

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Seniors Housing  
Development (3 dwellings)**

**85 - 87 Blackbutts Road,  
Frenchs Forest**

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**RESPONSIBLE FOR THIS REPORT:**

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# 1 Introduction

## 1.1 Overview

This report accompanies and supports a Development Application (DA) for demolition of existing structures, a new Seniors Housing development, under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 at 85-87 Blackbutts Road, Frenchs Forest. The proposal is for *Infill self-care* housing (3 dwellings) for independent living.

Walsh<sup>2</sup> Architects have responded to the client brief to provide a housing development of excellent design quality which affords high levels of amenity to future occupants and compatibility with the neighbourhood and built form character.

The Northern Beaches is in need of more housing and increased variety of housing, that is designed and located to meet the specific needs of older people and people with a disability. The proposed development will increase the housing choice, in an appropriate accessible location within the Northern Beaches and thereby provide an important social benefit. The proposal also satisfies the planning objectives of providing suitable housing for people to 'age in place', also the provision for additional housing, and increased housing diversity to meet the changing demographic needs of the population.

The location is highly accessible being 60m to a bus stop and 75m to a pedestrian refuge (safe crossing point) with regular bus services driving past the site. The site is opposite Lionel Watts fields, the Glen Street Community hub and the Glenrose Shopping Centre (zoned B2). The site is ideally located in terms of its accessibility to transport, shops, services, public facilities, recreation, open space, health, and medical services and entirely satisfies the provisions of the Seniors SEPP.

The proposal will enhance the site's streetscape quality. The proposal is compatible with the scale and mix of housing and other developments within the locality. The proposal is compatible with the character of adjoining development. It will not result in any significant or unreasonable physical impacts on the solar access, privacy, visual scale, and view sharing available to adjoining land.

## 1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies including State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Development Control Plan – as relevant

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, and is appropriate for the granting of consent.

## 2 Site Analysis

### 2.1 Overview

The Site Analysis has been undertaken to ensure that the design and configuration of the proposal is sympathetic and responsive to the existing character of the site and its context,

The Site Analysis responds to the requirements of Clause 30 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (the Seniors SEPP). This Site Analysis forms part of the Statement of Environmental Effects (SEE) supporting the development application.

The Seniors SEPP contains a number of provisions that relate to achieving an appropriate design outcome, responsive to site context. This section of the SEE report reviews and summarises the site's character within its immediate and local contexts.

### 2.2 The site and location features

The site is located at 85-87 Blackbutts Road, Frenchs Forest. The site is legally described as, Lot 2413 in Deposited Plan 752038. The site has an area of 938.1 m<sup>2</sup> (by survey).

#### 2.2.1 Features of the site, its development, and topography

The land faces Blackbutts Road and Lionel Watts Ovals, Frenchs Forest. Key details of the property are noted from the site survey as follows:

- Street frontage 23.595m
- East side: 30.48m
- West side: 45.39m
- South rear: 13.845 & 13.245m

The key features of the site and its development include:

- The land is developed with a single storey, brick residence with tile roof within a landscaped setting.
- The site and the adjoining properties have a south-to-north orientation to Blackbutts Road.
- The property is relatively flat, sloping slightly from the north to the south displaying a minor level difference of approximately 200mm (approximately RL162 to RL 161.8). There are minimal level changes to the adjacent properties to the east and west, and south.
- There are a number of mature trees located within and around the site. An arborists report accompanies the application and assesses the status of these.

Images below depict the character of the property and its existing development.

### **2.2.2 Zoning and key environmental considerations**

The property is zoned R2 Low Density under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, for example, flooding heritage, biodiversity, bushfire or geotechnical risk. The property is affected by acid sulfate soils. This issue is addressed within Section 5 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

### **2.2.3 Services**

Being within an established urban area the proposed development is able to be serviced by key service utilities such as water, sewer, energy, and telecommunications.

### **2.2.4 Existing vegetation**

In terms of the assessment of existing trees and vegetation within the site the application is accompanied by an arboriculture report that has assessed the condition and significance of a number of trees on and adjacent the property.

The report assesses the impact of a proposed development on the trees in accordance with AS4970 Protection of trees on development sites (2009).

