5.2.1	Biodiversity Conservation Act 2016	20
5.2.2	SEPP No.55 – Remediation of Land.....	21
5.2.3	SEPP (Housing for Seniors or People with a Disability) 2004	21
5.2.4	SEPP (Building Sustainability Index: BASIX) 2004.....	24
5.2.5	SEPP (Vegetation in Non-Rural Areas) 2017	25
5.2.6	Pittwater Local Environmental Plan 2014.....	25
5.2.7	Housing Diversity SEPP	25
5.2.8	Pittwater 21 Development Control Plan	25
5.3	Impacts on Natural & Built Environment	28
5.3.1	Topography & Scenic Impacts.....	28
5.3.2	Micro-climate Impacts.....	28
5.3.3	Water & Air Quality Impacts	28





5.3.4	Flora & Fauna Impacts.....	29
5.3.5	External Appearance & Design	31
5.3.6	Solar Access	33
5.3.7	Views	33
5.3.8	Aural & Visual Privacy	33
5.4	Economic & Social Impacts	35
5.5	The Suitability of the Site	36
5.5.1	Access to Services	36
5.5.2	Car parking	36
5.5.3	Hazards	36
5.6	The Public Interest	37
6.	CONCLUSION.....	38

FIGURES

Figure 1	Aerial image of the subject site and surrounds (source: Six Maps).....	10
Figure 2	The site viewed from Bellevue Avenue.	11
Figure 3	The existing dwelling on site and vehicular access from Sanders Lane.....	11
Figure 4	The site viewed westwards up Sanders Lane.....	12
Figure 5	The site viewed southwards along Wickham Lane.	12
Figure 6	The existing dwelling on site viewed from the rear.....	13
Figure 7	Developments looking northwards along Bellevue Avenue.	14
Figure 8	No. 29 Bellevue Avenue as viewed from the front (west).	14
Figure 9	View eastwards along Sanders Lane with the site on the left and School on the right.	15
Figure 10	Two storey developments on the eastern side of Wickham Lane.	15
Figure 11	View northwards along Wickham Lane passed the site.....	16
Figure 12	View westwards along Sanders Lane.....	16
Figure 13	View northwards along Old Barrenjoey Road towards Avalon Beach Village Centre.	17
Figure 14:	Surrounding land use zones (Source: Northern Beaches Mapping)	17
Figure 15	3D height plane detailing compliance with Clause 40(4)(a)	23
Figure 16	Section through eastern building showing the height of car parking areas above existing ground level	24
Figure 17	Perspective of the development from the intersection of Bellevue Avenue and Sanders Lane.....	32
Figure 18	Perspective of the development viewed from the southeast corner at Sanders and Wickham Lanes	33





Figure 19 North elevation Illustrating the proposed development (top) and with tree screening (bottom)	34
Figure 20 Proposed section through eastern building showing the height of the rear car parking area	92
Figure 21 Perspective from southeast of the development with proposed eastern building in the foreground	95

TABLES

Table 1 Pre-DA Comments	6
Table 2 Section 4.15 Matters for Consideration.....	20

ANNEXURES

Annexure A. SEPP (Housing for Seniors or People with a Disability) 2004 – Compliance Table	39
Annexure B. Pittwater LEP 2014 – Compliance Table.....	55
Annexure C. Pittwater 21 DCP – Compliance Table.....	60
Annexure D. Urban Design Guidelines for Infill Development (UDAS 2004) – Compliance Table.....	82
Annexure E. Clause 4.6 Variation – Rear Storey Height.....	90





1. Introduction

1.1 OVERVIEW

This Statement of Environmental Effects has been prepared on behalf the applicant for the proposed development. The report is to accompany a development application to Northern Beaches Council seeking consent for the construction of Seniors Housing under SEPP (Housing for Seniors or People with a Disability) 2004, at No. 27 Bellevue Avenue, Avalon Beach.

More specifically, the proposal involves the construction of 3 self-contained seniors living units arranged into two separate blocks. Each dwelling will have access to 2 car parking spaces, with access to the front (western) block provided from Sanders Lane and to the rear (eastern) block from Wickham Lane. The proposal is designed to provide high quality accommodation with contemporary fixtures and finishes, and communal and private open space. Importantly, the proposed development responds to the verdant character of the site and surrounds, incorporating extensive landscaping, including the retention of significant site trees and appropriate replanting where necessary.

1.2 SUPPORTING DOCUMENTS

This application is accompanied by the following supporting information:

- Architectural Plan Package - prepared by SHED Architects;
- Survey Plan – prepared by Bee & Lethbridge Pty Ltd;
- Street Survey - prepared by Bee & Lethbridge Pty Ltd;
- Landscape Plans – prepared by Narelle Sonter Botanica;
- Geotechnical Report - prepared by Crozier;
- Civil and Stormwater Plans – prepared by M+G Consulting;
- Access Report – prepared by ABE Consulting;
- BCA Report – prepared by Mondan;
- BASIX Certificate - prepared by Efficient Living Pty Ltd;
- Arborist Report - prepared by Bradshaw Consulting Arborists;
- Flora and Fauna Impact Assessment - prepared by Land Eco Consulting;
- Waste Management Plan - prepared in accordance with Northern Beaches Council template;
- Traffic and Parking Impact Assessment - prepared by PDC Consultants; and
- Quantity Surveyors Report - prepared by QS Plus Pty Ltd.

1.3 PURPOSE OF STATEMENT

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Section 4.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act).

This Statement has been divided into six sections. The remaining sections include a description of relevant background information; an analysis of the site and locality; a description of the proposal; an environmental planning assessment pursuant to s.4.15 of the EP&A Act; and a conclusion.



2. Background

2.1 PRE-DEVELOPMENT APPLICATION MEETING

A pre-development application meeting was held with Northern Beaches Council on 24 September 2019, and subsequent written advice was provided on 14 November 2019. The advice included a preliminary assessment of the proposal against the relevant provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ('SEPP HSPD'), *Pittwater Local Environmental Plan 2014* (PLEP 2014) and *Pittwater DCP* (PDCP) which provided commentary around potential issues or areas of concern and detailed relevant development application submission requirements.

The Pre-DA comments are summarised below, along with a response with regards to how the issue has been addressed in the proposed development.

Table 1 Pre-DA Comments

Requirement	Response
Pittwater DCP	
<u>Streetscape and local character</u>	
<ul style="list-style-type: none">Local character is of low density residential development in a landscaped setting.Pre-DA proposal resembles a residential flat building and is inconsistent with the local character.	The development has been amended, removing an apartment, reducing the scale of the rear element. The provision of two separate building forms gives the visual presentation of detached dwelling-houses when viewed from the public domain. As such, the proposal presents as a low density residential development, compatible with the locality.
<u>Side boundary envelope</u>	
<ul style="list-style-type: none">First floor elements should be stepped down with increased landscaped side setbacks.3m first floor setback required by DCP.	The development steps down the slope of the site and reduces in height to the rear. A minimum 3m setback is provided across 2 storeys to side boundaries.
<u>Side boundary setback</u>	
<ul style="list-style-type: none">3m wide landscaped setback required from northern boundary to increase screen planting.	A 3m deep soil setback has been provided to the northern boundary to accommodate generous screen planting.
<u>Front boundary setback</u>	
<ul style="list-style-type: none">6.5m front setback or established building line, whichever is greater is required.Secondary frontage can be reduced subject to compatibility with the streetscape.Walled "courtyards" in front setback inappropriate.Setbacks should be increased on all 3 street frontages.Native tree planting should be incorporated into front setback.SEPP has specific dimensions for POS.	<p>A 6.5m front setback and minimum 3.1m setback to Sanders Lane is proposed. The front setback area comprises of extensive deep soil landscaped area with canopy tree planting.</p> <p>Extensive native tree planting is proposed throughout the site, as detailed in accompanying Landscape Plans.</p> <p>Private open space areas comply with the requirements of SEPP (HSPD).</p>
<u>Traffic, access and safety</u>	
<ul style="list-style-type: none">Driveway crossing and driveway is to be in accordance with Parts B6.1 and B6.2 of DCP.Vehicles must enter and exit in forward gear.	Refer to accompanying Traffic and Parking Impact Assessment prepared by PDC.

Table 1 Pre-DA Comments

<ul style="list-style-type: none"> Access Report is required to comply with Clause 26 of SEPP (HSPD). Any public domain upgrades requires must be detailed in DA. 	Refer to accompanying Access Report prepared by ABE Consulting and Civil Plans prepared by M+G Consulting.
<p><u>Parking facilities</u></p> <ul style="list-style-type: none"> Car parking to comply with AS 2890 and SEPP (HSPD). Dimensions to be shown on plans. 	Refer to architectural plans and accompanying Traffic and Parking Impact Assessment prepared by PDC.
<p><u>Privacy</u></p> <ul style="list-style-type: none"> Visual and acoustic privacy of occupants to the north should be optimised. 	Extensive screen planting is proposed along the northern side of the site. Levels will also assist in minimising direct views towards No. 29 Bellevue Avenue. Refer to Section 5.3.8 of this SEE.
<p><u>Building bulk</u></p> <ul style="list-style-type: none"> Side and front setbacks should increase as wall height increases. Variation in colours to break up building mass. Continuous 2 storey wall planes to be avoided and building form to be consistent with local character. Long and continuous wall lines should be broken down with increased landscaping incorporated. 	The proposal steps down the slope of the site, varying from one to two storeys in appearance as seen from the public domain. Each block is well articulated through modulation of facades, openings and variation in materials to further reduce the visual bulk of the development. The two blocks are physically separated and have the visual appearance of detached dwelling-houses. Extensive landscaping and tree planting is incorporated throughout the development.
<p>Principal Development Standards (LEP and SEPP)</p> <ul style="list-style-type: none"> Generally comply except rear 25% being single storey under SEPP (HSPD). Rear element (adjacent Wickham Lane) should be reduced to comply. 	The rear block has been reduced in height and will appear as a single storey building, however technically does not comply with the SEPP in terms of storey height. Refer to Section 5.2.3 of this SEE and Clause 4.6 variation request at Annexure E.
<p>SEPP (HSPD)</p> <p><u>Neighbourhood amenity and streetscape</u></p> <ul style="list-style-type: none"> Development should be redesigned to adopt local architectural elements that are dominant in residential streets of locality. Additional landscaping in front and side setbacks is required. 	The scale of development has been reduced, with setbacks and landscaping increased to reflect the low density scale and landscaped character of the locality.
<p><u>Solar Access and design for climate</u></p> <ul style="list-style-type: none"> Solar diagrams required. Use of natural ventilation and seasonal shade is to be demonstrated. 	The proposed apartments will receive excellent solar access and natural ventilation.
<p><u>Stormwater</u></p> <ul style="list-style-type: none"> Landscaping to be maximised. Details of rainwater tanks to be shown on plan. 	Compliant landscaping areas are proposed. Rainwater tanks and OSD are illustrated on plans.
<p><u>Crime prevention</u></p> <ul style="list-style-type: none"> Open style fencing should be used to enhance passive surveillance. 	High level so passive surveillance are incorporated into the design of the development.
<p><u>Accessibility</u></p> <ul style="list-style-type: none"> Safe and easy access to and throughout the site should be provided for a person with a disability. 	An accessible path of travel is provided through the site. Refer to accompanying Access Report.

Table 1 Pre-DA Comments

Waste Management

- Waste management facilities are required.

Waste storage rooms are provided for both blocks.

Specialist Advice

Urban Design

- Setback to Bellevue Avenue should be 6.5m and 3.25m to Wickham Lane.
- Basement front setback should be 6.5m for deep soil.
- Pavilion style design preferred with landscaped gaps separating the blocks.

Front setback is 6.5m and rear setback is 3.3m.

Deep soil is incorporated into the majority of the front setback areas.

The development has been broken up into two pavilion style blocks with landscaping in between.

Riparian Comments

- DA will be assessed against B5.9 – Water Quality and B8.2 – Erosion and Sediment Management of the DCP.

Refer to compliance table in Annexure C.

Stormwater

- Stormwater treatment must be provided on site. A stormwater engineer must prepare a stormwater plan.

Refer to Concept Stormwater Plans prepared by M+G Consulting.

Sediment

- Sediment and erosion control plan must be provided.

Groundwater

- Any excavation below 1.5m must include monitoring of groundwater, which should be discussed in the Geotechnical report.

Refer to Geotechnical Report prepared by Crozier Geotechnical Consultants. No groundwater was observed during investigations on site.

Biodiversity Comments

- The property contains 21 trees, 16 are prescribed trees. Of the 16 prescribed trees, 11 are proposed to be removed.
- 11 prescribed trees are proposed for removal:
 - 1 of which is listed as a threatened species (T38)
 - 2 of which the arborist has identified as having High retention value (T18 and T34)
 - Another 3 of which were identified as having Low / Moderate retention value (T31, T33 and T16).
- 19 trees within Council's road reserve, two of which will incur TPZ encroachment (T21 <10% and T29 8%). The proposal will require additional works within Council's road reserve which will result in an unquantified number of additional tree impacts and removals.
- The proposal should be amended to avoid or minimise impacts on high / moderate retention value trees. There should be no net loss of native canopy trees.
- An Ecological Impact Assessment report, including Test of Significance for *Syzygium paniculatum* and Pittwater Spotted Gum EEC, and any other threatened species is required.

Refer to Arborist Report prepared by Bradshaw Consulting Arborists. The development proposes the removal of 17 trees on site. 26 trees will be retained and protected on or adjacent to the site, including 20 street trees.

A Flora and Fauna Impact Assessment has been prepared by Land Eco and concludes that no endangered flora or fauna were observed on site. No occurrences of *Syzygium paniculatum* or Pittwater Spotted Gum EEC were encountered on site.

Extensive tree and vegetation planting is proposed to compensate the loss of and landscaping, as illustrated on the accompanying Landscape Plans.

Landscape Officer

- The proposal retains the majority of high value trees – the Arborist Report provides valid reasons for removal of trees within the site.
- Additional trees and vegetation should be provided along the boundary perimeter.

Extensive planting is proposed as part of the development. Refer to accompanying Arborist Report and Landscape Plans.

Table 1 Pre-DA Comments

<ul style="list-style-type: none"> It is Landscape's preference to retain the existing trees in the road verge over and above the DCP requirements for kerb and gutter, and footpath works. A detailed Landscape Plan is required in accordance with C1.1 of the DCP. An updated Arborist Report is required and should satisfy B4.22 of the DCP. No impact on neighbouring trees is permitted. 	<p>Kerb and gutter is proposed along all 3 street frontages of the site, with a footpath provided in the southeast corner of the site. The works will be undertaken sensitively to ensure that mature street trees along the edge of the site are retained and protected.</p>
<p><u>Development Engineer</u></p> <ul style="list-style-type: none"> OSD is required in accordance with B5.7 of the DCP. Kerb, gutter and pavement is required for the frontage of the site and a footpath for Bellevue Road and Sanders Lane frontages, in accordance with C1.24 of the DCP. A Geotechnical Report is required in accordance with B3.1 of the DCP. Access Report is required to demonstrate compliance with Clause 26 of SEPP (HSPD). 	<p>OSD is proposed, as illustrated on accompanying Concept Stormwater Plans.</p> <p>Kerb and gutter is proposed on all 3 street frontages of the site. Refer to discussion in Section 5.2.7.1 of this SEE.</p> <p>Refer to accompanying Geotechnical Report prepared by Crozier Geotechnical Consultants.</p> <p>Refer to accompanying Access Report prepared by ABE Consulting.</p>

As set out in the table above, the development proposal was subsequently revised to respond to the comments raised in the written advice, as demonstrated in detail throughout this SEE and the accompanying application documentation.

3. Site Analysis and Context

3.1 THE SITE

The subject site is known as No. 27 Bellevue Avenue, Avalon Beach. The site comprises a rectangular shaped allotment with a legal description of Lot 33 in DP 11462. The location of the subject site is shown edged red and shaded yellow in the aerial image provided at **Figure 1** below.



Figure 1 Aerial image of the subject site and surrounds (source: Six Maps)

The site has a north-western street frontage to Bellevue Avenue of 20.115m, a south-western street frontage to Sanders Lane of 60.365m, a south-eastern rear street frontage of 20.125m, and a north-eastern side boundary of 60.365m. The site has a total area of 5,528m². It has a site area of 1,214m².

The site falls by approximately 9m from the north-west to south-east. It is characterised by dense tree coverage, including significant trees located along the site boundaries, including on Council-owned land adjoining the site.

A single storey rendered detached dwelling house is located on the north-western side of the site with vehicular access via Sanders Lane. A further vehicular access from Sanders Lane is located towards the southern corner of the site, close to the intersection with Wickham Lane.

There are no Heritage Items or Heritage Conservation Areas on or in the immediate vicinity of the site.

Photographs of the subject site are provided at **Figures 2 to 6**.



Figure 2 The site viewed from Bellevue Avenue.



Figure 3 The existing dwelling on site and vehicular access from Sanders Lane.



Figure 4 The site viewed westwards up Sanders Lane.



Figure 5 The site viewed southwards along Wickham Lane.



Figure 6 The existing dwelling on site viewed from the rear.

3.2 SURROUNDING DEVELOPMENT

The site is zoned R2 Low Density Residential and the surrounding area is characterised by residential lots containing detached dwelling houses with dense vegetation cover to the north and west. No. 29 Bellevue Avenue, adjoining the site to the north contains a part one, part two storey clad dwelling house fronting Bellevue Avenue, with vehicular access provided from Wickham Lane.

Land to the north-west, on the opposite side of Bellevue Avenue is zoned E4 Environmental Living. It generally comprises large two storey dwelling houses setback from the street on steeply sloping sites with detached garages providing parking on the lower end of the site directly accessed off Bellevue Avenue.

Avalon Public School is located to the south of the site, on the opposite side of Sanders Lane. The school grounds contain numerous buildings and play areas, with vehicular access provided from Sanders Lane. A densely vegetated area is located on the northern side of the School site, adjacent to the subject site.

Mixed use developments containing medium density residential housing and commercial premises are located to the east, on the opposite side of Wickham Lane on land zoned B2 Local Centre. These are generally two storeys in height with access provided from Wickham Lane or Old Barrenjoey Road, which forms part of Avalon Beach Village Centre. The centre provides a wide range of amenities, employment and services to serve the locality.

Photographs of surrounding developments are provided at **Figures 7 to 13**.



Figure 7 Developments looking northwards along Bellevue Avenue.



Figure 8 No. 29 Bellevue Avenue as viewed from the front (west).



Figure 9 View eastwards along Sanders Lane with the site on the left and School on the right.



Figure 10 Two storey developments on the eastern side of Wickham Lane.



Figure 11 View northwards along Wickham Lane passed the site.



Figure 12 View westwards along Sanders Lane.



Figure 13 View northwards along Old Barrenjoey Road towards Avalon Beach Village Centre.