### **2.2.5 Microclimate**

Being a relatively wide, north facing allotment the site, the site offers appropriate solar access opportunities to the future dwellings. Due regard has been given to the locality's microclimate, maximising opportunities for passive solar design, and reducing the energy consumption of dwellings.

There are no significant noise sources that impact on the site.

### **2.2.6 Views to and from the site**

Views to and from the site have been considered. Views are mostly limited to immediate views from neighbouring properties and the site's street frontage. Overall it is assessed that the proposed redevelopment will significantly improve the visual appearance of the site and be compatible with the established and desired built form character of the location.

### **2.2.7 Land conditions**

The site is not characterised by any significant contaminated soils, filled areas, land slip, acid sulfate soils or water table issues.



### **2.2.8 Street frontage features**

In terms of street frontage features, front setbacks of nearby properties are characterised by a mix of established hardstand car parking areas, some low scale front fences, garden areas, and established street trees (figures below).

Otherwise the street frontages are generally quite flat with minimal level changes and cross falls. Trees within the road verges have been surveyed and assessed in the relevant plans and reports that accompany the application.

### **2.2.9 Other considerations**

There are no walls built to the site's boundary.

## **2.3 Analysis of the site surrounds and location**

### **2.3.1 Features of the location**

The property is set within an established location within convenient proximity to a range of employment, shops, health services, transport and recreation opportunities. The following pedestrian and bus provisions support the site's proposed development:

- Blackbutts Road is a local road that is serviced by several regular bus routes. The land is 60m west of a bus stop located on the south side of Blackbutts Road, serviced by regular Forest Coach Line route numbers:
  - 274 - Belrose & Davidson to City via inter-alia, Glenrose Shops, Killarney Heights, Forestville, and return (figure 21)
  - 281 - Davidson to Chatswood via Blackbutts Road and Glenrose Shops (figure 22)  
(source: Google Maps and Forest Coach Lines website)
- These bus routes connect the site to locations where the necessary range of shops and services that are needed to support the proposed development are available. The routes provide regular services as required and as stated in the bus service timetable which accompanies the application.
- A pedestrian footpath is located on the northern and southern sides of Blackbutts Road facilitating pedestrian access to the nearby bus stops and local shops and facilities.
- The immediate local area (within 100m) precinct is not experiencing a significant character change, therefore the existing character is the relevant assessment consideration. The desirable elements of the location's current character are identified principally as being:
  - 1 to 2 storey dwellings
  - Landscaped settings comprising (mainly) turfed front and rear yards with some plants and vegetation
  - Driveway access for on-site vehicle parking

- Appropriate setbacks between adjacent dwellings to provide space, solar access and privacy
- Materials and finishes that provide a suitable level of variety, visual interest, and compatibility

### **2.3.2 Neighbouring buildings and land**

In terms of the surrounding land and development:

- The site is adjoined to the east, south and west by residential dwellings.
- Properties at 4 and 6 Kalgal Street adjoin the rear of the site to the south.
- The existing dwelling is further setback on the site from Blackbutts Road than the adjacent dwellings and other development near the site (see architectural plans).
- The area comprises a mix of single residential dwellings, within an irregular subdivision pattern.
- A large area of open space and recreation is opposite the site to the north.

Images below depict the character of the site surrounds and the location.

### **2.3.3 Local facilities and services**

Consideration has been given to the provision and location of local facilities and services that are available to support the proposed seniors housing development. The following provides a summary of the key findings.

The site is located approximately:

- 200m from the Glenrose shopping and services centre to the north west.
- 1.7km from the Forestway shopping and services centre to the south east of the site.
- 7km from the Dee Why major shopping and services centre to the south east of the site.
- 8km from Brookvale and the Warringah Mall (Westfield) shopping complex which is to the south east of the site
- 9.3km from the major centre of Chatswood

The above centres contain varying levels of retail, commercial, health, recreation, and community facilities that are accessible via the nearest bus stop to the site. The appropriate provision of supermarkets, specialty stores along with other health and community services are available across these locations.

These bus routes link the site to key shopping and support services available at places like Forestway Shopping Centre, Glenrose Shopping Centre, Warringah Mall Westfield, Forestville Shopping Centre and Chatswood major centre. It also links to the main railway network providing connections to Chatswood, Macquarie Park, the CBD and beyond.

Medical: the new Northern Beaches Hospital is located 2.3km to the south east of the site. There are also a range of doctors and specialists located within and around the centres at Forestway, Glenrose, Forrestville and Chatswood that are connected by bus

services to the site/location. NSW Ambulance station on the corner of Forest Way and Weardon Road.

Public open space and playing fields: situated opposite to the north of the site, various recreational and community facilities including – Lionel Watt sports field (including, fields, club houses), Frenchs Forest Showground (off-lead dog walking area), various bushland reserves, pocket parks, playgrounds and Glen Street theatre / community centre (opposite).

Accordingly, the site is accessible to all of the key services and social infrastructure needed to support and sustain the essential and specific lifestyle needs of the future residents including: retail and commercial; medical; pharmacies; aged care support services; libraries; parks and open spaces; sporting facilities, recreation and tourist related facilities, educational establishments; social clubs; and churches.



**Figure 1 – Location of the site within its wider context (courtesy Google Maps)**

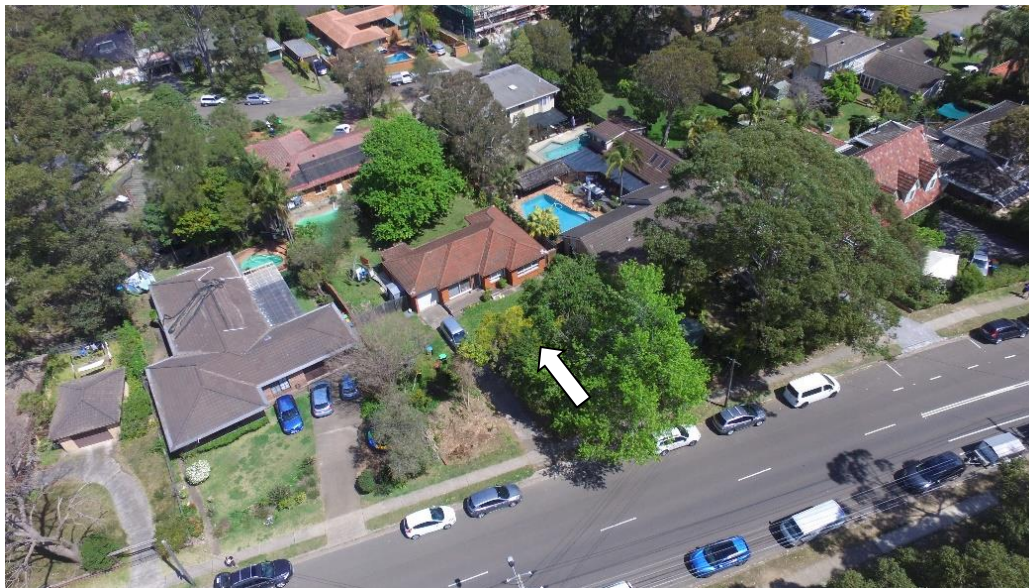


Figure 2 - The site at 85-87 Blackbutts Road and surrounding properties, Frenchs Forest (courtesy Northern Beaches Council)





**Figure 3 - existing dwelling pattern aerial view – the subject site is marked**



**Figure 4 – existing dwelling aerial view – the subject site is marked**





**Figure 5 –existing dwelling character (Blackbutts Road)**



**Figure 6 –southern (rear) façade of existing dwelling**





**Figure 7 – existing rear yard character of the subject site**



**Figure 8 – existing rear yard character and western side of the subject site**





**Figure 9 – existing rear yard character of the subject site**



**Figure 10 - southern boundary interface with the rear property at 4 Kalgal Street**





**Figure 11 – roofed structure adjacent to rear southern boundary within property at number 6 Kalgal Street**



**Figure 12– south western boundary interface with the property at 4 Kalgal Street**





**Figure 13 – south eastern boundary interface with the property at 6 Kalgal Street**



**Figure 14 - western boundary Interface with the property at 83 Blackbutts Road**



## STREETSCAPE CHARACTER



**Figure 15 – nearby development character at 93 Blackbutts Road**



**Figure 16 - Existing character of the adjacent property 83 Blackbutts Road**





**Figure 17 – streetscape and pedestrian pathway along the south side of Blackbutts Road**



**Figure 18 – streetscape, footpath and bus stop to the west of the site**





**Figure 19 – streetscape and footpath, north side of Blackbutts Road**



**Figure 20 – pedestrian safety refuge 75m to the west of the site provides a safe pedestrian crossing point to Glen Street Theatre, community hub, and Glenrose Shopping Village**