The aerial image provided at **Figure 14** identifies the subject site and demonstrates the land zoning composition of the immediate locality, with the site edged in red.

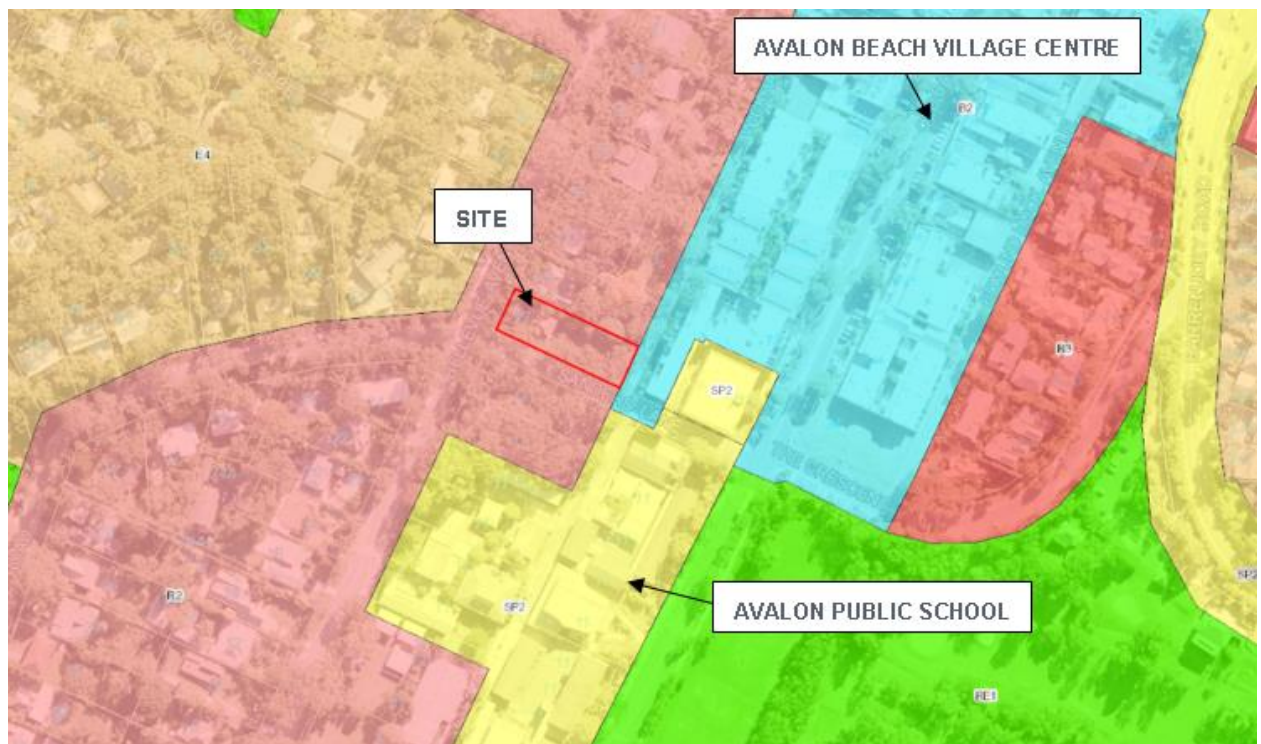


Figure 14: Surrounding land use zones (Source: Northern Beaches Mapping)



4. Description of the Proposal

The development application proposes the demolition of the existing dwelling house and ancillary structures, removal of trees, excavation and construction of a Seniors Housing development incorporating 3 x self-contained units, 6 car parking spaces, and associated landscaping and site works including new tree planting. The proposed development is depicted on the architectural plans prepared by *SHED Architects*, which are included with the development application and described in detail below.

4.1 DEMOLITION AND EXCAVATION

The existing detached dwelling house, ancillary sheds and structures are proposed to be demolished. Demolition detail is illustrated on the demolition plan provided with the architectural plan set. Demolition will comply with *AS 2601-1991: Demolition of structures*.

Earthworks are proposed to accommodate the proposed development, including excavation at the rear (east) of the site to permit basement car parking for the rear building. Excavation is also required at the front (west) of the site to permit basement parking and a stacker system for the front building. The maximum depth of excavation will be approximately 6m below natural ground level for the stacker with an average excavation depth of 2.5m or less.

4.2 TREE REMOVAL

A number of trees are proposed to be removed from the site as part of the proposal. In total 17 trees will be removed from the site, including 6 trees that are either exempt tree species or within 2 metres of the existing house and therefore do not need Council approval for removal. 26 trees are proposed to be protected and retained on or adjacent to the site. This includes 19 trees that are identified as being of moderate or very high retention value. In total, 20 street trees adjacent to the site boundaries are proposed for retention.

Details of tree works, including tree protection measures proposed are set out in the Arborist Report prepared by Bradshaw Consulting Arborists that accompanies the development application.

In addition, a Flora and Fauna Impact Assessment prepared by Land Eco accompanies the site. The assessment concludes that no threatened fauna or flora species were found on the subject site during the site assessment.

4.3 BUILDING ARRANGEMENT AND CONFIGURATION

The proposal seeks to construct two buildings on the site, both of which will be a maximum of two storeys in height.

The western building will be located on the front end of the site and will accommodate two apartments and two (2) car stackers providing parking for four (4) cars. Apartment 1 comprises a 3-bedroom apartment at first floor level with 215m² of internal floor space and a private balcony wrapping around the external walls. Apartment 2 comprises a 3-bedroom apartment at ground level with 195m² of internal floor space and a private open space including swimming pool on the eastern side.

The eastern buildings will be located on the rear end of the site and will step up the site to the west. Car parking for two (2) cars and waste storage will be located at semi-basement level, accessed from Wickham Lane. The building will contain Apartment 3, a split level 3-bedroom apartment with 190m² of internal floor space, with private open space provided on the northern side at lower ground level and a roof terrace at ground level.





Each building has been designed to step down the slope of the site so that they are only two storeys in height at any point. Landscape gardens will connect and surround the buildings, with an accessible path of travel provided along the southern side of the site in the form of a timber framed walkway incorporating a platform lift.

Materials proposed are high quality and comprise a mixture of concrete walls with timber and metal cladding, and aluminium framed windows and doors. The colour palette has been carefully selected to provide earthy tones and address the surrounding built and natural environment.

4.4 ACCESS AND PARKING

Car parking will be provided within two partially excavated car parking areas. The western parking area will contain two mechanical car stackers providing four (4) car parking spaces serving Apartments 1 and 2, accessed from an existing crossing from Sanders Lane. The eastern building will contain two (2) car parking spaces serving Apartment 3, accessed from Wickham Lane.

Accessible pedestrian access is provided to all of the proposed apartments, utilising an access pathway and platform lift on the southern side of the site.

Bin storage areas will be provided for both buildings adjacent the car parking areas. Bins are proposed to be wheeled to Sanders Lane for Council collection on waste collection days.

4.5 CIVIL WORKS

The proposal includes public domain works, being the construction of kerb and gutter along the street frontages of the site and the provision of footway in the southeast corner of the site on the intersection of Sanders and Wickham Lanes. Detailed design of the public domain works is illustrated in the Civil Plans prepared by *M+G Consulting*.

4.6 DEEP SOIL AND LANDSCAPING

The proposal includes the removal of 17 trees from or adjacent to the site in order to accommodate the proposed development. To offset tree removal and ensure that the development harmonises with the landscape character of the area, 229m² (18.9% of the site area) of deep soil landscaped areas and 229m² (18.9%) for landscaped area to accommodate planting are proposed across the site. The Landscape Plan details that 21 new trees which reach a mature height of 5m or greater will be planted to compensate the removal of the existing trees.

The proposal will also retain 26 trees on or adjacent to the site, including along the site boundaries. A significant number of street trees located adjacent the southern and western frontages of the site will also be retained. This is in addition to extensive replacement tree and vegetation planting that is proposed throughout the site.

The landscape design concept is detailed in the Landscape Plans prepared by *Narelle Sonter Botanica* and submitted with the development application.

4.7 WATER MANAGEMENT

Civil and Stormwater Plans have been prepared by *M+G Consulting* and are submitted with the development application. The plans indicate that stormwater runoff from roofs will flow into a rainwater tanks connected to each building. On-site detention will also be provided underneath the eastern building.





5. Environmental Planning Assessment

5.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

5.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in Table 2.

Table 2 Section 4.15 Matters for Consideration				
Biodiversity Conservation Act 2016	Matters for Consideration	OK	See Comments	N/A
	Biodiversity Conservation Regulation 2017	✓	✓	
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
"	SEPP (Housing for Seniors or People with a Disability) 2004	✓	✓	
"	SEPP (Vegetation in Non-Rural Areas) 2017	✓		
"	SEPP (Building Sustainability Index: BASIX) 2004	✓	✓	
"	Pittwater LEP 2014	✓	✓	
S.4.15(1)(a)(ii)	Housing Diversity SEPP	✓	✓	
S.4.15(1)(a)(iii)	Pittwater 21 DCP	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter: – AS 2601-1991: Demolition of structures.	✓		

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are *SEPP (Housing for Seniors and People with a Disability) 2004*, and *Pittwater Local Environmental Plan 2014 (PLEP 2014)*. The primary non-statutory plans relating to the subject site and proposed development is the *Pittwater 21 Development Control Plan (PDCP)*.

An assessment of the applicable provisions of these documents and other relevant planning instruments is provided below.

5.2.1 Biodiversity Conservation Act 2016

Council's pre-development application minutes dated 29 September 2019 provided the following comments from Council's Biodiversity officer:

"The site is mapped as Pittwater Spotted Gum EEC within the SMCMA V3 mapping project (OEH 2016).



The Arborist has identified a Threatened flora species, Syzygium paniculatum, T38, which is proposed for removal. This species is often planted, however this individual is 10m high and has a DBH of 320mm. This species is listed as Vulnerable within NSW and Endangered within Commonwealth legislation.”

Consequently, a Flora and Fauna Impact Assessment has been prepared by Land Eco and accompanies this application. The report provides a detailed assessment of the subject site, including a site survey that was undertaken by Land Eco. This is supported by an Arborist Report prepared by Bradshaw Consulting Arborists. The assessment confirms that no endangered flora and fauna were encountered on the site, including *Syzygium paniculatum* or any species belonging to the Pittwater Spotted Gum EEC. As demonstrated in the Arborist Report, T38 is actually a species of *Syzygium smithii* (Common Lilly Pilly) and is dying.

In respect of assessment under the Biodiversity Conservation Act 2016, the Flora and Fauna Impact Assessment states the following:

“The Subject Site has not been mapped as containing biodiversity values within the Biodiversity Values Map (NSW DIPE 2019) (Figure 4).

In this instance, the area of native vegetation to be removed for the proposed DA falls under the required threshold, therefore:

- *the BOS is not triggered,*
- *the BAM calculator does not apply,*
- *an Accredited Assessor is not required to prepare this BDAR, and*
- *no offset credit calculations are required.”*

In light of the findings in the Flora and Fauna Impact Assessment, the subject development does not require any further assessment under the *Biodiversity Conservation Act 2016*. Further details on the impacts on flora and fauna are provided within the Flora and Fauna Impact Assessment and discussed in Section 5.3.4 of this Statement.

5.2.2 SEPP No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

Given the long-term use of the site for residential purposes, it is considered highly unlikely that the site is contaminated and therefore any further assessment under SEPP 55 is unnecessary.

5.2.3 SEPP (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 commenced on 31 March 2004, and repealed the former State Policy relating to seniors living entitled *SEPP No.5 - Housing for Older People or People with a Disability*, which commenced on the 14 February, 1998.

SEPP (HSPD) consists of four chapters including Chapter 1 - Preliminary, Chapter 2 - Key Concepts, Chapter 3 – Development for Seniors Housing, and Chapter 4 - Miscellaneous. The intent and requirements of each of these chapters, as they apply to the proposed development, is addressed below.

Chapter 1 - Preliminary

Chapter 1 outlines the aims and objectives of the SEPP which are to increase the supply and diversity of well-designed housing for aged or disabled persons, and to make efficient use of existing infrastructure. This Chapter confirms that SEPP (HSPD) prevails over any other environmental planning instrument, to the extent of any inconsistency.

The Policy applies to land within NSW that is zoned primarily for urban purposes where dwelling houses, residential flat buildings, hospitals and special uses are permitted, or the land is being used for the purpose of a registered club. The subject site is within Zone R2 Low Density Residential under PLEP 2014. Dwelling houses are permitted with consent within Zone R2 and the site is not precluded by being on land described in Clause 4(6) and is not in a heritage conservation area. Therefore, SEPP (HSPD) applies to the land.

Chapter 2 - Key Concepts

Chapter 2 describes the 'key concepts' of SEPP (HSPD) providing detailed definitions to clarify the type of person whom is considered a *senior* and the type of person whom is considered a *person with a disability*. This Chapter also defines the types of housing to which the Policy relates.

The proposed development involves the construction of *self-contained dwellings* only. Self-contained dwellings are defined pursuant to Clause 13 of the Policy as follows:

*"In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis."*

Chapter 3 - Development for Seniors Housing

Chapter 3 of SEPP (HSPD) deals with a number of site and design related requirements which are to be satisfied to ensure that opportunities are created for the development of housing that is located and designed in a manner particularly suited to seniors who are independent, mobile and active as well as those who are frailer, and other people with a disability regardless of their age.

Pursuant to Clause 15, development for the purpose of any form of *seniors housing* is allowed if the proposed development is carried out in accordance with the Policy, despite the provisions of any other environmental planning instrument. Importantly, subject to additional public domain works detailed in the Access Report prepared by ABE Consulting Pty Ltd, the proposal will comply with the requirements of Clause 26 which enlivens the provisions of SEPP (HSPD). The Chapter outlines various other matters for consideration including site requirements, design requirements, development standards to be complied with and standards which cannot be used as grounds for refusal.

Assessment of the proposed development against the relevant development criteria is contained within the Compliance Table provided at **Annexure A** to this Statement. The assessment demonstrates that the proposed development is generally consistent with the principles, design requirements and guidelines outlined by the Policy, with the exception of storey height in the rear 25% of the site. This is discussed in more detail in Section 5.2.3.1 below.

In accordance with Clause 31 under Chapter 3 of SEPP (HSPD) an assessment against the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004 is provided at **Annexure D**.

It is noted that the proposed development complies with Clause 40(4)(a) of SEPP (HSPD) as the height of the building as measured to the underside of the ceiling is less than 8m. The section of Plan DA-200 appears to indicate exceedance



of the height control, however the level of the site at the northern end is higher than the location of the section. A 3D height plane was prepared for this location which details compliance in Figure 15 below.

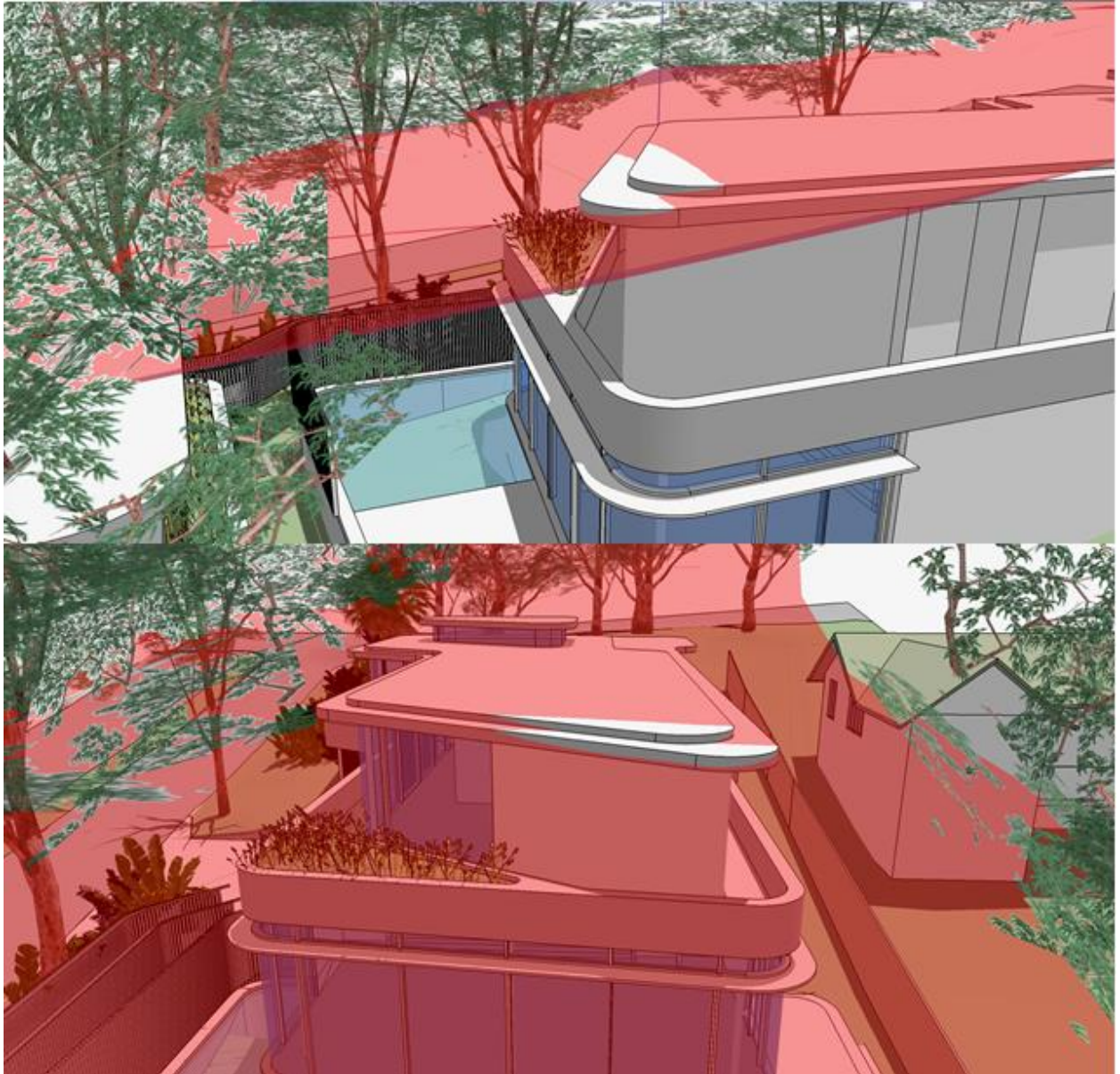


Figure 15 3D height planes detailing compliance with Clause 40(4)(a)

Chapter 4 - Miscellaneous

Chapter 4 of SEPP (HSPD) provides savings and transitional provisions for development applications for Seniors Housing made before the Policy was introduced. None of these provisions are applicable to the subject application.