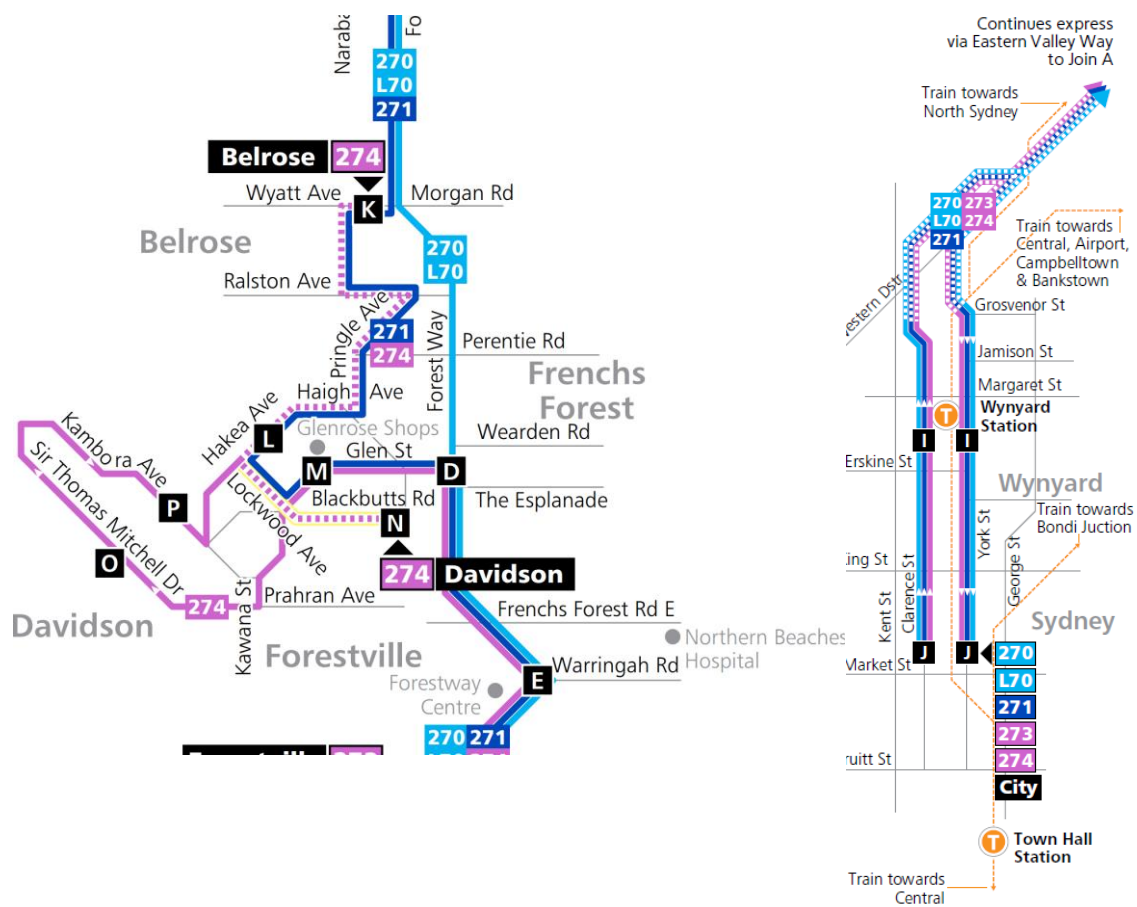


Figure 21 – map excerpt of bus route 274 serving the location

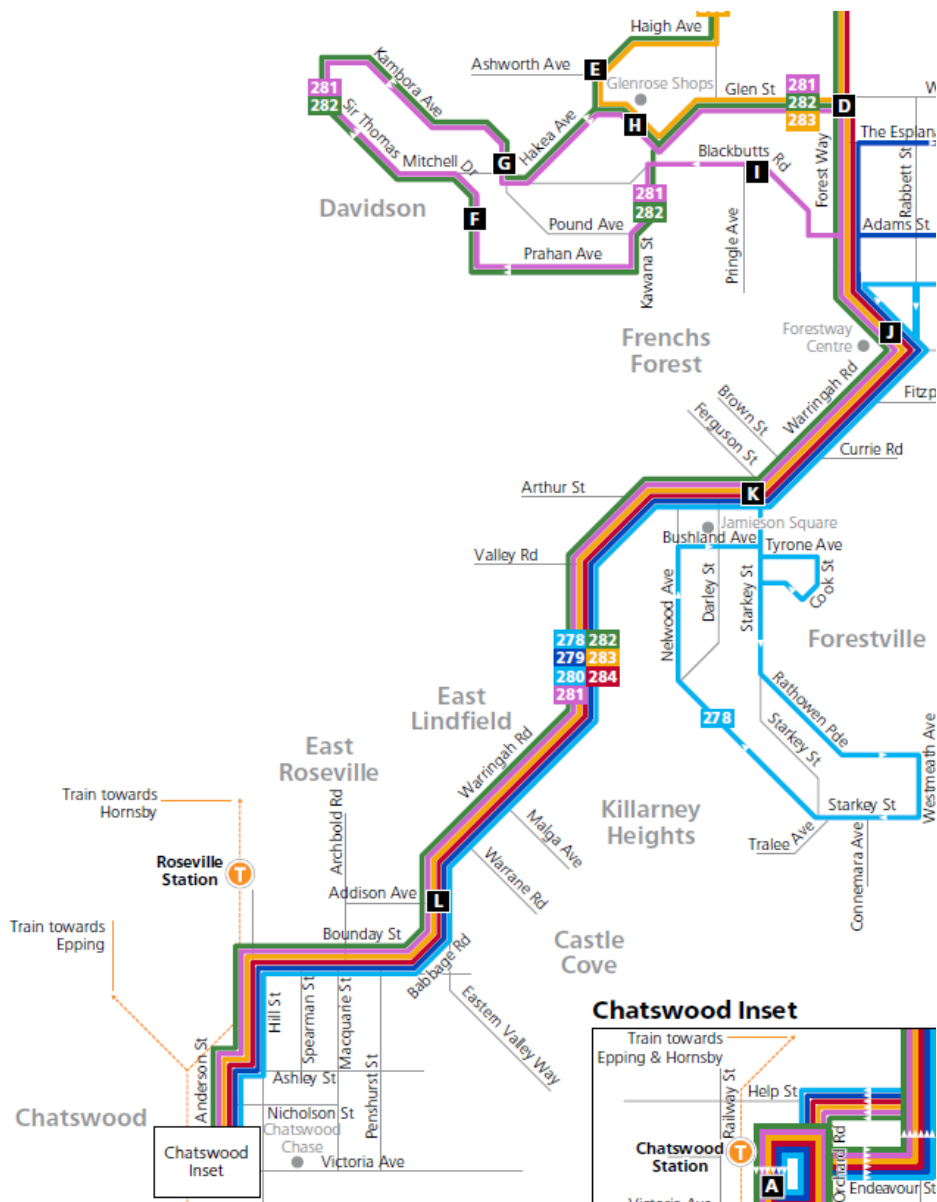


Figure 22 – map excerpt of bus routes 281 serving the location

## 3 Description of Proposed Development

### 3.1 Overview

The Development Application seeks development consent for demolition of existing structures and development of 3 '*in-fill self-care housing*' dwellings and associated landscaping, vehicle access, and car parking to the property at 49 Blackbutts Road, Frenchs Forest.

The application is made under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal is for *Infill self-care* housing for independent living as defined by clause 13(2) of the Seniors SEPP.