5.2.3.1 Storey Height in Rear 25% of the Site

Clause 40 of SEPP (HSPD) provides a number of development standards to be complied with for seniors housing developments. Subclause (4) states the following:





(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted—

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

The interpretation under Clause 3 of SEPP (HSPD) states the following:

(2) In calculating the number of storeys in a development for the purposes of this Policy, a car park that does not extend above ground level by more than 1 metre is not to be counted as a storey.

The proposed eastern building is located at the rear of the site and is generally 1 storey in height within the rear 25% of the site. However, a small part of the undercroft parking area extends approximately 1.15m above the existing ground level at the rear of the site (refer to **Figure 16**) and is thus technically regarded as a storey under SEPP (HSPD).

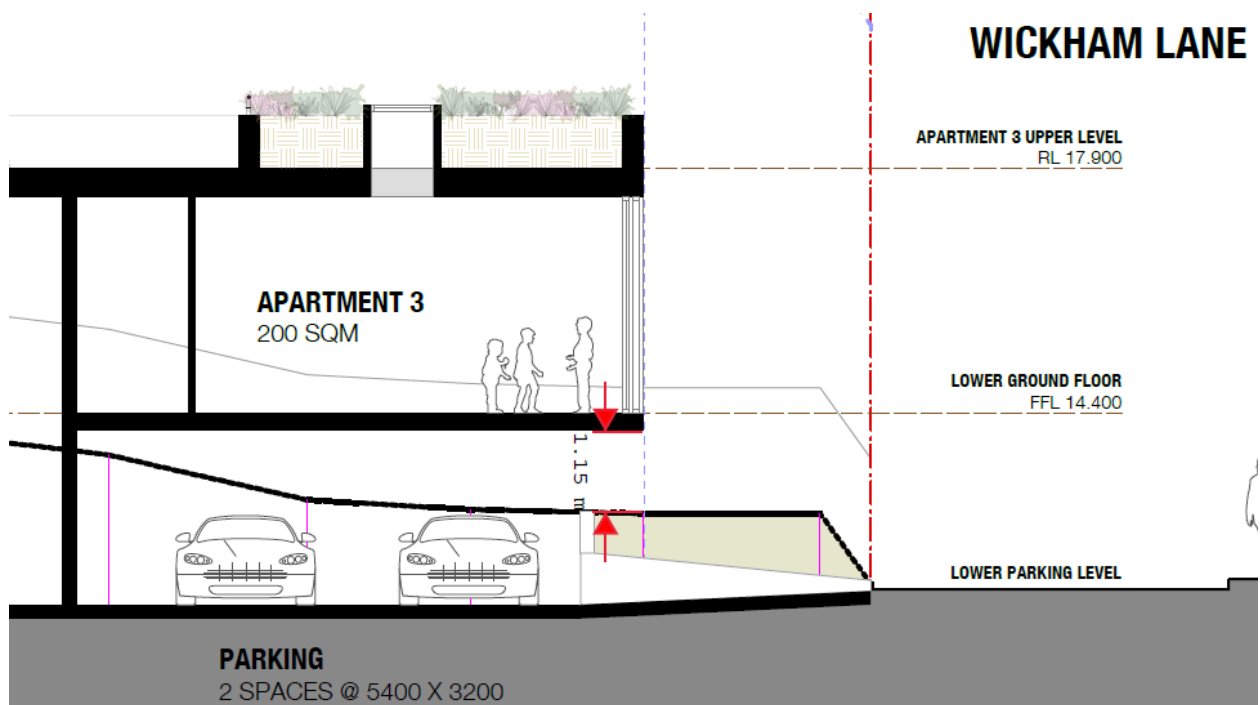


Figure 16 Proposed section through eastern building showing the height of the car parking areas above existing ground level

The car parking area will generally be open on the southern, northern and eastern sides, and will subsequently not appear as a storey. As such, despite the technical non-compliance with Clause 40(4), the eastern building will appear one storey in height. Dense planting is also proposed on either side to ensure that the car parking area is not readily visible from the surrounding streets and neighbouring properties. This is detailed in the Photomontage in Figure 18 of this SEE (below).

In light of the above, due to the technical non-compliance a variation is sought pursuant to Clause 4.6 of Pittwater Local Environmental Plan 2014 and is provided at **Annexure E** of this SEE.

5.2.4 SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate accompanies the application and outlines various sustainability commitments as part of the proposed development. The BASIX certificate(s) demonstrate compliance with the requirements of the BASIX scheme and is therefore consistent with the SEPP.



5.2.5 SEPP (Vegetation in Non-Rural Areas) 2017

This SEPP was gazetted on 25 August 2017 and repeals Clause 5.9 of PLEP 2014. The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

The Vegetation SEPP regulates clearing that is not ancillary to development requiring consent. Whereas, clearing that is ancillary to development requiring consent will be assessed as part of the development assessment process. As such, the Vegetation SEPP is not applicable to the proposed development as the proposed removal of trees is ancillary to development requiring consent and will be assessed by Council's Landscape Officer.

5.2.6 Pittwater Local Environmental Plan 2014

The *Pittwater Local Environmental Plan 2014* (PLEP 2014) applies to the subject site. Under the LEP the subject site is within Zone R2 – *Low Density Residential*, as indicated on the *Land Zoning Map*. The proposed development is characterised as *seniors housing comprising a group of self-contained dwellings* which is permissible with consent in Zone R2, pursuant to SEPP (HSPD), as described at Section 5.2.3 of this Statement.

The objectives of Zone R2 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 redevelopment will provide for the housing needs of the community, particularly the elderly. The scale of development will complement the low density character of the locality and the landscape concept proposed incorporates plant species that will harmonise with the natural environment of Avalon Beach Village. The proposed development will complement surrounding land uses, being compatible with the character of the locality. For these reasons, the proposal demonstrably aligns with the zone objectives of Zone R2.

A Compliance Table which considers the proposal against the provisions of PLEP 2014 is provided at **Annexure B**. The proposed development satisfies all relevant provision of PLEP 2014.

5.2.7 Housing Diversity SEPP

The Department of Planning, Industry and Environment is exhibiting an Explanation of Intended Effect (EIE) for a proposed new State Environmental Planning Policy (SEPP) that aims to facilitate the delivery of diverse housing that meets the needs of the State's growing population and will support the development of a build-to-rent sector. The proposed Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) would consolidate three current SEPPs and update some planning provisions in response to community and council concerns about boarding house and senior's housing development.

The Explanation of Intended Effect (EIE) is currently on exhibition until 9 September 2020. The specific legislation detailed in the Housing Diversify SEPP has not been released and there are no relevant matters for consideration in draft form. As such, no further consideration is required at this stage.

5.2.8 Pittwater 21 Development Control Plan

The *Pittwater 21 Development Control Plan* (PDGP) applies to all land to which the Pittwater Local Environmental Plan 2014 applies, including the subject site. A Compliance Table is provided at **Annexure C** and considers the proposal against the relevant controls of the DCP. The compliance table demonstrates that the proposal is largely consistent

with relevant DCP controls. Areas of non-compliance are discussed and justified within the compliance table or below with regards to public infrastructure and rear building line.

5.2.8.1 Public Infrastructure

Clause C1.24 of PDCP states the following in relation to “other development” (including seniors housing) of less than 6 units:

“Development with a frontage within a residential street is required to design and construct (Section 139 approval required from Council):

- *a footpath 1.5m wide, or*
- *where a multi-use pathway is required the footpath is to be constructed to a 2.1m width, and*
- *kerb and gutter to Council specification, and*
- *landscaping for the full width of the development site on the public road reserve.”*

As indicated in the accompanying architectural plans, civil plans, and perspectives, a kerb and gutter is proposed along all 3 street frontages of the site, consistent with the requirements of C1.24. However, it is not proposed to construct a 1.5m footpath along the frontages of the site, with the exception of a small section of footpath in the southeast corner of the site to enable equitable access to and through the site. The road reserve adjacent to the site contains 20 street trees, many of which are considered high or very high retention value. These trees have a significant positive impact on the visual appearance of the site and surrounding streetscape. Constructing a 1.5m footpath along the street frontages of the site would result in the removal of the majority of trees which would have a significant adverse impact on the visual and landscape quality of the site and surrounds. This would clearly conflict with a number of other controls in PDCP, including under Section C1.1 and D1.1 of the DCP.

Furthermore, despite the non-compliance with the requirement to provide footpaths under C1.24, the proposed development remains consistent with the objectives of that part of the DCP, as outlined below.

Desirable character of the Pittwater streetscape.

As set out above, the majority of street trees located along the boundary of the site are of high to very high retention value, providing a significant positive impact on the visual and landscape quality of the site. The requirement for a 1.5m wide footpath along the street frontages of the site will result in the removal of almost all of these trees. This will have a significant adverse impact on the character and appearance on the site and wider streetscape, with negligible positive outcomes in terms of providing public infrastructure in the locality (as discussed in further detail below). It is considered that the protection of the significant street trees along the frontages of the site should be given far more weight than the requirement for a footpath given the requirements throughout the PDCP to provide a landscaped setting within the former Pittwater LGA and Avalon Beach locality. Furthermore, a footpath with kerb and gutter is located on the southern side of Sanders Lane to permit pedestrians to safely traverse between Bellevue Avenue and Old Barrenjoey Road.

The proposed kerb and gutter will provide infrastructure to support essential stormwater management without adversely impacting the street trees. As such, it is considered that the proposed non-compliance with the requirement to provide a footpath better aligns with this objective and is consistent with the desired character of the Avalon Beach locality.

Consistency in the design and construction of landscape works in the road reserve.

The proposal includes kerb and gutter along the three frontages of the site, with a landscaped area behind to support the retention of street trees and new plantings on and adjacent to the site. The kerb and gutter will provide essential

stormwater infrastructure to benefit the locality. However, it is not considered necessary or reasonable to provide a footpath along the frontages of the site.

The site has two frontages to lanes, being Sanders and Wickham Lanes. Wickham Lane is a relatively narrow laneway where it would not be expected to provide a footpath due to its width and high levels of service and vehicular access usage. Sanders Lane already benefits from a footpath on the southern side, opposite the site which connects to existing footpaths along Bellevue Avenue and Old Berrenjoey Road. These footpaths are well used and provide connections to Avalon Public School, local bus stops and Avalon Village centre.

There is no footpath located on the eastern side of Bellevue Avenue adjacent to the subject site or neighbouring properties to the north. The majority of these properties, including the subject property have vehicular access from the south or east, with limited access from Bellevue Avenue due to the topography of the land falling to the east. Constructing a footpath along the eastern side of Bellevue Avenue adjacent the subject site would provide no logical purpose given that it would not be connect to any existing footpaths to the north and would not be readily accessible from the property due to the changing levels to the subject site. An existing footpath is in situ on the western side of Bellevue Avenue and provides a safe route for pedestrians along the street and connections to existing footpaths on Sanders Lane and Avalon Parade which link Bellevue Avenue with Old Barrenjoey Road.

In terms of access from the subject site to Avalon Village and bus stops in the locality, the proposal will include a section of footpath in the southeast corner of the site and changes to levels on the footpath on the northern side of Sanders Lane. This will include a dropped kerb which connects to a regraded footpath on the northern side of Sanders Lane to the east of the site. It is proposed that a dropped kerb is provided to this footpath to ensure equitable access can be provided across Wickham Lane to the subject site (refer to accompanying Civil Plans).

This is considered to be an appropriate response to the site constraints and context, providing a balance between protecting valuable trees on and adjacent to the site, providing equitable access to the site, and assisting with the provision of essential Council infrastructure in the locality. The proposal therefore remains consistent with this objective, despite the non-compliance with the requirement to provide a footpath.

5.2.8.2 Rear Building Line

Control D1.9 of PDCP provides that development in Avalon Beach on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living should have a rear setback of 6.5m. The proposed development comprises a rear setback from the eastern boundary to Wickham Lane of 3.25m. This is therefore non-compliant with the rear building line control by 3.25m.

Nonetheless, it is important to note that during pre-development application discussions with Northern Beaches Council and subsequent minutes received on 24 September 2019, Council Officers provided that *"the Wickham Lane elevation should be setback 3.25m as a secondary front setback"*. This advice has been followed as part of the development application.

The non-compliant rear setback is considered to be appropriate in this instance for a number of reasons, as outlined below.

Firstly, the site is an end lot with 3 street frontages, including to Wickham Lane to the rear. As such, the site does not directly adjoin any neighbouring properties to the rear and the reduced rear setback will not give rise to any adverse impacts on neighbouring properties in terms of solar impacts, visual bulk, views or privacy. Building to building separation to properties on the eastern side of Wickham Lane will be 12.8m.

Secondly, the proposed development will be effectively single storey at the rear and will be adjacent to deep soil zones proposed on either side within the rear setback area. This will provide ample space to accommodate dense planting that will screen the rear building and ensure that it is not highly visible from surrounding streets and properties.



Furthermore, the proposed car parking level is largely open on the southern, northern and eastern sides and will therefore not unduly add to the visual bulk of the rear building.

Finally, despite the non-compliance with the rear setback control, the proposed development will incorporate compliant levels of deep soil zones and landscaped areas, consistent with the relevant parts of SEPP (HSPD) and PDCCP. A total of 250.3m² or 20.6% of the site will be provided as deep soil landscaped area, including more than 50% of the rear setback area. Extensive landscaping will therefore be provided across the site, including within the rear setback area. This will assist in creating a suitable landscaped buffer between the site and the mixed use developments on the eastern side of Wickham Lane that are zoned B2 Local Centre.

As such, the non-compliance with the rear setback control does not give rise to any adverse impacts on the locality in terms of neighbouring amenity or visual appearance. Furthermore, despite the numerical non-compliance with the rear setback control, the development remains consistent with the desired outcomes of control D1.9 of PDCCP and is thus considered to be acceptable on merit in this instance.

5.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

5.3.1 Topography & Scenic Impacts

Excavation is proposed as part of the development, in order to accommodate the development, including parking and servicing area. A Geotechnical Report prepared by *Crozier Geotechnical Consultants* accompanies the application and demonstrates that the excavation will not result in any adverse impact to the amenity of neighbouring sites or the structural integrity of nearby buildings. Furthermore, the report demonstrates that the development will not give rise to any unacceptable risks in terms of geotechnical hazards and land stability. The proposed excavation will utilise the natural sloping topography of the site to minimise its visual impact of the development and thus, the proposal will not generate any adverse topographical or scenic impacts.

5.3.2 Micro-climate Impacts

The proposed development will have no significant adverse impact on surface or ground water regimes. Therefore no significant impact on local micro-climate is anticipated. The retention of a number of mature trees across the site in addition to the provision of 21 trees with a mature height of greater than 5m will contribute towards maintaining the urban tree canopy and assist in climate control throughout the site.

5.3.3 Water & Air Quality Impacts

During construction, appropriate sediment and erosion controls will be installed and maintained to prevent migration of sediment from the site. Once constructed, roof and surface water from the development will be captured within on-site detention and rainwater tanks at basement level.

Civil and Stormwater plans prepared by *M+G Consulting* has been submitted with the development application. The plans illustrate that storm and waste water from the development can be managed on site. Therefore, the proposal will have positive impacts on the water quality of the locality.

In terms of air quality, the site will be managed during construction to mitigate any potential impacts on air quality, particularly during excavation. It is expected that appropriate dust mitigation measures will be employed during excavation. During operation, the proposed use is not anticipated to generate any unusual odour or fumes. The proposal is unlikely to have any notable impact on air quality.



5.3.4 Flora & Fauna Impacts

The proposal necessitates the removal of trees and vegetation within the site to accommodate the proposed development. An Arborist Report has been prepared by *Bradshaw Consulting Arborists* and is submitted with this application. This report outlines the aims and methodology of tree retention and removal. Of the 43 existing trees on site and adjacent to the site, 17 are proposed to be removed. However, the majority of these trees are either exempt or of low to moderate retention value. Furthermore, the development has been designed to retain the most prominent trees on site. In particular, mature street trees along the Bellevue Avenue and Sanders Lane frontages of the site are proposed to be retained and protected. A total of 26 moderate to very high retention value trees are proposed to be retained on or adjacent to the site, including a total of 20 street trees. It is noted that the accompanying Arborist Report concludes that the proposed kerb and gutter along the frontages of the site will not prejudice the health and vitality of the street trees, subject to recommended tree protection measures.

In addition to the retention of the majority of significant trees, extensive new planting is proposed throughout the site to retain the natural setting surrounding the development. A Landscape Plan prepared by *Narelle Sonter Botanica* is submitted with this application and outlines the landscaping proposed across the site. This includes the provision of 21 trees with a mature height of greater than 5m and significant native species to be planted on site.

During the pre-development application discussions, Council's Ecologist raised concerns regarding potential endangered species on the site under the *Biodiversity Conservation Act 2016*. This included a potential *Syzygium paniculatum* ("T38") and species belonging to the Pittwater Spotted Gum EEC located on the site.

It is noted that the site is not mapped on the Biodiversity Values Map prepared by the Office of Environment and Heritage (OEH) nor under the Terrestrial Biodiversity Map under PLEP 2014. Furthermore, as identified in the accompanying Arborist Report, T38 is in fact a species of *Syzygium smithii* (Common Lilly Pilly).

Notwithstanding the above, in response to comments received during pre-development discussions with Council, a Flora and Fauna Impact Assessment has been prepared by Land Eco and accompanies the application. The assessment provides detailed information on the level of biodiversity found within and adjacent to the site and outlines the relevant measures employed as part of the development to protect and/or enhance biodiversity on site.

In terms of the flora identified on the site, the report states:

"No threatened fauna or flora species were found on the subject site during the site assessment by Land Eco.

The NSW Wildlife Atlas online survey tool (DPIE 2020c) was used to obtain a list of threatened flora previously recorded within a 10km radius of the subject site. The habitat requirements of each species were assessed (DPIE 2020d) in order to determine the likelihood of species occurrence and/or impact from the proposed development. Due to lack of remnant native vegetation within the site, no threatened flora species were identified in the desktop assessment as having potential to occur on the Subject Site."

In terms of the fauna identified on the site, the report states:

"No threatened fauna or evidence thereof were identified within the subject site by Land Eco during the one (1) day site assessment.

Desktop analysis revealed a suite of threatened fauna species as having the potential to utilise habitat on the Subject site during part of their lifecycles.

The Subject site lacked important habitat features including native shrubby understorey, rock outcrops/crevices, waterbodies, soaks, hollow-bearing trees, coarse woody debris and dense leaf litter. Subsequently, all threatened fauna known to occur within 10km of the subject site could be discounted."

Several native trees identified in the Subject Site which may provide potential foraging habitat for locally resident and nomadic fauna, including:

- *Pteropus poliocephalus* (Grey-headed Flying Fox)
- *Glossopsitta pusilla* (Little Lorikeet)
- *Lathamus discolor* (Swift Parrot)
- *Ninox connivens* (Barking Owl)
- *Ninox strenua* (Powerful Owl)
- *Tyto novaehollandiae* (Masked Owl)
- *Anthochaera Phrygia* (Regent Honeyeater)
- *Saccolaimus flaviventris* (Yellow-bellied Sheath-tail Bat)
- *Micronomus norfolkensis* (Eastern Coastal Free-tailed Bat)
- *Chalinolobus dwyeri* (Large-eared Pied Bat)
- *Falsistrellus tasmaniensis* (Eastern False Pipistrelle)
- *Myotis Macropus* (Southern Myotis)
- *Scoteanax rueppellii* (Greater Broad-nosed Bat)
- *Miniopterus australis* (Little Bent-winged Bat)
- *Miniopterus orianae oceanensis* (Large Bent-winged Bat)

The Grey-headed Flying Fox is highly mobile and known to forage over 50km in one foraging bout. It is not likely that any of the trees on the subject site provide important foraging or roosting resources for a local viable population of this species.

The closest known Grey-headed Flying-fox camp in the locality is the Cannes Reserve Flying-fox Camp. No roost camps will be impacted therefore, it is not expected that the proposed development will significantly impact upon the Grey-headed Flying-fox or a viable local population of the species (Appendix 3)

The presence of mature nectar-bearing trees may provide forage for Grey-headed Flying-fox and threatened nectarivorous birds, in particular *Lathamus discolor* (Swift Parrot) and *Glossopsitta pusilla* (Little Lorikeet). These birds are mobile and not likely to breed or depend on vegetation in the Subject Land. The Swift Parrot only nests in Tasmania while Little Lorikeet only nest in larger remnants such as National Parks.

Suitable roost habitat occurs across the Subject Land for vulnerable microbats, the most notable habitat features are the old buildings including the existing house and backyard shed (microbats like to roost in building cavities) and the dense fronds of *Livistonia australis* and *Washingtonia* spp. palms. The entire subject site is likely to be used as foraging space for vulnerable microbats, such as *Micronomus norfolkensis*, *Falsistrellus tasmaniensis*, *Scoteanax rueppellii*, *Miniopterus orianae oceanensis*, *Miniopterus australis*, *Chalinolobus dwyeri* and *Saccolaimus flaviventris*.

The trees in the Subject Site are likely to attract the prey of vulnerable nocturnal birds. *Ninox strenua* (Powerful Owl), *Ninox connivens* (Barking Owl), and *Tyto novaehollandiae* (Masked) may forage in the Subject Site for

prey species including possums, gliders, rats and birds. Dense trees may be used as temporary roosts. Breeding is not likely as there are no suitable large tree hollows.”

The report goes on to conclude that:

“Habitat for threatened fauna occurs on the Subject Land and this habitat will be effected as a result of the proposed development. A Test of Significance (5-part test) was undertaken to assess the effects of the proposed development in accordance with Section 7.3 of the NSW Biodiversity Conservation Act 2016. It was concluded that the proposed development will not significantly effect any locally occurring threatened species or populations.

Land Eco Consulting Pty Ltd is satisfied that all Pittwater Council planning controls relevant to biodiversity will be met in accordance with the Pittwater Local Environment Plan 2015 and Pittwater Development Control Plan 2016. Land Eco Consulting Pty Ltd supports the proposed development and recommends its approval subject to implementation of the recommendations.”

In light of the above, it is demonstrated that the proposed development will not prejudice biodiversity values on or adjacent to the site. Impacts to habitat for threatened fauna and flora are considered to be negligible. Due to the significant proposed native plantings and increased habitat opportunities, the development is considered to have a positive impact on biodiversity within the site and wider locality.

5.3.5 External Appearance & Design

The proposed development will present as two separate pavilion style buildings, located at the front (west) and rear (east) of the site, with extensive landscaping surrounding each building. The development will step down the slope of the site, to ensure that it remains 2 storeys in height, providing a bulk, scale and setbacks that are consistent and compatible with surrounding developments, and characteristic of the low density zoning of the subject site

The development incorporates a high degree of articulation to all elevations, with extensive façade modulation, openings, architectural design features, and varied materials successfully breaking up the visual bulk of the development as viewed from the street and surrounding properties. Balconies provide additional articulation, along with projecting eaves that also ensure solar comfort for future apartments.

To the rear, the eastern building has a reduced height to effectively present as a single storey that will be suspended over an undercroft parking area which will be open and screened by dense planting on either side. This will ensure that the rear building will appear as a single storey building and the car parking is not readily visible from surrounding streets and properties (refer to Figure 18 below).

Substantial landscaping and tree planting is proposed throughout the site, including within deep soil setback areas and will also reduce the overall presence of the development when viewed from the street and surrounding properties. Landscaping will also screen the bulk of hard surfacing on site, as well as the pedestrian walkway on the southern side which is proposed in timber to blend in with the landscaped setting of the site. The landscape design will include the planting of 21 trees with a mature height of greater than 5m to enhance the existing landscaped character.

External materials and finishes are high quality and have been selected to reflect the contemporary design of the building, complementing the building form and articulation and providing a high quality and visually pleasing aesthetic. An earthy palette of colours has been selected for external materials and finishes to provide an appropriate response to the landscaped setting of the site. External materials comprise a mixture of concrete structural walls with metal and timber cladding, and dark metal framed windows and doors.

Overall, the proposed building will sit comfortably within its surroundings, setting a strong precedent for high quality, modern and attractive design within the locality. It will be of a low density scale, located within a landscaped setting



with extensive tree canopy across the site. The building will step down the site to respect the natural landform of the land and the building siting, scale, design and form, including external materials will harmonise with the surrounding natural environment. Mature street trees adjoining the site will be retained and complemented by varied landscaping proposed on the site, which will provide habitats for local fauna. Vehicular accesses, parking areas and services are well integrated into the development and will not be highly visible from the public domain. Accordingly, the proposed development is compatible with the desired future character for development in the Avalon Beach locality.

Perspectives of the proposed development are provided at **Figures 17** and **18** below.



Figure 17 Perspective of the development from the intersection of Bellevue Avenue and Sanders Lane





Figure 18 Perspective of the development viewed from the southeast corner, at the intersection of Sanders and Wickham Lanes

5.3.6 Solar Access

As demonstrated by the shadow and solar diagrams prepared by *SHED Architects*, the proposed development and neighbouring properties achieve compliant levels of solar access, in accordance with Clause 35 of SEPP (HSPD) and Part C1.4 of PDCP.

In particular, as demonstrated on the solar access diagrams, living areas and private open space for all the proposed apartments will receive at least 3 hours of sunlight between 9am and 3pm on 21 June. Furthermore, due to the orientation of the site and the scale of the proposal, the shadows from the proposed development will predominantly fall onto the subject site or surrounding roads. As such, solar access to neighbouring residences will not be unduly impacted by the proposed development.

5.3.7 Views

There are no protected or significant views through or over the site. The proposed development will be appropriate in height and scale and therefore will have no adverse impact in regards to loss of views or outlook from adjoining properties nor public views in the locality.

5.3.8 Aural & Visual Privacy

Views from the proposed apartments to the west, south and east are over public roads and thus will not provide adverse overlooking of neighbouring properties. The closest residential properties to the west will comprise of a building to building separation distance of 12.8m which is more than satisfactory in an urban environment. Due to the topography, views between proposed apartments will also be limited with any windows facing one another being at differing levels and screened by planting proposed between the two buildings.

However, the proposal will include windows and private open space that afford views to the north, towards the shared boundary with No. 29 Bellevue Avenue.

Apartment 1 will have a balcony at first floor level (RL 21.00) that includes parts on the north and eastern sides. Whilst the balcony will be trafficable it is a maximum of 1m wide on these sides of the building and narrows to 600mm in parts. The main usable outdoor space for Apartment 1 will be located towards the front (west) of the dwelling and provide views towards Bellevue Avenue. Windows on the northern side of Apartment 1 will also face towards No. 29 but will be in a similar location to windows on that adjoining property so privacy screens are provided in Figure 19. However extensive landscaped screening is in situ along this shared boundary and deep soil zones are provided to increase tree planting in this area (refer to **Figure 19**)



Figure 19 North elevation illustrating the proposed development (top) and with tree screening (bottom)

Apartment 2 benefits from private open space and a swimming pool on its eastern side. However, this will be located at RL 17.10 and is therefore below the proposed fencing line and over 3m below the sills of south-facing windows of No. 29 (RL 21.50 and RL 22.09 respectively).

Apartment 3 also has a balcony on the northern side at ground level. However, again this will sit below the fence line, with a floor level of RL 14.40. It also benefits from a roof terrace proposed at first floor level (RL 18.50). Whilst this will be above the fence line, it will be setback by at least 4.6m from the shared northern boundary and positioned behind landscaped planters. The terrace will only afford oblique views to the rear windows of No. 29, which will be filtered through the existing and proposed tree screening. Limited views will be afforded to the rear of the garden of No. 29, however this area comprises of driveway access and landscaped areas, which are open and readily visible from Wickham Lane. It is therefore considered that the level of potential overlooking is not unreasonable and will not prejudice the amenity of occupants of No. 29 whose main usable private open space is further westwards into the site.



In terms of neighbouring properties on the eastern side of Wickham Lane, the proposed rear building line will be separated by some 12.8m from the western edge of those properties. This significant separation alongside the dense vegetation cover provided by existing and proposed landscaping in the rear setback area will ensure that the development will not give rise to adverse overlooking of neighbouring properties to the east.

Conclusively, it is noted that a degree of mutual overlooking is to be expected in an urban environment such as the subject site and surrounds. However, the siting and orientation of the proposed buildings ensures there is limited potential for overlooking of neighbouring properties. In any case, proposed building setbacks are generous and will contain deep soil zones to support extensive screen planting. This will ensure that cross views between habitable spaces are limited and will not adversely compromise visual privacy for the proposed apartments or neighbouring properties.

Limited mechanical plant is proposed and where it is, will be located away from site boundaries and habitable rooms for acoustic consideration. It is anticipated that conditions of consent will ensure that any mechanical plant will operate within recommended acoustic guidelines.

In light of the above, the development will not have any adverse impacts on visual privacy of neighbouring properties or that of prospective occupants. Furthermore, the ongoing operation of the development is highly unlikely to adversely impact neighbouring occupants existing levels acoustic privacy.

5.4 ECONOMIC & SOCIAL IMPACTS

The proposal will have no adverse economic impacts. Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.

The proposal is considered to have strong positive social impacts. The provision of well-located self-contained dwellings with excellent levels of amenity is consistent with the aim of SEPP (HSPD) in overcoming a lack of suitable housing and to provide high quality accommodation for seniors, whilst maintaining compatibility with the predominant scale and character of development in the locality. The demand for seniors housing is particularly prevalent in the Avalon Beach locality, with many seniors seeking downsizer accommodation with good access to services and amenities, as proposed under this application.

The demand for Seniors Housing in Avalon is detailed in a letter from Peter Grant, Director of Domain Project Marketing which states as follows:

Domain Project Marketing is the Northern Beaches only full-time project marketing company and has delivered to the market over 100 of the Northern Beaches most notable and award-winning developments over 25 years in business. The company has a data base of over 20,000 downsizing owner occupiers who form the basis of clientele of its business.

As such, we are uniquely able to comment on the demand for such product from and the associated lack of supply which is restricting many owners to large and unsuitable properties on the Northern Beaches. Due to the aging population and general housing and topography features of the Pittwater area and general lack of planned development many purchasers are unnecessarily home locked in large unmanageable homes and constantly ringing our business to inquire on what new opportunities are available.

Nowhere is this truer than Avalon as many local residents do not wish to move outside their community further south and as such demand for level access high quality apartments in the Avalon area is particularly high and supply of new product extremely low.

Crime prevention principles have been incorporated into the design, including well-designed lighting, maximising passive surveillance, clear pathways, and design to differentiate ownership between private and public space.



5.5 THE SUITABILITY OF THE SITE

5.5.1 Access to Services

The subject site is in a highly accessible location, being within 400m walking distance of Avalon Beach village centre, which provides access to an extensive array of amenities, including shops, banks, community and recreational services and medical services.

Additionally, the site is located within 400m of various bus stops on Old Barrenjoey Road, and these stops are accessible by means of a suitable access pathway, being a boardwalk through the site and concrete footpath on the street. The proposal includes regrading of the Council footpath to ensure the gradients are compliant with SEPP (HSPD) as surveyed by *Bee & Lethbridge*. The bus stops are serviced by routes 192 and 193 which are both loop services to various stops within the Avalon Beach locality. These bus stops are within 400m of a range of services and facilities, including shops, banks, community and recreational services and medical services. The available bus services and proximity to facilities satisfies the requirements of Clause 26 of SEPP (HSPD).

As the site is within an established area, electricity, telephone, gas, water and sewerage is readily available to the subject site.

5.5.2 Car parking

Parking requirements for seniors housing developments are prescribed within SEPP (HSPD), and have been identified within the Compliance Table at **Annexure A**. The development provides for a total of 6 resident car parking spaces in two separate parking areas, which complies with the parking requirements for the development when calculated pursuant to the rates prescribed in Clause 50 of SEPP (HSPD), as well as parking rates outlined in PDCP. One car parking space within the eastern (rear) car parking area is capable of extension to comply with the necessary accessibility requirements for the development of the scale proposed.

The design of the proposed car parking, access and circulation areas have been assessed in the accompanying Traffic and Parking Impact Assessment prepared by *PDC*, which concludes that they are compliant with the relevant Australian Standards.

5.5.3 Hazards

The subject site is not on bush fire prone or flood affected land. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

A small portion of the northwest corner of the site is identified as "Geotechnical Hazard H2" on the Geotechnical Hazard Map under PLEP 2014. Accordingly a Geotechnical Report has been prepared by *Crozier Geotechnical Consultants* and is provided in support of the DA. The report undertakes an assessment of the site and provides that:

"The site investigation identified a shallow topsoil unit ($\leq 0.25\text{m}$) underlain by medium dense sand (fill) and firm to hard residual sandy clay soils to a maximum depth of 3.10m (BH1), which overlies extremely low to very low strength shale/siltstone. Borehole refusal was encountered on interpreted bedrock of at least low strength. This clay/siltstone/shale sequence is considered to be typical of the weathering profile of the Upper Narrabeen Group rocks. There is potential for medium to high strength bedrock to be present below auger refusal depths. However, the potential for weaker rock below low strength rock should also be considered.

The investigation identified no signs of previous or impending landslide instability within the site or adjacent properties, including the road reserves, with ground surface slopes generally of gentle dip."

In undertaking a site specific risk assessment for the site, the report notes that:

“Based on our site investigation we have identified the following geological/geotechnical hazards which need to be considered in relation to the existing site and the proposed works. The hazards are:

A. Landslip (Earth slide <5m³) of surficial soils from excavation works (Western excavation up to 4.50m depth – approximately 1.90m of soil)

B. Collapse (rock slide <3m³) in excavations (Western excavation up to 4.50m depth – rock from approximately 1.90m to 4.50m depth)

C. Landslip (Earthslide <2m³) of surficial soils at crest of excavation (Eastern excavation up to 1.00m of soil)

The hazards have been assessed in accordance with the methods of the Australian Geomechanics Society (Landslide Risk Management, AGS Subcommittee, May 2002 and March 2007), see Tables: A and B, Appendix: 3 The Australian Geomechanics Society Qualitative Risk Analysis Matrix is enclosed in Appendix: 4 along with relevant AGS notes and figures. The frequency of failure was interpreted from existing site conditions and previous experience in these geological units.

*Hazard A was estimated to have a **Risk to Life** of up to 1.69×10^{-6} for a single person, while the **Risk to Property** was considered to be ‘**Moderate**’.*

*Hazard B was estimated to have a **Risk to Life** of 1.69×10^{-6} for a single person, while the **Risk to Property** was considered to be ‘**Very low to Low**’.*

*Hazard C was estimated to have a **Risk to Life** of 2.60×10^{-7} for a single person, while the **Risk to Property** was considered to be ‘**Very low to Low**’.*

The report provides a number of recommendations for construction of the proposed development and concludes that:

“The risks associated with the proposed development were assessed to be and can be maintained within ‘Acceptable’ levels with negligible impact to neighbouring properties or structures provided the recommendations of this report and any future geotechnical directive are implemented. As such the site is considered suitable for the proposed construction works provided that the recommendations outlined in this report are followed.”

It is anticipated that these recommendations will be secured by conditions of consent.

5.6 THE PUBLIC INTEREST

The proposed development will increase the supply of seniors housing in a form that meets the housing needs of the community, where there is high demand for downsizer housing which is in short supply in Avalon Beach. The proposed development will provide high quality housing compatible with the low density scale and landscaped character of development in the locality, and is suitable in terms of being surrounded by similar compatible land uses.

The proposed development has also been designed to protect the amenity of adjoining development, as well as to provide a high degree of amenity for residents within the proposed facility.

The site is located in close proximity to local amenities within Avalon Beach village and public transport services which allow convenient access to services and facilities, satisfying the site requirements of SEPP (HSPD). The proposed development will generally have positive environmental impacts. As such, the proposed development is therefore considered to be in the public interest.



6. Conclusion

This Statement accompanies a development application for the construction of a Seniors Housing development comprising 3 self-contained dwellings at No. 27 Bellevue Avenue, Avalon Beach. The proposed development has been assessed in light of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and Council's relevant planning Guidelines and Policies.

The proposal is permissible with consent, pursuant to *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and generally satisfies the relevant requirements of this instrument. A minor variation to the storey height for the rear 25% of the site is sought, and has been justified as being acceptable on merit. Accordingly, a Clause 4.6 variation request accompanies this Statement and demonstrates that strict compliance with this development standard is unreasonable and unnecessary in the circumstances.

Furthermore, the proposal satisfies the provisions of the *Pittwater Local Environmental Plan 2014* and is generally consistent with the controls under the *Pittwater Development Control Plan 21*. Where variation to controls are proposed, they have been justified on merit throughout this Statement.

The siting, design and external appearance of the proposed development is compatible with the existing and desired future character of the Avalon Beach locality and will not result in any unreasonable amenity impacts to adjoining or neighbouring properties. Importantly, the development will allow for the provision of additional seniors housing to support the needs of the local seniors population and demand for downsizer housing in the locality.

Additionally, it is noted that the proposed design has taken into consideration the comments that were provided by Northern Beaches Council in the pre-development application advice. Positive design changes have been incorporated into the design of the proposed development. Careful consideration has also been undertaken in relation to the impacts of the proposed development on the surrounding built and natural environment, including flora and fauna on and adjacent to the site.

Conclusively, the site is suitable for the proposed development and satisfies the objectives of Zone R2. The development will positively contribute to the quality of housing stock in the locality and will have manageable impacts on both the natural and built environment in the locality. There will be no adverse impacts on endangered flora or fauna as a consequence of the development.

Accordingly the proposal is considered to be in the public interest and worthy of the Northern Beaches Council's support.