The proposal is depicted in the accompanying architectural plans by Walsh<sup>2</sup> Architects. A breakdown of the key aspects of the proposal are noted as follows:

- The demolition of the existing dwelling and structures
- 3 dwellings, with 3 bedrooms in each, within a low-rise medium density housing style
- 6 garaged car spaces, accessed via a surface driveway along the eastern side of the proposed dwellings
- An integrated waste-bin storage area and letterbox structure adjacent to the pedestrian entry and adjoining the northern boundary of the site
- Proposed landscaping works are depicted in the accompanying concept landscape plan. Landscaping works include (but not limited to) tree removal, minor excavation, new driveway, paving for pathways and private open spaces, various garden areas and plantings
- The application proposes the removal of a number of trees as identified in the accompanying Arborist Report, with the removal of species appropriately compensated for through the implementation of an integrated site landscape regime as depicted on the landscape plan
- All stormwater disposal has been designed to meet the relevant standards and Council policy as detailed in the accompanying stormwater plans and documentation.
- Accessible pathways and spaces are provided to and within the site as confirmed within the accompanying access report.





**Figure 23 – Blackbutts Road streetscape perspective**

## 4 Environmental Assessment

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Other State Environmental Planning Policies – as relevant
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 10 of this report, and the town planning justifications are discussed below.

## 5 Section 4.15 (1)(i) the provisions of any environmental planning instrument

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

#### 5.1.1 Introduction

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is applicable to the land because dwelling houses are permitted by the R2 zone (clause 4). The policy is the principal planning instrument for consideration in the assessment of the proposal noting that the Warringah LEP 2011 does not permit this form of housing in the zone. The proposed development is made under to the provisions of the Seniors SEPP. This section of the Statement provides an assessment of the development against the applicable provisions within the Seniors SEPP.

#### 5.1.2 Overview of relevant provisions

Given the specific housing needs of older people or people with a disability, the Seniors SEPP contains a detailed range of planning provisions which the development is required to consider and comply with. The following table details the provisions of the Seniors SEPP relevant to the proposal.

**Table 2 – Seniors SEPP – Overview of relevant provisions**

Clause	Compliance
Clause 2 – Aims of the SEPP	YES
Clause 4 (& Schedule 1) – application of the Policy	YES
Clause 13 – “In-fill self-care housing”	YES
Clause 18 - Restrictions on occupation of seniors housing	YES
Clause 21 - Subdivision	YES
Clause 26 - Location and access to facilities	YES
Clause 28 - Water and Sewer	YES

SECTION 4.15 (1)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Clause	Compliance
Clause 30 - Site Analysis A full Site Analysis is provided in section 2 of this report satisfying this requirement.	YES
Clause 33 - Neighbourhood amenity and streetscape	YES
Clause 34 - Visual and acoustic	YES
Clause 35 - Solar access and design for climate	YES
Clause 36 - Stormwater	YES
Clause 37 - Crime prevention	YES
Clause 38 - Accessibility	YES
Clause 39 - Waste management	YES
<p>Clause 40 - Development standards – minimum sizes and building height (exceedance of some aspects which are addressed within section 6.3.16 below)</p> <p>40(2) site size – 1,000m<sup>2</sup>. The lot's area is 935.8 m<sup>2</sup></p> <p>40(3) site frontage – 20m</p> <p>40(4) (a) height – 8m</p> <p>40 (4) (c) rear 25% area of the site not exceeding 1 storey</p>	<p>NO- 4.6 submission attached</p> <p>YES</p> <p>YES</p> <p>YES</p>
Clause 41 - Standards for hostels and self-contained dwellings	YES
Clause 46 - Inter-relationship of Part with design principles in Part 3	YES
Clause 47 - Heritage	YES
Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings	YES
Schedule 1 - Environmentally sensitive land	YES

Clause	Compliance
Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings	YES
(Clause 41 (1)) Standards applying to hostels and self-contained dwellings	YES

The following sections make consideration of relevant planning provisions under the SEPP.

### 5.1.3 Clause 2 – Aims of the SEPP

The aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are copied below, with attention drawn to clause 2(2)(a) relating to how the aims will be achieved (our emphasis):

#### **2 Aims of Policy**

*(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:*  
*(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*  
*(b) make efficient use of existing infrastructure and services, and*  
*(c) be of good design.*

*(2) These aims will be achieved by:*  
*(a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*  
*(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*

The ‘local planning controls that would prevent the development of housing for seniors or people with a disability’ are principally those built form controls relating to dwelling houses within the R2 Low Density zone. They are inconsistent with the SEPP’s controls which are for a form of low-rise medium density housing. If Council was to apply the DCP’s built form controls relating to dwelling houses within the R2 Low Density zone, it would have the effect of defeating the aims of this State environmental planning instrument.