ANNEXURE A

SEPP (Housing for Seniors or People with a Disability) 2004 – Compliance Table



SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
Part 2 Site related requirements			
26 Location and access to facilities	<p>(1) 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 that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p>	Residents will have access to each of the facilities and services identified in subclause (1), as described below.	Yes
	<p>(2) Access complies with this clause if:</p> <p>b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the</p>	<p>The Northern Beaches Local Government Area is within the Greater Sydney Greater Capital City Statistical Area.</p> <p>Avalon Beach village centre is also within 400m walking distance of the site. This contains all of the services referred to in subclause (1), all of which are within 400m walking distance of the site, being:</p> <ul style="list-style-type: none"> • Australia Post office at 45 Avalon Parade – 280m; • Various shops, cafes and restaurants, community and recreation facilities along Old Barrenjoey Road and Avalon Parade – 150m (to nearest shops); • Commonwealth Bank at 47 Avalon Parade – 300m; • GP at 55 Old Barrenjoey Road – 400m. <p>In addition to the above, the subject site is within 400m walking distance from bus stops on Old Barrenjoey Road, Bellevue Avenue and Avalon Parade, accessed by an accessible pathway.</p> <p>The bus stops are serviced by routes 191 and 192, loop services accessing various stops throughout the Avalon Beach locality. The route operates as per the frequency nominated by this clause.</p>	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	facilities and services referred to in subclause (1)) complies with subclause (3)	The gradient of the pathway requires modification as detailed in this application to ensure compliance with subclause (3), as described below.	
	<p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p>	The bus stops on Old Barrenjoey Road can be accessed via an existing pathway that will be regraded to meet the requirements of this subclause.	Yes
27 Bushfire prone land		The subject site is not on bush fire prone land.	N/A
28 Water and sewer	(1) 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.	As the site is currently occupied for residential use, it is connected to a sewer and potable cold water assets. It is anticipated that a section 73 application to Sydney Water will be secured via condition of consent for the proposed development.	Yes
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</p> <p>Note. Clause 24 (1) sets out the development applications to which that clause applies.</p>	<p>The proposed development is compatible with the surrounding land uses having regard to the natural environment and uses; services and infrastructure; and surrounding built form, as set out below:</p> <p>(i) As set out in Sections 5.3 of this SEE, the proposed development will have a positive impact on both the natural and built environment surrounding the site. In particular, the proposal will positively contribute to the landscape character of the site and will not</p>	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	<p>(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</p> <p><i>(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—</i></p> <p><i>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</i></p> <p><i>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</i></p> <p><i>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,</i></p>	<p>adversely impact neighbouring amenity on adjoining or nearby properties.</p> <p>(iii) As set out in the discussion regarding Clause 26 above, the subject site is within an accessible location, close to services and amenities. The construction of high quality housing in this location will have a positive impact on nearby services, bringing additional income into the local economy. Seniors housing is in short supply in Avalon Beach and the proposal will increase the amount of this housing type in the locality to assist in meeting local demand.</p> <p>(v) As discussed in Section 5.3 of this SEE, the proposed development will be of scale and bulk that is compatible with the streetscape and general built form in the locality. The proposal has been designed so as not to adversely impact neighbouring amenity and will have acceptable impacts on nearby existing and future uses in terms of solar access, visual and aural privacy and views.</p>	
Part 3 Design requirements			
30 Site analysis	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p>	<p>A site analysis plan is included with the architectural package submitted with this development application. Section 3 of this SEE describes the site and its characteristics and the characteristics of the locality, and alongside the site analysis prepared by <i>Shed Architects</i> is considered to constitute the written statement required by subclause (2).</p>	Yes
31 Design of in-fill self-care housing	<p>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 <i>Seniors Living Policy: Urban</i></p>	<p>An assessment against the relevant parts of the Guidelines are provided in Annexure D.</p>	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	<i>Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.		
32 Design of residential development	A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	The design principles set out in Division 2 are addressed within this Compliance Table. Assessment demonstrates that the development satisfies relevant design principles.	Yes
33 Neighbourhood amenity and streetscape	The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	The proposed development has been designed to recognise and utilise the natural topography and desirable character of the site. In particular, the design retains significant high quality trees on the site, and a number of street trees along the southern and western frontages. Extensive landscaping is also proposed throughout the site to ensure that the development positively contributes to the existing verdant character of the site and surrounds.	Yes
	(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	There are no heritage conservation areas or heritage items in the vicinity of the site.	N/A
	(c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	Adequate setbacks and separation distances to neighbouring properties have been provided. The development maintains a high degree of neighbourhood amenity and has an appropriate residential character through thoughtful contemporary design which seeks to integrate seamlessly with existing surrounding built form. The proposed buildings respond to the natural topography of the site. Car parking is located at partial basement level below each module to minimise its visual impact on the streetscape. The building height is compliant with the SEPP and PLEP 2014 requirements and remains in character with surrounding built form in the locality. Furthermore, front and side setbacks are compatible with the streetscape and enable the retention of significant trees at the along Bellevue Avenue and Sanders Lane. Boundary walls and other treatments have been designed to reflect the general character of the street.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	(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	The western building is setback 6.5m from the front boundary to Bellevue Avenue, which is consistent with the DCP controls that apply to the site given that there is no consistent front building line along the eastern side of Bellevue Avenue.	Yes
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Plant species have been chosen to harmonise with existing planting on the site and within the locality. Plant species and landscape concept is detailed in the Landscape Plans prepared by <i>Narelle Sonter Botanica</i> and submitted with this development application.	Yes
	(f) retain, wherever reasonable, major existing trees, and	As set out previously, the development has been designed to retain the majority of significant trees on the site. Trees being removed from the site are generally of low to moderate retention value and will be mitigated through suitable replacement tree planting.	Yes
	(g) be designed so that no building is constructed in a riparian zone.	The proposed development will not be constructed in a riparian zone.	Yes
34 Visual and acoustic privacy	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	The proposed apartments are setback from shared boundaries and have been designed to minimise overlooking of neighbouring properties. Privacy screening and landscaping has been incorporated where necessary to further mitigate any potential adverse overlooking to the north.	Yes
	(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Parking has been located at semi-basement level and is not directly adjacent to any bedrooms with non-habitable rooms providing a buffer. Proposed driveway access will not adversely impact any of the proposed dwellings.	Yes
35 Solar access and design for climate	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	Shadow diagrams submitted with the development application demonstrate that there will be very minimal shadow impacts on neighbouring development, with the majority of shadows from the development falling on the surrounding road frontages.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	All of the apartments have been orientated to have a degree of northerly outlook and will be at least dual aspect to ensure high levels of solar access and natural ventilation.	Yes
36 Stormwater	The proposed development should: (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	Substantial landscaped and deep soil areas are provided to allow for infiltration of rainwater. Paving, driveways and other hardstand surfaces are minimised as far as possible. Stormwater will be retained within an on-site detention tank to minimise adverse impacts associated with the quantity and velocity of stormwater leaving the site.	Yes
	(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	The Concept Stormwater Plans that accompany the application indicate that the stormwater will be appropriately managed and disposed of on site. On-site detention has been incorporated into the proposed development.	Yes
37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	CPTED principles have been incorporated into the design of the development. Communal open space, pathways and accesses all have good levels of natural passive surveillance. Furthermore, entrances to the site are legible, clear and inviting.	Yes
	(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	All of the entrance pathways onto the site are shared. Access to all of the apartments is separate and benefits from high levels of passive surveillance from other apartments and the public domain.	Yes
	(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Access to all of the apartments is ungated. Residents will be able to view visitors without opening the front door.	Yes
38 Accessibility	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	The subject site has accessible pedestrian links to local facilities and bus stops in Avalon Beach village, as discussed previously in this compliance table.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	<p>Proposed parking for residents is located at semi-basement level, accessed via a vehicular driveways from Sanders and Wickham Lanes.</p> <p>An Accessibility Report is submitted with the development application and demonstrates that the proposed development will provide for safe and convenient access for residents, and will comply with relevant standards.</p>	Yes
39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Appropriate waste and recycling facilities are provided on site for each apartment, as detailed in the submitted Waste Management Plan.	Yes
Part 4 Development standards to be complied with			
40 Development standards - minimum sizes and building height	<p>(1) General</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</p>	The proposed development complies with each of the standards specified in this clause, as described below.	Yes
	<p>(2) Site size</p> <p>The size of the site must be at least 1,000 square metres.</p>	The site has an area of 1,214m ² .	Yes
	<p>(3) Site frontage</p> <p>The site frontage must be at least 20 metres wide measured at the building line.</p>	The site frontage to Bellevue Avenue is 20.115m wide.	Yes
	<p>(4) Height in zones where residential flat buildings are not permitted</p> <p>If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p>	A small part of the roof on the eastern side of the western building will project above 8m, however no part of the ceiling of Apartment 1 or any other unit is more than 8m above existing ground level as detailed in Figure 15 (Part 5.2.3 of this SEE). The proposed development therefore complies with the 8m height limit prescribed by the SEPP.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and	No part of the proposed development will exceed 2 storeys in height.	Yes
	(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	A small part of the eastern building that is located in the rear 25% of the site is technically 2 storeys in height. Refer to Section 5.2.3.1 of this SEE and Clause 4.6 variation request at Annexure E .	No
Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability			
41 Standards for hostels and self-contained dwellings	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.</p> <p>(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.</p>	Refer to Access Report prepared by ABE Consulting.	Yes
Part 7 Development standards that cannot be used as grounds to refuse consent			
50 Standards that cannot be used to refuse development consent for self-contained dwellings	<p>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 (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p>	The proposed building is no more than 2 storeys in height adjacent to a boundary and complies with the 8m height control.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	(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,	Proposed GFA is 598m ² , which equates to an FSR of 0.5:1.	Yes
	(c) landscaped area: if: (i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,	30% of the site area equates to 364.2m ² of landscaped area required. 520.2m ² or 42.8% of landscaped area is provided.	Yes
	(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, 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 (the deep soil zone). 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,	182.1m ² of deep soil zone is required. 229m ² or 18.9% of deep soil zone with a minimum dimension of 3m is provided. The deep soil zones will be provided in the front, northern side, and rear setbacks.	Yes
	(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,	A minimum of 3 hours of solar access is achieved to 100% of living rooms and private open space of units between 9am and 3pm on 21 June.	Yes
	(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 (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom	Apartments 2 and 3 both benefit from a private open space area in excess of 15m ² and at least 3m wide. Both private open spaces are accessed by living areas on the ground level. Apartment 1 has a private balcony in excess of 10m ² , with a consolidate area that is at least 2m wide and accessed directly from the living area.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,		
	(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 a social housing provider,	Based on the parking requirements prescribed in SEPP (HSPD), 4.5 car spaces are required. 6 car parking spaces are proposed. This is effectively a deemed to satisfy provision and the proposal satisfies the requirement by providing "at least" 4.5 parking spaces.	Yes
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings			
Part 1 Standards applying to hostels and self-contained dwellings			
2 Siting standards	(2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents. (3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
3 Security	Pathway lighting: (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
4 Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and	Details of mailboxes will be provided prior to CC. Refer to Access Report prepared by ABE Consulting.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.		
5 Private car accommodation	<p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p> <p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p>	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
6 Accessible entry	Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
7 Interior: general	<p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p>	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
8 Bedroom	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel—a single-size bed,</p> <p>(ii) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p>	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	<ul style="list-style-type: none"> (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and (f) wiring to allow a potential illumination level of at least 300 lux. 		
9 Bathroom	<p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> (a) a slip-resistant floor surface, (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1, (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future: <ul style="list-style-type: none"> (i) a grab rail, (ii) portable shower head, (iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, (e) a double general power outlet beside the mirror. <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
10 Toilet	A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

11 Surface finishes	Balconies and external paved areas must have slip-resistant surfaces.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
12 Door hardware	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
13 Ancillary items	Switches and power points must be provided in accordance with AS 4299.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
Part 2 Additional standards for self-contained dwellings			
15 Living room and dining room	<p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
16 Kitchen	<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p>	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

	<p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>		
17 Access to kitchen, main bedroom, bathroom and toilet	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
18 Lifts in multi-storey buildings	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i> .	Lift access is provided to all floors. Refer to Access Report prepared by ABE Consulting for details.	Yes
19 Laundry	<p>A self-contained dwelling must have a laundry that has:</p> <p>(a) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</p>	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes
20 Storage for linen	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	Capable of compliance - refer to Access Report prepared by ABE Consulting.	Yes

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE

21 Garbage	A garbage storage area must be provided in an accessible location.	Garbage storage is accessible from all of the proposed apartments. Refer to Access Report prepared by ABE Consulting for detailed assessment.	Yes
------------	--	--	-----

ANNEXURE B

Pittwater LEP 2014 – Compliance Table





PITTWATER LEP 2014 – COMPLIANCE TABLE			
Clause / Control	Requirement	Proposal	Complies?
Part 2 Permitted or prohibited development			
2.2 Zone objectives and Land Use Table	<p>Zone R2 Low Density Residential</p> <ul style="list-style-type: none"> 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. 	<p><i>Dwelling houses</i> are permitted with consent and therefore the proposal is permissible pursuant to SEPP (HSPD).</p> <p>The proposed development will provide for the housing needs of the community, specifically seniors and disabled residents.</p> <p>The scale of the development is considered to complement the low density character of the locality and is compatible with surrounding uses.</p>	Yes
Part 4 Principal development standards			
4.3 Height of buildings	<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p><i>Maximum building height – 8.5m</i></p>	<p>SEPP (HSPD) prescribes maximum building height standards. This Policy prevails over any other environmental planning instrument to the extent of any inconsistency. As such, the building height requirements of the LEP are not applicable to this development application.</p> <p>Notwithstanding, the proposed development complies with the 8.5m maximum height development standard as prescribed under the LEP.</p>	N/A
4.4 Floor Space Ratio	<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>No FSR is prescribed for the site on the Floor Space Ratio Map.</p>	N/A
Part 7 Additional Local Provisions			
7.1 Acid sulfate soils	<p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p>	<p>The majority of the subject site is Class 5 land as defined on the Acid Sulfate Soils Map, with a small part in the northeast corner mapped as Class 4.</p>	Yes

PITTWATER LEP 2014 – COMPLIANCE TABLE

	<p><i>Class of land</i> <i>Works</i></p> <p>4 <i>Works more than 2 metres below the natural ground surface.</i> <i>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i></p> <p>5 <i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></p>	<p>Excavation is proposed on the site; however the site is not within 500m of adjacent Class 1, 2 or 3 land and works are not proposed below 5m AHD and are not likely to lower the water table below 1m AHD on adjacent Class 1, 2, 3 or 4 land.</p>	
7.2 Earthworks	<p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</p>	<p>Earthworks are proposed to enable the development, including excavation for the car parking areas.</p> <p>The extent of earthworks proposed is illustrated on the sections provided with the architectural plan set and accompanying Geotechnical Report submitted with the development application.</p> <p>The Concept Stormwater Plans demonstrates that, despite proposed earthworks, stormwater can be appropriately managed on site without adversely impacting on drainage patterns.</p> <p>Excavated material will be disposed of at a licenced waste management facility. There is no reason to suspect that excavated material will be contaminated or hazardous.</p> <p>Given the existing use of the site, is unlikely that any aboriginal sites are located at the site. The potential for limited earthworks to disturb relics is considered highly unlikely; however, should any relics be identified during site preparation and excavation, work will stop immediately and applicable authorities will be notified.</p> <p>The development works are a sufficient distance from watercourses and environmentally sensitive areas, and will have no adverse impacts on such features. The site is mapped as Geotechnical Hazard H2 which is discussed in further detail below.</p>	Yes

PITTWATER LEP 2014 – COMPLIANCE TABLE			
		<p>Sediment and erosion controls will be installed and managed to prevent migration of sediment from the site.</p> <p>A Geotechnical Report prepared by <i>Crozier Geotechnical Consultants</i> accompanies the application and demonstrates that the earthworks can be undertaken without adversely impacting neighbouring properties. A number of recommendations have been made to minimise the impact of the development during excavation.</p>	
7.7 Geotechnical hazards	<p>(4) Development consent must not be granted to development on land to which this clause applies unless—</p> <p>(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</p> <p>(b) the consent authority is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or</p> <p>(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or</p> <p>(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</p>	<p>Part of the site in the northwest corner is identified as “Geotechnical Hazard H2” on the Geotechnical Hazard Map. Accordingly a Geotechnical Report has been provided in support of the DA and concludes that the risks associated with the proposed development were assessed to be and can be maintained within ‘Acceptable’ levels with negligible impact to neighbouring properties or structures provided the recommendations of the report and any future geotechnical directive are implemented. As such the site is considered suitable for the proposed construction works provided that the recommendations outlined in the report are followed. This is discussed in more detail in Section 5.5.3 of this SEE.</p> <p>Furthermore, Concept Stormwater Plans accompany the application and demonstrate that waste water and stormwater can be adequately managed on site as part of the proposed development.</p>	Yes
7.10 Essential services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p>	<p>The site is currently occupied by a dwelling house which is connected to the services including water, electricity and sewage. Concept Stormwater Plans illustrate that stormwater drainage can be managed on site, with connections to Council’s stormwater system for discharge. Vehicular access is proposed via Sanders and Wickham Lanes. The Sanders Lane access will replace an existing vehicular driveway and provide access to parking for Apartments 1 and 2. The Wickham Lane driveway will provide access to parking for Apartment 3. As set out in</p>	Yes



PITTWATER LEP 2014 – COMPLIANCE TABLE

	(d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	the accompanying Traffic and Parking Assessment prepared by <i>PDC</i> the proposed vehicular accesses and parking areas will comply with the relevant Australian Standards and provide safe and efficient access and egress to the site.	
--	--	---	--

ANNEXURE C

Pittwater 21 DCP – Compliance Table





PITTWATER 21 DCP – COMPLIANCE TABLE			
Clause / Control	Requirement	Proposal	Complies?
Section B General Controls			
B3 Hazard Controls			
B3.1 Landslip Hazard	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).	Refer to accompanying Geotechnical Report prepared by <i>Crozier Geotechnical Consultants</i> .	Yes
	Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.	Refer to accompanying Geotechnical Report prepared by <i>Crozier Geotechnical Consultants</i> .	Yes
	The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.	Refer to accompanying Geotechnical Report prepared by <i>Crozier Geotechnical Consultants</i> .	Yes
B4 Controls Relating to the Natural Environment			

PITTWATER 21 DCP – COMPLIANCE TABLE

B4.18 Heathland / Woodland Vegetation	<p>Development shall retain and enhance habitat and wildlife corridors for threatened species, endangered populations, endangered ecological communities and other locally native species.</p> <p>Fencing, where permitted, shall allow the safe passage of native wildlife.</p> <p>Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in <i>Native Plants for Your Garden</i> available on the Pittwater Council website).</p>	<p>Refer to accompanying Flora and Fauna Impact Assessment and Landscape Plans.</p> <p>The proposal incorporates extensive landscaping and will provide at least 80% native vegetation on site. Fencing proposed will ensure that the movement of fauna species is not impeded.</p>	Yes
B4.22 Preservation of Trees and Bushland Vegetation	5. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.	A number of trees are proposed to be removed to accommodate the development. However, significant trees are proposed to be retained on and adjacent to the site, as detailed in the accompanying Arborist Report.	Yes
	6. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.	Extensive landscaping and tree planting has been incorporated into the design, with 21 trees with the mature height of 5m or greater including native tree planting to offset the loss of existing trees on site. Detailed Landscape Plans accompany the application.	Yes
	7. Development must also avoid any impact on trees on public land.	Street trees adjacent the Bellevue Avenue and Sanders Lane frontages will be retained and protected.	Yes
B5 Water Management			
B5.1 Water Management Plan	<p>An Integrated Water Management approach must be undertaken on all land subject to development for the effective water management of all water on the site including:</p> <ul style="list-style-type: none"> rainwater 	Refer to accompanying Stormwater Plans prepared by <i>M+G Consulting</i> .	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
	<ul style="list-style-type: none"> stormwater greywater, and wastewater 		
B5.7 Stormwater Management - On-Site Stormwater Detention	An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m ² (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.	On site detention is proposed on site, as detailed in the accompanying Concept Stormwater Plans.	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	<u>Land Size up to 1500sqm</u> Development shall incorporate stormwater quality improvement measures: <ul style="list-style-type: none"> Pre-screening of organic matter (eg. leaf litter) prior to the collection of rainwater in the rainwater tank. A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) device to collect leaf litter and coarse sediments is to be installed within the integrated water management system prior to the discharge of stormwater from the land. 	Refer to accompanying Stormwater Plans prepared by <i>M+G Consulting</i> .	Yes
	All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.	Refer to accompanying Stormwater Plans prepared by <i>M+G Consulting</i> .	Yes
B6 Access and Parking			
B6.1 Access driveways and Works on the Public Road Reserve	<i>Access Driveway Design</i> The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards:	As demonstrated in the accompanying Traffic and Parking Impact Assessment prepared by <i>PDC</i> , the proposed car parking and access arrangements are satisfactory and will comply with the relevant Australian Standards.	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE

	<ul style="list-style-type: none"> Australian Standard AS/NZS 2890.1-2004: <i>Parking Facilities - Part 1: Off-Street Car Parking.</i> Australian Standard AS/NZS 2890.2-2002: <i>Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities</i> except as qualified in this control. 		
	<p>Number of Access Driveways per Allotment</p> <p>The number of permissible Access Driveways to an allotment is as follows:</p> <ul style="list-style-type: none"> where the frontage of an allotment to a local public road is less than 30m, one only access driveway. where the allotment has a frontage to a second local public road, one additional access driveway to the second local road frontage will be considered on merit, based on Council's consideration of the site constraints. 	<p>The site has three street frontages and two existing driveways from Sanders Lane. Two vehicular accesses are proposed to the site, with one replacing the existing access from Sanders Lane and new access from Wickham Lane. An existing second driveway from Sanders Lane will be removed as part of the proposal. As such, there will be no net increase in driveways accessing the site.</p> <p>The addition of a new driveway from Wickham Lane is an appropriate response to the sloping topography of the site and allows safe access/egress from the site whilst minimising the volume of excavation necessary to accommodate compliant levels of car parking on site. The provision of a single access driveway would necessitate significant additional excavation and the loss of additional landscaping which is a poorer outcome when the controls allow a second driveway entrance on merit. There is considered sufficient planning merit to permit a second driveway as proposed.</p>	On Merit
	<p>Access Driveway Location</p> <p>For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb.</p> <p>The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.</p>	<p>The proposed driveway from Wickham Lane is located some 6.5m from the intersection of Wickham and Sanders Lanes.</p> <p>The location of the driveway has been carefully considered in order to ensure that it doesn't require the removal of any trees of significant vegetation.</p>	<p>Yes</p> <p>Yes</p>

PITTWATER 21 DCP – COMPLIANCE TABLE			
	Access Driveway Profile and Gradient Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles.	Refer to accompanying Traffic and Parking Impact Assessment prepared by <i>PDC</i> .	Yes
	Access Driveway - Stormwater Drainage All Access Driveways on the low side of the road are to be designed and constructed such that stormwater drainage is directed away from the Access Driveway.	Refer to accompanying Stormwater Plans prepared by <i>M+G Consulting</i> .	Yes
	Access Driveway and Public Utilities Costs The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.	Noted.	-
B6.2 Internal Driveways	<u>Internal Driveway Profiles</u> Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards. For Internal Driveways on steeply sloping or difficult sites, gradients may be increased up to 1:4 (V:H) over a maximum 20 metre length.	Refer to accompanying Traffic and Parking Impact Assessment prepared by <i>PDC</i> .	Yes
	<u>Internal Driveway Stormwater Drainage</u> Internal Driveway grades, cross falls and grated drains are to be designed to reduce discharge into the public drainage system	Refer to accompanying Stormwater Plans prepared by <i>M+G Consulting</i> .	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
	and to maximise stormwater discharge into adjacent landscape areas by the use of grass swales and soakage pits.		
	<p><u>Internal Driveway Construction/Finishes</u> Internal Driveways shall have a stable surface for all weather construction.</p> <p>Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.</p>	The proposed driveways will be concrete all construction and will be well screened by landscaping proposed across the site.	Yes
	<p><u>Internal Driveway and Driveway Corridor Width for all other development than dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation</u> Internal Driveways shall be designed and constructed to the minimum practical pavement width needed to facilitate access and turning movements.</p> <p>Internal Driveways shall be designed and constructed to minimise the area of impervious pavement within the land. Track style driveways are encouraged where practical.</p> <p>Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard <i>AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking</i>).</p>	The driveways have been designed to minimise impervious materials used whilst maintaining adequate space for safe manoeuvring. As set out in the accompanying Traffic and Parking Impact Assessment prepared by <i>PDC</i> , the proposed driveways will be designed to provide adequate manoeuvring space for vehicles on site.	Yes
B6.3 Off-Street Vehicle Parking Requirements	<p><u>Bicycle Storage</u> For residential development (other than a dwelling house, dual occupancy, secondary dwellings, exhibition homes and rural workers' dwellings), secure bicycle storage facilities must be</p>	Bicycle parking facilities can be provided on site, if deemed necessary by Council.	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE

	provided within the building at the rate of 1 bicycle rack per 3 dwellings.		
	<p><u>On-Site Car Parking Facilities</u></p> <p>The design of all parking areas shall be in accordance with the current edition of the following Australian Standards:</p> <ul style="list-style-type: none"> • Australian Standard AS/NZS 2890.-12004: <i>Parking Facilities Part 1: Off Street Car Parking</i>; • Australian Standard AS/NZS 2890.2-2002: <i>Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities</i>; • Australian Standard AS/NZS 2890.3-1993: <i>Parking Facilities Part 3: Bicycle Parking Facilities</i>; and • Australian Standard AS/NZS 2890.6-2009: <i>Parking Facilities – Part 6: Off-Street Parking for People with Disabilities</i> except as qualified in this control. 	As demonstrated in the accompanying Traffic and Parking Impact Assessment prepared by <i>PDC</i> , the proposed car parking areas will comply with the relevant Australian Standards.	Yes
	<p><u>Residential Car Parking for Residential Flat Buildings, Shop Top Housing, Mixed Use Development, Multi Dwelling Housing and Seniors Housing</u></p> <p>The following are applicable in respect of residential car parking areas:</p> <ul style="list-style-type: none"> • Where there are dwellings with two (2) or more bedrooms in a development, tandem parking spaces may be permitted where all of the following criteria are met: • two (2) parking spaces have been allocated per two (2) or more bedroom apartments; • the proportion of tandem parking spaces does not exceed 10% of the total residential parking for two (2) or more bedroom units; and 	<p>No tandem parking is proposed as part of the development, however two mechanical car stackers are proposed in the western car park. Each car stacker will accommodate a maximum of 2 car parking spaces, with one stacker provided for each of Apartment 1 and 2.</p> <p>Parking spaces for each apartment will be easily accessible from each apartment, with an accessible route of travel from the apartment entry to the relevant allocated parking spaces.</p> <p>One parking space within the eastern car park is capable of extension to provide compliance with Australian Standard AS/NZS 2890.6-2009: <i>Parking Facilities – Part 6: Off-street Parking for People with Disabilities</i>.</p>	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE

	<ul style="list-style-type: none"> it can be clearly demonstrated that vehicles parked are directly associated to a single dwelling/unit and that such vehicles do not restrict or impede the parking, manoeuvring or access of other vehicles; parking spaces are to be located as close as possible to their respective dwelling; rows of multiple garages and long driveways, particularly those that create a "gun barrel" effect are avoided; visitor parking spaces are to be easily accessible and clearly marked "Visitor"; for developments resulting in 10 or more dwellings, Control C1.18 Car/Vehicle/Boat Wash Bays also apply; and Parking spaces for people with disabilities must be appropriately signposted and in accordance with Australian Standard AS/NZS 2890.6-2009: <i>Parking Facilities – Part 6: Off-street Parking for People with Disabilities</i>. 		
B6.7 Transport and Traffic Management	<p><u>Transport and Traffic Planning</u></p> <p>Where development generates pedestrian, cyclist, traffic and transport requirements in excess of the capacity of the existing road and transport network, the capacity of the surrounding public infrastructure and transport network is required to be upgraded to at least match the additional demands generated by the development.</p> <p>An assessment of the impact of traffic generated by the proposed development on the local street system must be undertaken.</p> <p>Adequate vehicular entrances to and exits from the site are to be</p>	<p>The accompanying Traffic and Parking Impact Assessment prepared by <i>PDC</i> demonstrates that the proposal will not give rise to any adverse traffic generation in the locality. Further, it concludes that the vehicular access and car parking provided on site are capable of compliance with the relevant Australian Standards and will ensure safe and efficient access is provided to the site. The quantum of car parking provided is also compliant with the minimum requirements of both the SEPP (HSPD) and PDCP parking rates.</p> <p>As such, the proposed development will not give rise to any adverse impacts on the local road or transport network.</p>	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
	provided so that vehicles using those entrances and exits will not endanger persons using adjoining roads.		
B8 Site Works Management			
B8.1 Construction and Demolition - Excavation and Landfill	Excavation and landfill on the site must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.	A Geotechnical Report has been prepared to accompany the DA and outlines a number of recommendation relating to the proposed earthworks. It is anticipated that these will be secured by conditions of consent.	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	<i>Erosion and Sediment Management</i> Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.	Erosion and sediment control measures are proposed as part of the accompanying Stormwater Plans and will prevent the migration of sediment from the site during and after construction works.	Yes
B8.3 Construction and Demolition - Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Refer to accompanying Waste Management Plan.	Yes
B8.4 Construction and Demolition - Site Fencing and Security	All sites are to be protected by site fencing for the duration of the works. Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the <i>Roads Act 1993</i> .	A Demolition and Construction Management Plan accompanies the application as part of the architectural plan package. It is anticipated that appropriate construction hoarding will be secured by conditions of consent.	Yes
B8.6 Construction and Demolition -	For all development where either excavated materials to be transported from the site or the importation of fill material to the	It is anticipated that this will be secured by conditions of consent, if deemed necessary by Council.	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
Traffic Management Plan	site is 100m ³ or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.		
Section C Development Type Controls			
C1 Design Criteria for Residential Development			
C1.1 Landscaping	<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p> <p>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</p> <p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p>	<p>Refer to accompanying Landscape Plans. Approximately 80% of proposed vegetation will be native.</p> <p>A variety of vegetation, including shrubs and canopy trees is proposed as part of the landscape design.</p> <p>Two (2) White Crepe Myrtle trees, with a mature height of 9m are proposed in the front setback. A number of large canopy trees are proposed for retention on site, including a Red Bloodwood and Sydney Red Gum tree located in the rear setback.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



PITTWATER 21 DCP – COMPLIANCE TABLE

	Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m ³ within this area to ensure growth is not restricted.	Canopy trees to be planted will have ample space to encourage healthy growth.	Yes
	The following soil depths are required in order to be counted as landscaping: <ul style="list-style-type: none">• 300mm for lawn• 600mm for shrubs• 1metre for trees	The majority of trees and vegetation proposed will be provide in deep soil areas that comply with the recommended soil depths.	Yes
	The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: <ul style="list-style-type: none">• 50% for all other forms of residential development.	At least 50% of the front setback area is provided as landscaped area, with a mixture of tree and vegetation planting.	Yes
	Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	Planting adjacent to driveways will comprise of low level shrubs to ensure sightlines are maintained.	Yes
	Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The proposal will retain a number of trees on site, as outlined in the accompanying Arborist Report. Where existing trees are proposed to be removed the removal has been justified in the report, with replacement planting of 21 trees with a mature height of 5m or greater proposed to offset the loss.	Yes
	Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	Canopy trees are proposed along the property boundaries to avoid conflict with proposed structures.	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE

	<p><u>Residential Flat Buildings, Multi Dwelling Housing, Shop Top Housing and Seniors Housing</u></p> <p>For development containing 3 or more dwellings, permanent seating is to be provided in the landscaped area.</p> <p>Above ground gardens are to be incorporated into each dwelling at all levels (other than ground floor).</p>	Communal gardens are capable of accommodating permanent seating. Each proposed apartment benefits from private open space in the form of terraces or balconies.	Yes
C1.2 Safety and Security	<p>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:</p> <ul style="list-style-type: none"> • Surveillance; • Access Control; • Territorial reinforcement; • Space management. 	The development has been designed utilising CPTED principles. Good levels of passive surveillance are encouraged through window and balcony locations. Each apartment will have its own lockable entry, which is in close proximity to parking areas, all of which will be clear and legible. A communal walkway will also traverse along the southern side of the site. Landscaping and fencing will assist in delineating the public from private domains, with private open spaces fenced off and accessible directly from each apartment.	Yes
C1.3 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The development purposefully steps down the slope of the site to reduce its scale and impact on neighbouring properties. No significant vies are available across the site and thus there will be no unreasonable impact on view sharing.	Yes
C1.4 Solar Access	The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	Shadow diagrams demonstrate that proposed and neighbouring private open space will receive at least 3 hours of direct sunlight between 9am-3pm in midwinter.	Yes
	Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June	Solar access diagrams illustrate that each living area of the proposed apartments will receive 3 hours of direct sunlight between 9am-3pm in midwinter. Neighbouring living areas will not be adversely impacted with	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
	21st (that is, to at least 50% of the glazed area of those windows).	shadows from the development falling across the south of the subject site or onto the street.	
	Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.	No solar collectors are proposed, however large areas of the roof receive at least 6 hours of sunshine in the event that solar collectors are retrofitted in the future.	N/A
	Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.	Each apartment benefits from private open space that will receive good levels of sunlight for clothes drying.	Yes
C1.5 Visual Privacy	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation (measured from a height of 1.7 metres above floor level).	Private open space at lower levels serving Apartments 2 and 3 will sit at fence level and thus not afford any direct views to neighbouring properties. The balcony serving Apartment 1 and roof terrace serving Apartment 3 are located at upper levels but extensive screen planting is in situ and proposed along the northern boundary of the site. In addition, the proposed roof terrace will be setback from the northern edge of the boundary with planters in between. This will limit any direct views towards the private open space and habitable rooms of No. 29 Bellevue Avenue adjoining to the north. Refer to Part 5.3.8 of this SEE.	Yes
C1.6 Acoustic Privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	Private open space and car parking areas are not located directly adjacent to any proposed or neighbouring bedrooms. Compliant front and side setbacks are proposed to ensure that road noise does not adversely impact proposed apartments.	Yes
	Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	It is anticipated that conditions of consent will ensure that mechanical plant complies with recommended noise levels.	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
C1.7 Private Open Space	<p><u>c) All other residential development:-</u> Minimum area of 15% of the floor area of the dwelling (not including the floor area of garages or internal laundries), with no dimension less than 2.5 metres and a grade no steeper than 1 in 10 (10%).</p>	All of the proposed dwellings will have in excess of the minimum required private open space, which will comply with the relevant grades.	Yes
	Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	All living areas will have direct access to private open spaces.	Yes
	Ground floor units are to have a minimum area of private open space of 30sq.m and with no dimension less than 4 metres.	All ground level apartments have access to private open space in excess of 30sqm and with a minimum dimension of 4m.	Yes
	Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constrains this orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access and Natural Light).	All private open space areas have a northerly aspect and will receive excellent levels of direct sunlight.	Yes
C1.9 Adaptable Housing and Accessibility	<p><i>Adaptable Housing</i> The design of residential development shall meet the criteria of Australian Standard AS 4299:1995 Adaptable Housing as follows:</p> <ul style="list-style-type: none"> Seniors Living – 100% of units as per the requirements of the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> <p>The development application must be accompanied by certification from an accredited access consultant confirming that the nominated adaptable dwellings are capable of being</p>	All proposed apartments meet the criteria of Australian Standard AS 4299:1995 <i>Adaptable Housing</i> . Refer to accompanying Access Report prepared by <i>ABE Consulting</i> .	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
	modified, when required by the occupant, to comply with AS 4299:1995 <i>Adaptable Housing</i> .		
	Accessibility for all development Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.	As set out in the accompanying Access Report prepared by ABE Consulting, equitable access is provided to the site from both Sanders and Wickham Lanes.	Ys
C1.10 Building Facades	Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.	All services will be located below ground or fully integrated into the building design so that they are not readily visible from the street.	Yes
	For multi dwelling housing, residential flat buildings or seniors housing and similar development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.	Mailboxes will be incorporated into the building, with detailed designed to be confirmed prior to the issue of a CC.	Yes
C1.12 Waste and Recycling Facilities	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	Waste storage areas are provided for both buildings, adjacent to proposed parking areas. Refer to accompanying Waste Management Plan.	Yes
C1.13 Pollution Control	Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	The proposed development includes appropriate stormwater management and waste storage facilities on site. Comprising of a small scale residential development, the proposal will not give rise to any adverse impacts on the amenity of the locality in terms of air, noise or land pollution.	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
C1.15 Storage Facilities	A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Each apartment contains significant areas for storage, in excess of 8m ³ , cumulatively.	Yes
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <u>Swimming Pools Act 1992 and regulations</u> . The fencing and warning notices (resuscitation chart) shall be permanent structures.	It is anticipated that this will be secured by conditions of consent in relation to the proposed pool serving Apartment 2.	Yes
C1.20 Undergrounding of Utility Services	<p>All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.</p> <p>All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road.</p> <p>Design and construction of the undergrounding of utility services is to be at full cost to the developer.</p>	It is anticipated that conditions of consent will ensure that all services are located underground or encapsulated within the building, per Council's specifications. The works will be undertaken at the full cost of the developer.	Yes
C1.21 Seniors Housing	<p><u>Cumulative Impact</u> Seniors housing developed in accordance with the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>, outside the R3 Medium Density Residential and B4 Mixed Use zones shall:</p> <ul style="list-style-type: none"> • Be in keeping with the development of the surrounding area in regard to bulk, building height, scale and character. • Not result in such an accumulation of Seniors Housing developments to create a dominant social type in the surrounding neighbourhood. 	<p>An assessment against the "Senior Living Policy: Urban design guidelines for infill development (UDAS 2004)" is provided at Annexure D and demonstrates that the proposed development is compatible with development in the locality in regard to bulk, height, scale and character. Further discussion relating to external appearance and character is provided in Section 5.3.5 of this SEE.</p> <p>In terms of the accumulation for seniors housing in the locality, it is noted that there are no other seniors housing developments that directly adjoin the site. Furthermore, there is significant local demand for high quality seniors housing in the locality, particularly for downsizers who want to stay in the local area. This, in turn, will free up larger family sized housing for the local community. Refer to Part 5.4 of this SEE.</p>	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
	<ul style="list-style-type: none"> Not result in such an accumulation of Seniors Housing developments to create a dominant 'residential flat building' appearance in the neighbourhood. 	Given the design of the proposal, comprising of a maximum of 2 storeys broken up into two blocks at the front rear of the site, the development will maintain the low density character of the area and will not appear as a residential flat building.	
C1.23 Eaves	<p>Dwellings shall incorporate eaves on all elevations.</p> <p>Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</p>	The proposed development is contemporary in design and incorporates eaves that overhang all elevations to assist in articulating the façade of the development whilst assisting in solar control.	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	<p><u>Landscaping General - All Development</u></p> <p>All existing trees over 3m in height and native vegetation within the road reserve areas are to be retained where practical. The existing trees are to be protected during the construction of works through temporary perimeter fencing that is 1.8m high.</p>	The proposed development will not adversely impact existing trees located on the road reserve along Bellevue Avenue or Sanders Lane, with tree protection measures outlined within the accompanying Arborist Report.	Yes
	<p><u>Residential Development - less than 6 dwellings (excluding dwelling houses, secondary dwellings, rural worker's dwellings and dual occupancies)</u></p> <p>Infrastructure General</p> <p>Development with a frontage within a residential street is required to design and construct (Section 139 approval required from Council):</p> <ul style="list-style-type: none"> a footpath 1.5m wide, or where a multi-use pathway is required the footpath is to be constructed to a 2.1m width, and kerb and gutter to Council specification, and landscaping for the full width of the development site on the public road reserve. 	<p>The proposal includes the construction of kerb and gutter along all three street frontages, as detailed in the accompanying Civil Plans prepared by <i>M+G Consulting</i>. However, a footpath is not proposed along the majority of street frontages in order to retain and protect a number of mature street trees currently located in the road reserve. A small footpath will be provided in the southeast corner of the site to ensure equitable access is provided to the site.</p> <p>This is considered an appropriate response to the site context and constraints, as discussed in further detail in Section 5.2.6.1 of this Statement.</p>	No