### 5.1.4 Clause 4 – Application of the policy

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is applicable to the land because dwelling houses are permitted by the R2 zone (clause 4) which applies to the site.

The Warringah Planning regime applicable to the site, comprising the LEP and DCP, does not in any way recognise or support the development of the housing permitted and promoted by the SEPP. The site is zoned R2 Low Density Residential under the provisions of the Warringah Local Environmental Plan 2011 (LEP). The Warringah LEP 2011 does not permit this form of housing in the zone. The proposal is permitted on the site because of clause 4 of the SEPP. The SEPP is the principal planning instrument for consideration in the assessment of the proposal.

Having regard to the findings in the case *Mete vs Warringah* [2008] NSWLEC 1383, the application is made under the SEPP, not the local planning controls.

### **5.1.5 Clause 13 - Self contained dwellings**

The proposal is for in-fill self-care housing. This form of housing is defined as follows:

*'In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care'.*

The proposed housing satisfies this definition, in that it is proposed on urban zoned land comprises 3 dwellings and will not provide any of the above referenced services on site. The proposal satisfies clause 13 of the Seniors SEPP.

None of these services are proposed to be provided by the development. Public transport connects the site to these services.

### **5.1.6 Clause 18 Restrictions on occupation of seniors housing**

Compliance with Clause 18 can reasonably be achieved by Council including a condition of development consent to restrict the occupation of the development in accordance with the provisions of clause 18.

### **5.1.7 Clause 21 Subdivision**

This clause provides that:

*Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.*

Subdivision of the completed development is proposed subsequent to this application as permitted by clause 21.

### **5.1.8 Clause 26 – Location and access to facilities**

The proposal is for Self-contained dwellings. Self-contained dwellings, are defined by clause 13 as:

*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.*

Furthermore, in accordance with clause 13(2), approval will be sought for “in-fill self-care housing” defined by the policy as:

*seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

#### **Location and access requirements**

The land satisfies the important location and access requirements of clause 26 of the Seniors SEPP as described below.

Blackbutts Road is a local road that is serviced by several regular bus routes. The land is 60m west of a bus stop (stop M on the bus service map copied at figure 21) located on the south side of Blackbutts Road, serviced by regular Forest Coach Line route numbers:

- 274 - Belrose & Davidson to City via inter-alia, Glenrose Shops, Killarney Heights, Forestville, and return (figure 21)
- 281 - Davidson to Chatswood via Blackbutts Road and Glenrose Shops (figure 22)

(source: Google Maps and Forest Coach Lines website)

These bus services provide transport connections between the property and Glenrose Centre, Forestway Centre (both zoned B2), the Sydney CBD and the other destinations listed.

These bus routes connect the site to locations where the necessary range of shops and services that are needed to support the proposed development are available. The routes provide regular services, as stated in the bus service timetable which accompanies the application.

In order to satisfy the minimum requirements of clause 26 of the SEPP, the proposal relies on its pedestrian connection to the nearest bus stop, 60m to the west, and which provides access to and from Glenrose and Forestway shops.

Pedestrian footpaths are located on the northern and southern sides of Blackbutts Road facilitating pedestrian access to the nearby bus stops, local shops, facilities, and recreational opportunities. As confirmed within the accompanying access report, the appropriate grade of footpath is available between the site and the nearest bus stop. A safe pedestrian crossing point for residents is available to the west of the site on Blackbutts Road.

Clause 26 (1) ‘Location and access to facilities’ states:

*(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—*

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

Based on the above, and in response to clause 26(1), the residents of the proposed development will have access to:

- shops, bank service providers and other retail and commercial services at both Glenrose and Forestway centres which are accessed via regular bus services from the nearest bus stop;
- community services and recreation facilities (opposite) which are accessible via safe pedestrian pathways from the site;
- the practices of several general medical practitioners, within and around, both Glenrose and Forestway centres which are accessible via regular bus services from the nearest stop.

Based on the above, the proposal has satisfactorily addressed the environmental planning provisions of clause 26 and the required local facilities and services are accessible to the future dwelling occupants. Furthermore, other matters relating to specific access provisions under clause 26 have also been assessed within the access report that accompanies the application.