PITTWATER 21 DCP – COMPLIANCE TABLE			
C1.25 Plant, Equipment Boxes and Lift Over-Run	Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.	Proposed lift overruns are incorporated into the building design and will not appear as an incongruous addition to the development when viewed from the public domain. Air conditioning is not proposed as part of the development, with apartments designed to maximise natural cross ventilation.	Yes
Section D Locality Specific Development Controls			
D1 Avalon Beach Locality			
D1.1 Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The proposed development incorporates high levels of articulation to all elevations and addresses all street frontages of the site. The use of varying materials, openings, modulation, and the breaking up of the development into two modules to ensure that the visual bulk of the development is minimised. Façade treatment includes entrances, windows and balconies/private open space that face towards the public domain and activates the street frontages.	Yes
	Walls without articulation shall not have a length greater than 8 metres to any street frontage.	All elevations of the development are articulated using varied materials, modulation, opening and projecting elements such as balconies.	Yes
	Any building facade to a public place must incorporate at least two of the following design features: i. entry feature or portico; ii. awnings or other features over windows; iii. verandahs, balconies or window box treatment to any first floor element; iv. recessing or projecting architectural elements;	Each of the western, southern and eastern building facades incorporates at least two of the design features listed, with entries, openings, balconies, awnings, and modulated architectural elements provided to each street frontage.	Yes



PITTWATER 21 DCP – COMPLIANCE TABLE

	v. open, deep verandahs; or vi. verandahs, pergolas or similar features above garage doors.		
	The bulk and scale of buildings must be minimised.	The bulk and scale of the development has been minimised by stepping down the site to ensure that a one or two storey appearance is maintained. The development has been broken into two modules to further minimise the overall bulk and scale.	Yes
	Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	Car parking areas are incorporated into the building envelope of the development and located partially below ground to reduce their visual presence in the street. The parking area at the rear will be well screened by planting on either side and the driveway access to the western parking area will be minimal in size to reduce its visual prominence.	Yes
	Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	The majority of significant trees located on and adjacent to the site are proposed to be retained, particularly large trees along the western, northern and southern boundaries. New tree and vegetation planting forms part of the development and includes extensive screen planting throughout that the site, including within deep soil zones along the site boundaries. This will ensure that the landscaped character of the site and streetscape is maintained.	Yes
	Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	No antennas, dishes or telecoms equipment is proposed in prominent locations on the site.	Yes
	General service facilities must be located underground.	Services can be undergrounded, subject to conditions of consent.	Yes

PITTWATER 21 DCP – COMPLIANCE TABLE			
	Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	Services will be integrated into the building or undergrounded, as required by Council.	Yes
D1.5 Building colours and materials	<p>External colours and materials shall be dark and earthy tones.</p> <p>White, light coloured, red or orange roofs and walls are not permitted.</p> <p>Finishes are to be of a low reflectivity.</p>	Materials proposed are a mixture of concrete walls with timber and earthy green metal cladding, and dark metal framing to windows and doors. These will be of a low reflectivity and will assist in allowing the development to blend into the landscaped character of the site and locality.	Yes
D1.8 Front building line	The minimum front building line shall be in accordance with: <i>All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living - 6.5, or established building line, whichever is the greater.</i>	There is no consistent front building line for properties along the eastern side of Bellevue Avenue adjacent to the site. As such, the proposal provides a 6.5m setback (above ground) from Bellevue Avenue.	Yes
	Built structures (including swimming pools), other than driveways, fences and retaining walls are not permitted within the front building setback.	Part of the car parking area extends into the front setback area, however will not be visible as it sits below ground. The proposal will present as a single storey dwelling from Bellevue Avenue with the car parking not visible. Notwithstanding, the DCP allows variations on sloping sites for car parking structures.	Yes
D1.9 Side and rear building line	Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living:	The proposed buildings are setback some 3.1m from the southern side boundary and 3m from the northern side boundary.	Yes
	<ul style="list-style-type: none"> 2.5 at least to one side; 1.0 for other side 6.5 rear (other than where the foreshore building line applies) 	The development is setback 3.25m from the rear boundary – refer to discussion in Section 5.2.6.2 of this SEE.	No
D1.11 Building envelope	Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to	As demonstrated in the architectural plan set, the development complies with the building plane.	Yes



PITTWATER 21 DCP – COMPLIANCE TABLE

	the maximum building height (refer to Pittwater Local Environmental Plan 2014).		
D1.13 Landscaped Area - General	The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area.	The proposal provides 520.2m ² of landscaped area, equating to 42.8% of the site area. This is compliant with the requirements of SEPP (HSPD) which prevails over the DCP.	N/A
D1.17 Construction, Retaining walls, terracing and undercroft areas	<p>Retaining walls and terracing shall be kept to a minimum. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</p> <p>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</p>	<p>The proposal minimises excavation where possible, however retaining walls are proposed along the northern and western boundaries. These will not be highly visible from the street and will be incorporated into the landscape design proposed.</p> <p>The parking under croft for the eastern (rear) building will be approximately 2.5m high.</p>	<p>Yes</p> <p>Yes</p>

ANNEXURE D

Urban Design Guidelines for Infill Development (UDAS 2004) – Compliance Table





URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT – COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
Section 1 – Responding to Context			
Street layout and hierarchy	New development should be of an appropriate scale and character to reinforce the layout and clarity of streets.	The proposed development has been designed to assimilate with surrounding built form, being predominantly one to two storeys in height and of an appropriate density to address the low density residential character of the area. Setbacks and landscaping have also been incorporated to reflect the character of the streetscape.	Yes
Block and lots	New building types with a different relationship to the block and lot may have negative impacts.	The development has been designed to step down the slope of the site, with lower scale built form to the rear.	Yes
Built environment	New built form should be consistent in terms of size and shape of buildings, and spaces between them.	The proposed development will address Bellevue Avenue in an appropriate manner, being two storeys in height at the frontage and incorporating a 6.5m setback from the street. Side setbacks will also ensure that adequate separation distances are provided to neighbouring sites and Sanders Lane, and will enable suitable landscaping throughout the site as well as the retention of mature street trees.	Yes
Trees	Trees and vegetation should reflect the character of the neighbourhood or street.	A number of substantial trees are to be retained on and adjacent to the site, including street trees along Bellevue Avenue and Sanders Lane. Extensive landscaping and replacement tree planting is also proposed as part of the development including 21 trees with a mature height of 5m or greater to offset the removal of a number of existing trees. This will ensure that the development reflects the verdant character of the street.	Yes
Section 2 – Site Planning and Design			

URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT – COMPLIANCE TABLE			
General	Site design should optimise internal amenity and minimise impacts on neighbours.	Each of the proposed dwellings will have excellent levels of internal amenity, with compliant solar access and natural ventilation. The proposed development will not give rise to significant adverse impacts on neighbouring amenity in terms of solar access or acoustic and visual privacy.	Yes
	Cater for a broad range of potential residents.	The proposed development provides high quality seniors housing in an appropriate location to address an existing housing need in the Avalon Beach locality. Refer to Part 5.4 of this SEE.	Yes
Built form	Maximise the number of dwellings with a frontage to a public street.	The development appropriately address all three street frontages of the site, providing an active frontage to the public domain, with legible vehicular and pedestrian accesses.	Yes
	Development towards the rear of the site should be modest in scale to minimise impacts on adjoin properties.	The eastern module will appear as a single storey building, with screened undercroft parking below.	Yes
	Dwellings should respond to environmental conditions to: - Maximise solar access to living areas and private open space. - Buffer quiet areas in the development from noise.	The development is compliant with SEPP (HSPD) in terms of solar access. All of the habitable rooms within the proposed apartments have been positioned to maximise aural privacy for prospective occupants.	Yes
Trees, landscaping and deep soil zones	Maintain existing patterns and character of gardens and trees.	The proposed development includes the retention of substantial trees and appropriate tree and vegetation planting, consistent with the verdant character of the street.	Yes
	Increase the proportion of the site that is landscaped area.	42.8% of the site will comprises landscaped area, which is compliant with SEPP (HSPD).	Yes
	Provide deep soil zones for absorption of run-off and to sustain vegetation.	18.9% of the site will comprise deep soil zones, which is compliant with SEPP (HSPD).	Yes

URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT – COMPLIANCE TABLE			
	Minimise the impact of higher site cover on stormwater run-off.	Semi-pervious hard surfacing has been used where appropriate. On-site detention and rainwater tanks are provided.	Yes
Parking, garaging and vehicular circulation	Consider centralised parking.	Two parking areas are proposed, which is an appropriate response to the steep topography of the site.	On Merit
	Where possible maintain existing crossings and driveway locations.	The vehicular access from Sanders Lane replaces an existing access in the same location. A new access is provided from Wickham Lane, however a second access from Sanders Lane will be removed. As such, there will be no net increase in vehicular accesses to the site.	Yes
Section 3 – Impacts on Streetscape			
General	Respond to desired streetscape character by: - Locating and designing new development to be sympathetic to existing streetscape patterns. - Providing front setbacks that relates to adjoining development.	The proposed development is of an appropriate scale, form and massing to reflect the low density residential character of the locality. Front setbacks of at least 6.5m from Bellevue Avenue relate well to the existing front setbacks along the street and the desired future character of locale.	Yes
Built form	Reduce the visual bulk of the development by: - Breaking up massing and articulating building facades - Varying materials , colours and openings to respond to desired contextual character - Setting back upper levels behind front building facades - Reducing the bulk and visual impact by breaking down the roof into smaller elements - Using a roof pitch sympathetic to existing buildings in the street - Avoiding uninterrupted building facades.	The proposed development has been carefully designed to respond to the existing and desired future character of the area. Both buildings are well-articulated, with a material palette that complements the character of the street. The development is broken up into two modules and materials and openings have been varied and located to reduce the overall appearance of bulk of the development. The building façades to all street frontages are well articulated and incorporates a mixture of materials and openings to respond well to the residential character and neighbouring building heights along the street frontage. Consequently, the proposed development will appear appropriate in scale and bulk, reflective of the low density character of the site and surrounds.	Yes

URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT – COMPLIANCE TABLE			
Trees, landscaping and deep soil zones	Retain existing trees in front and rear setbacks and the road reserve.	Significant trees have been retained throughout the site as well as street trees adjacent to the site. To mitigate the loss of trees on site that are proposed to be removed, extensive landscaping and tree planting is proposed throughout the site.	Yes
Residential amenity	Design open space in front setbacks as either communal or private open space.	The front setback provides private open space for Apartment 1.	Yes
	Define the threshold between private and public open space.	The threshold between the public domain and the site is defined by landscaping which will be enhanced as part of the development.	Yes
	Design dwellings at the front of the site to address the street.	Apartment 1 at the front of the site addresses the street through openings and private open space.	Yes
	Provide a high quality transition between public and private domains.	Both pedestrian and vehicular entrances to the site are clear and legible. Landscaping will define the boundary of the site.	Yes
Parking, garaging and vehicular circulation	Minimise the impact of driveways on the street.	Landscaping and tree retention/planting adjacent to driveways will reduce the overall visual impact and visibility of the vehicular entries to the site.	Yes
	Where basement car parking is used minimise the impact of the entry.	Partial basement parking will be accessed via well screened driveways accessing the site.	Yes
	Locate or screen parking to minimise the visibility from the street.	Parking is located at partial basement level and therefore not highly visible from the street. Parking at the rear will be screened by dense planting and will only be readily visible from limited parts of Wickham Lane.	Yes
Section 4 – Impacts on Neighbours			

URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT – COMPLIANCE TABLE			
Built form	Design buildings and open space to be consistent with existing patterns in the block.	The western building has been orientated to address Bellevue Avenue, similar to existing buildings along the street. The development also addresses Sanders and Wickham Lanes.	Yes
	Protect neighbours' amenity by designing the bulk and scale of development to reflect residential character.	The development is predominantly one or two storeys in height and incorporates compliant side setbacks to minimise visual bulk when view from neighbouring properties.	Yes
	Reduce visual bulk of roof forms by breaking down the roof into smaller elements.	The development has been broken into two distinct blocks to minimise visual bulk.	Yes
	Design second storeys to reduce overlooking.	The second floor has been setback from boundaries and openings are inset underneath eaves to reduce direct overlooking of neighbouring properties. Screen planting is also proposed along the northern side boundary to further assist in maintaining privacy.	Yes
	Limit the length of unrelieved walls to side and rear setbacks.	Extensive building articulation through varied openings, curved walls, projecting balconies and materiality is proposed to side and rear setbacks.	Yes
Trees, landscaping and deep soil zones	Use vegetation and mature planting to provide a buffer between new and existing dwellings.	Vegetation and planting is proposed throughout the site, including in the front, side and rear setbacks. This will maximise screening between proposed and existing neighbouring dwellings.	Yes
	Locate deep soil zones to provide privacy between new and existing dwellings.	Deep soil zones are proposed along the front, side and rear boundaries and will allow dense vegetation to grow and maintain privacy between the subject site and adjoining sites.	Yes
	For new planting, use species that are characteristic of the area.	Landscape plans submitted with the application demonstrate an appropriate mix of plant species proposed, including native species characteristic of existing vegetation in the locality.	Yes



URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT – COMPLIANCE TABLE

Residential amenity	Ensure adequate building separation to protect sun access and ventilation to neighbouring dwellings.	Compliant separation distances are maintained between the proposed development and neighbouring dwellings. Solar access diagrams submitted with the application demonstrate compliance with SEPP (HSPD) and the PDCP in terms of solar access.	Yes
	Design dwellings so that they do not overlook neighbouring private open space or existing dwellings.	Proposed upper floor dwellings will not adversely overlook neighbouring properties, with site levels and extensive screen planting to the northern boundary assisting in limiting direct views to No. 29 Bellevue Avenue.	Yes
	New private open space should minimise negative impacts on neighbours.	Private open space has been designed and located to minimise overlooking of neighbouring properties. Privacy devices and screen planting will be incorporated where necessary.	Yes
	Use side setbacks for screen planting to achieve visual privacy and soften the impact of development.	Side setbacks of at least 3m have been provided. This will enable deep soil zones and screen tree planting to be incorporated.	Yes
Section 5 – Internal Site Amenity			
Built form	Design dwellings to maximise solar access to living areas and private open spaces.	100% of dwellings will achieve compliant levels of solar access to principal living areas and private open space, satisfying the requirements of SEPP (HSPD).	Yes
	Design dwelling entries to be: - Clear and identifiable - Provide a buffer between public/communal and private dwellings - Provide a sense of address for each dwelling - Are orientated not to look directly into other dwellings.	All dwelling entries will be well located and clearly legible, giving each dwelling a clear sense of identity and clearly differentiating private from communal/public space.	Yes
	Locate habitable rooms, particularly bedrooms away from driveways, parking areas and pedestrian paths.	No bedrooms will be located directly adjacent to the vehicular access or car parking area.	Yes

URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT – COMPLIANCE TABLE			
Parking, garaging and vehicular circulation	Avoid large uninterrupted areas of hard surface.	No significant areas of hard surfacing are proposed above ground level.	Yes
	Screen parking from views and outlooks of dwellings.	Parking will be located at partial basement level and therefore not visible from dwellings.	Yes
	Reduce the dominance of areas for vehicular circulation and parking.	The parking accesses have been minimised in size and are located to minimise its visibility from the street.	Yes
Residential amenity	Provide distinct and separate pedestrian and vehicular circulation on site.	Pedestrian and vehicular circulation throughout the site is clear and separate, avoiding conflict between pedestrians and vehicles.	Yes
	Ensure adequate consideration is given to safety and security.	Thresholds between public, private and common spaces on the site are clear. Natural passive surveillance is observed throughout the site, including to the communal pathway on the southern side.	Yes
	Provide appropriate private open space.	Compliant areas of private open space are provided for each dwelling, accessed off main living areas, in accordance with SEPP (HSPD). Each dwelling has private open space that has good outlook and receives good levels of solar access and visual privacy. Landscaping has been incorporated where feasible.	Yes
	Provide appropriate communal open space.	Communal areas are provided along the southern side of the site and are accessible for all of the proposed dwellings. Opportunities for seating are available to encourage social interaction.	Yes
	Locate communal service facilities to reduce their visual prominence to the street and any private or communal open space.	Services are predominantly located at semi-basement level and therefore are not highly visible from the street or from private or communal open spaces.	Yes

ANNEXURE E

Clause 4.6 Variation – Rear Storey Height



Clause 4.6 Variation Statement – Rear Storey Height (Clause 40(4)(c))

1. INTRODUCTION

This Variation Statement has been prepared in accordance with Clause 4.6 of Pittwater Local Environmental Plan 2014 ("PLEP 2014") to accompany Development Application at No. 27 Bellevue Avenue, Avalon Beach ("the site"). The application seeks consent for the demolition of existing buildings and structures, tree removal, excavation, and the construction of 3 Self-Contained dwellings under SEPP (Housing for Seniors or People with a Disability) 2004 ("SEPP (HSPD)").

2. PROPOSED VARIATION

Clause 40(4)(c) of SEPP (Seniors Housing) prescribes that a building located in the rear 25% of the site must not exceed 1 storey in height. Clause 40 states the following:

"40 Development standards—minimum sizes and building height

*(1) **General** A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause...*

*... (4) **Height in zones where residential flat buildings are not permitted** If the development is proposed in a residential zone where residential flat buildings are not permitted:*

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

SEPP (HSPD) contains the following in relation to storey height in Clause 3:

"(2) In calculating the number of storeys in a development for the purposes of this Policy, a car park that does not extend above ground level by more than 1 metre is not to be counted as a storey."

The proposed eastern building is located at the rear of the site and is generally 1 storey in height within the rear 25% of the site. However, a small part of the undercroft parking area extends approximately 1.15m above the existing ground level at the rear of the site (refer to **Figure 20**) and is thus technically regarded as a storey under SEPP (HSPD).

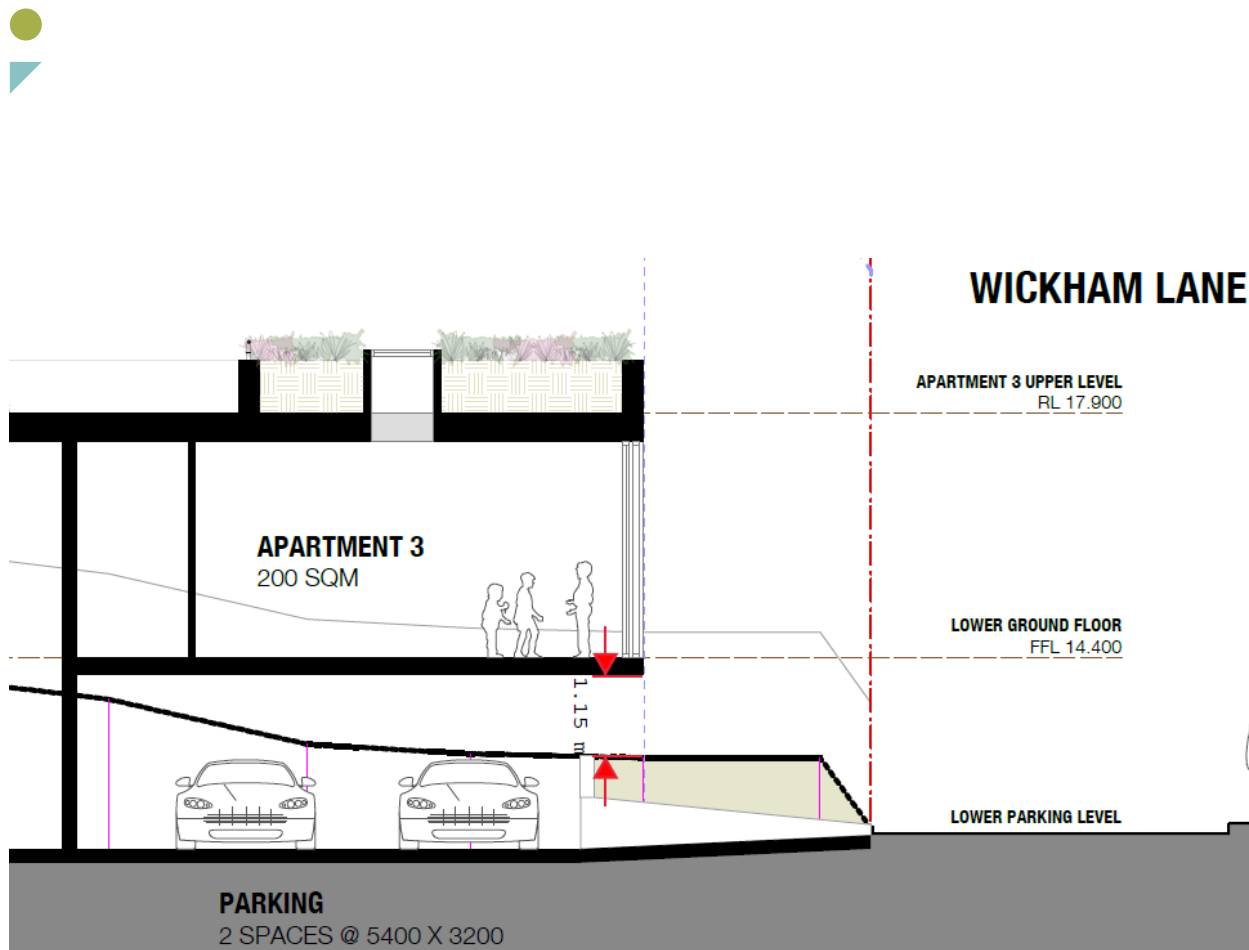


Figure 20 Proposed section through eastern building showing the height of the rear car parking area above existing ground level

The prescribed rear storey height under Clause 40(4)(c) of SEPP (HSPD) is a “development standard” to which exceptions can be granted pursuant to Clause 4.6 of PLEP 2014.

3. OBJECTIVES AND PROVISIONS OF CLAUSE 4.6

The objectives and provisions of Clause 4.6 are as follows:

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows—*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless—*



- (a) *the consent authority is satisfied that—*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note. When this Plan was made it did not include all of these zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4.*

It is noted that Clause 40(4) of the SEPP (HSPD) is not “expressly excluded” from the operation of Clause 4.6.

Objective 1(a) of Clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of Subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of Subclauses 4.6(3) & (4) in order to demonstrate to the consent authority that the exception sought is consistent with the exercise of “an appropriate degree of flexibility” in applying the development standard, and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by Subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, Subclause 4.6(6).



4. THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

“An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”

The judgement goes on to state that:

“The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

“...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”

Compliance with the rear storey height development standard is considered to be unreasonable and unnecessary as the objectives of those standards are achieved for the reasons set out in Section 7 of this statement. For the same reasons, the objection is considered to be well-founded as per the first method underlined above.

Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard(s) will be in the public interest because it is consistent with the objectives of the particular standard(s) and the objectives for development within the zone in which the development is proposed to be carried out. Clause 4.6(4)(a)(ii) is addressed in Section 6 below.

5. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS (CLAUSE 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standards, the following planning grounds are submitted to justify contravening the prescribed rear storey height:

- a. Whilst the proposed eastern building does technically not comply with the rear storey height prescribed by SEPP (HSPD), the rear building will generally appear as a single storey building. The eastern building is at the lowest end of the site, with the slope of the land rising to the west. Furthermore, the proposed rear car parking area will generally be open on the southern, northern and eastern side giving the visual appearance of a building cantilevered above natural ground level, thus reducing the overall bulk of the rear building. Visual bulk is further reduced by the incorporation of deep soil zones within the rear setback area that will support dense screen planting. Consequently, the proposed rear building will typically appear as a single storey structure when viewed from surrounding roads and properties (see **Figure 21** below).



Figure 21 Perspective from southeast of the development with proposed eastern building in the foreground

- b. No. 15 Old Barrenjoey Road, directly eastwards of Wickham Lane comprises of a two storey building that is located on land zoned B2 Local Centre. Therefore, the proposed eastern (rear) building responds to this context in terms of scale ensuring that the built form of the proposal will not appear visually jarring when viewed from Sanders or Wickham Lanes. Furthermore, consistency with the scale of existing development will ensure there

is not an abrupt increase in height from the subject site to existing built form on the eastern side of Wickham Lane, despite the differences in zoning.

- c. Seniors Housing by its very nature has functional requirements that will mean that it does not necessarily look the same as single dwellings, or other permitted uses. Furthermore, the requirements for level floorplates on sloping sites does not allow the built form to follow the topography with the use of stairs like a typical dwelling-house. Despite this, the proposal follows sound design principles that in essence seeks to nestle the building into the site and generally follow the topography of the site with a high degree of modulation and articulation, particularly on the street front elevations. The built form, whilst marginally greater than a single storey at the rear is integrated with existing and new site landscaping to minimise the visual impact. The design of the proposal carefully responds to the site characteristics and surrounding development to deliver a development that is consistent with the site context.
- d. Despite the rear storey height non-compliance, the proposed development complies with the majority of local building envelope controls under SEPP (HSPD), PLEP 2014 and PDCP, despite the aims of SEPP (HSPD) setting aside local controls. In fact, the proposal respects local controls by providing a compliant maximum building height, FSR, front and side setbacks, wall height plane, and deep soil and landscaped areas. The scale, bulk and height of the development is therefore consistent with the building envelope that is anticipated by the majority of planning controls that apply to the site.
- e. There will be no adverse impacts on solar access to neighbouring properties as a result of the non-compliance. The proposed development will not give rise to additional adverse impacts on solar access to neighbouring private open space or living areas between 9am and 3pm on 21 June, consistent with the relevant provisions under SEPP (HSPD) and Pittwater 21 DCP. The rear part of the development that breaches the prescribed rear storey height development standard is located towards the rear and thus shadows from the non-compliance will generally fall on Sanders and Wickham Lanes, and not neighbouring residences.
- f. The rear storey height breach does not result in any additional privacy impacts. The proposed development is setback 12.8m from the nearest residential building across Wickham Lane which provides adequate building to building separation in an urban environment. Furthermore, the building design and retention of existing landscaping on the northern boundary will minimise the privacy impacts on surrounding properties.
- g. The rear storey height breach facilitates the car parking areas to provide compliant levels of off street parking for the proposed development. By providing a separate car parking area at the rear, the proposal requires less excavation and will have a lessened impact on the natural topography and vegetation to be retained on the site. Reducing excavation will also assist in protecting mature trees located on and adjacent to the site. Thus, the development provides a better long-term social and environmental impact.
- h. The proposed development meets the objectives of the development standards and meets the objectives of the R2 Low Density Residential zone (as further detailed in Section 7 below).
- i. The storey height non-compliance is partially a function of the approximately 9m steep fall across the site from west to east. Reducing the height, without adversely impacting the full development potential of the site, would require additional excavation and would likely result in an adverse impact on the high levels of design excellence exhibited by the proposed development.
- j. The proposed development achieves the objects in Section 1.3 of the EP&A Act, specifically:
 - The development facilitates ecologically sustainable development by providing much needed, well-designed Seniors Housing in an appropriate and accessible location. Furthermore, the development will have a positive economic and environmental impact on the locality (1.3b);

- The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for an appropriate residential use (1.3c);
- The proposed development has been designed to respond to, protect and enhance the natural environment of the site, including a number of mature trees on and adjacent to the site (1.3e);
- The development has been designed to be compatible with the surrounding built form and despite the rear storey height non-compliance, will appear as a low density development and will not adversely impact neighbouring amenity. The development will provide excellent levels of amenity for prospective occupants and exhibits design excellence (1.3g).

The above environmental planning grounds are not general propositions. They are unique circumstances to the proposed development relating to Seniors Housing and the context of the local area. The additional storey height will facilitate compliant car parking on site and assist in providing a high quality development with excellent levels of internal amenity that does not prejudice the character or appearance of the local streetscape or levels of residential amenity enjoyed by neighbouring properties.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

6. CLAUSE 4.6(4)(a)

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how Clause 4.6(4)(a) needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the



circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 4 above (and furthermore in terms of meeting the objectives of the development standard, this is addressed in 7a below). Clause 4.6(3)(b) is addressed in Section 5 above.

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 7 below.

7. THE PROPOSED DEVELOPMENT WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE PARTICULAR STANDARD AND THE OBJECTIVES FOR DEVELOPMENT WITHIN THE ZONE IN WHICH THE DEVELOPMENT IS PROPOSED TO BE CARRIED OUT (CLAUSE 4.6(4)(a)(ii))

7a. Objectives of Development Standard

There are no specific objectives in SEPP (HSPD) listed in Clause 40(4)(c) and no objectives elsewhere in the relevant sections of SEPP (HSPD) relating to rear storey height. Notwithstanding, the Land and Environment Court in the case of *Winten Group Architects Pty Ltd v Kuringai Council* [2005] NSWLEC 546 has identified objectives for building height standards as:

"To control impacts on neighbours and to ensure that the proposed development is not overbearing in terms of bulk, scale and height and also in terms of overshadowing impacts and privacy concerns."

The note to Clause 40(4) states that the purpose of the development standard is to "avoid an abrupt change in the scale of development in the streetscape".

It is considered that these objectives are appropriate objectives for the development standards for rear storey height and are therefore included and addressed for the purposes of this request. The proposal's compliance with these objectives and the objectives for development in the zone are demonstrated below.

Objective (a): "To control impacts on neighbours and to ensure that the proposed development is not overbearing in terms of bulk, scale and height and also in terms of overshadowing impacts and privacy concerns."

As set out in Section 5 above, the proposed non-compliance will not give rise to any adverse impacts on neighbouring properties in terms of visual bulk, overshadowing or privacy.

The site has three street frontages, including an eastern rear frontage to Wickham Lane. As such, the proposed rear building that is the subject of the non-compliance does not directly adjoin a neighbouring property to the rear (east) or the south. Wickham Lane provides a physical separation to No. 15 Old Barrenjoey Road to the east which will be separated by some 12.8m from the eastern wall of the proposed rear building. This separation, along with the extensive screen planting provided in deep soil pockets within the rear setback will ensure that direct views towards No. 15 Old Barrenjoey Road will be limited and building will not appear visually obtrusive when viewed from neighbouring apartments to the east.

No neighbour directly adjoins the site to the south, with Sanders Lane providing separation to Avalon Public School.



No. 29 Bellevue Avenue contains a single storey dwelling house that adjoins the subject site to the north. However, the non-compliant eastern building is located adjacent to the very rear of their garden which does not serve as the main private open space to that dwelling. Instead it mainly contains driveway access and parking areas, landscaping and bin storage. The rear windows and main outdoor entertaining area of No. 29 are located some 30m upslope (westwards) of the non-compliant part of the rear building. Extensive areas of deep soil and tree screen planting are also proposed along the northern boundary of the site, in addition to existing mature trees located on the neighbouring site. As such, the non-compliant eastern building will not appear visually bulky when viewed from No. 29. Further, the building will not afford any direct, unfiltered cross views towards No. 29 Bellevue Avenue. Given the orientation of the site, no shadows from the proposed eastern building will fall on the private open space or habitable windows of No. 29 Bellevue Avenue.

In light of the above, it is demonstrated that the proposed non-compliant eastern building will not give rise to any prejudicial impacts on neighbouring properties and will not be overbearing in terms of bulk, scale and height and also in terms of overshadowing impacts and privacy concerns. The development is therefore consistent with Objective (a), despite the non-compliance.

Objective (b): “to avoid an abrupt change in the scale of development in the streetscape”

No. 15 Old Barrenjoey Road located on the eastern side of Wickham Lane is a two storey residential building that is located in the B2 Local Centre zone. This adjacent zone is characterised generally by two storey buildings with a variety of residential and non-residential land uses. The proposed eastern building responds to the scale and height of this neighbouring built form and will provide a transition from the B2 zone to the east to the lower scale R2 zone west of Wickham Lane.

The scale and design of the proposed eastern building is compatible with the streetscape in this part of Avalon the non-compliance with the rear storey height development standard will not result in abrupt change in scale of development within the streetscape. When viewed from the street, given the numerically minor scale of the non-compliance, open design of the lower parking area, and extensive screen planting in the rear setback area, the proposed eastern building will generally appear single storey when viewed from Wickham and Sanders Lane.

Therefore, despite the non-compliance, the proposed development remains consistent with Objective (b).

7b. Objectives of the Zone

Clause 4.6(4)(a)(ii) also requires that the consent authority be satisfied that the development is in the public interest because it is consistent with relevant zone objectives. The objectives of Zone R2 are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposed development will provide high quality self-contained Seniors Living housing in an appropriate accessible location that will be compatible with the low density character of the streetscape. There is a clear need for additional seniors housing in the locality and the proposed development will be surrounded by compatible land uses.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal will not prejudice any land uses that provide facilities or services to meet the day to day needs of residents in the zone or wider locality. The development will give rise to positive social, economic and community outcomes by providing high quality housing to meet a demonstrated need in the locality.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The development will not adversely affect other land uses in the zone or vicinity. The proposed development will be compatible with surrounding land uses in the zone, being residential in character and comprising a number of similar low density housing developments. The scale, bulk, form and design of the proposed development will also be compatible with the general built form in the locality.

The proposed development is consistent with the objectives of Zone R2 in that it will result in the development of residential use in an accessible area. The use will be compatible with the mix of uses in the zone and will be compatible with the existing environmental and built character of the locality.

The rear storey height variation is not antipathetic to the objectives for the zone and for that reason the proposed variation is acceptable.

8. THE CONCURRENCE OF THE SECRETARY HAS BEEN OBTAINED (CLAUSE 4.6(4)(b))

The second precondition in cl 4.6(4) that must be satisfied before the consent authority can exercise the power to grant development consent for development that contravenes the development standard is that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (cl 4.6(4)(b)). Under cl 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.

9. WHETHER CONTRAVENTION OF THE DEVELOPMENT STANDARD RAISES ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING (CLAUSE 4.6(5)(a))

Contravention of the rear storey height development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.

10. THE PUBLIC BENEFIT OF MAINTAINING THE DEVELOPMENT STANDARD (CLAUSE 4.6(5)(b))

As detailed in this submission there are no unreasonable impacts that will result from the proposed variation to the rear storey height. As such, there is no public benefit in maintaining strict compliance with the development standard. Whilst the proposed rear storey height marginally exceeds the maximum permitted for the rear 25% of the site pursuant to Clause 40(4)(c) of SEPP (HSPD), the proposed development is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standards and the objectives of the zone that make the proposed development in the public interest.

11. CONCLUSION

Having regard to all of the above, it is our opinion that compliance with the rear storey height development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with the standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation should be supported.