#### **5.1.9 Clause 28 – Water and sewer**

The proposal has satisfactorily addressed the provisions of clause 28. There is current water and sewer system capacity to service the development. A servicing certificate will be obtained from Sydney Water once development consent is obtained.

#### **5.1.10 Clause 30 – Site analysis**

Matters relating to clause 30 have been considered and addressed in Section 2 of this report. The proposal satisfies these provisions of the Seniors SEPP.

#### **5.1.11 Clause 31 – Design of in-fill self-care housing**

In accordance with clause 31 of the Seniors SEPP, the consent authority is to have regard to the Urban Design Guideline for Infill Development in its consideration of the application.

Appropriate regard has been given to the Guideline in the design of the proposal as evident by the high level of compliance achieved with the various standards, controls, and amenity considerations. The proposal satisfies these provisions of the Seniors SEPP.

#### **5.1.12 Clause 33 – Neighbourhood amenity and streetscape**

In accordance with clause 33 of the Seniors SEPP, appropriate consideration has been given in the design of the proposal to the with regards to neighbourhood amenity and streetscape.



In summary, the proposed development has appropriately responded to the established local character. It will have minimal physical impacts on the surrounding development and is capable of existing in harmony with the land use and built form character of the local area. The provisions relating to clause 33 are responded to in the table below.

Requirement	Response
<i>The proposed development should:</i>	
<i>(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</i>	<p>The desirable elements of the location's current character are identified within section 2 of this report. The proposed building will positively contribute to the quality and identity of the area by:</p> <ul style="list-style-type: none"> <li>- a building with generous side setbacks</li> <li>- a building that presents to its street frontage</li> <li>- a development within a landscaped setting</li> <li>- a renewed landscape regime</li> <li>- a complaint building, scale, bulk, form and intensity.</li> </ul>
<i>(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</i>	The property is not within a heritage conservation area or near an item of identified heritage significance.
<i>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting that relates to the site's land form, and</i> <i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i> <i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i>	<ul style="list-style-type: none"> <li>i. No excessive overshadowing is proposed</li> <li>ii. The proposed development incorporates generous side setbacks</li> <li>iii. The site is appropriately setback from all of its boundary's. There is appropriate separation to adjoining dwellings and their private open space areas. The proposed setbacks assist in achieving a compatible relationship with the neighbouring properties ensuring existing dwellings retain high privacy, solar, visual and amenity levels.</li> <li>iv. The physical impacts of the proposal, including, overlooking, overshadowing, its height, massing and scale have been considered. It is assessed that the proposal will not unreasonably impact upon the existing amenity or physically constrain the future development potential of the surrounding land.</li> </ul>
<i>(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</i>	The proposed development character will be compatible with the front building line in the street. The proposal will provide a landscaped setting and an appropriate streetscape

Requirement	Response
	presentation to its street frontage.
<i>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i>	A new and enhanced landscaping regime is proposed for the site as documented within the accompanying landscape plan.
<i>(f) retain, wherever reasonable, major existing trees, and</i>	<p>The proposal is accompanied by an arborist report which confirms the retention value and quality of vegetation within the site.</p> <p>The proposal maintains some mature sized trees and proposes appropriate replacement species which will contribute to the amenity of the location and streetscape.</p>
<i>(g) be designed so that no building is constructed in a riparian zone.</i>	NA

### 5.1.13 Clause 34 – Visual and acoustic privacy

In response to Seniors SEPP Clause 34 Visual and Acoustic privacy the design will ensure that the proposal will not adversely impact visual and acoustic privacy to neighbouring land. The continued residential use of the site, for seniors housing is compatible with the adjoining character of land uses and built form. The following aspects of the design are noted:

- The site is significantly setback from all of its boundary's. The adjacent roadway and playing fields opposite provide a significant separation to the north. Compliant setbacks are proposed to each boundary and provide generous building separation to adjoining dwellings. The proposed setbacks assist in achieving a compatible relationship with the neighbouring properties ensuring existing dwellings retain a high privacy and amenity levels.
- Window and door openings within the side elevations have been designed to provide high levels of privacy. A modest extent of glazing is proposed within the side elevations. In relation to the upper levels, these windows are principally associated with bedrooms and bathrooms.
- No first-floor balconies are proposed.
- The location and design of principal living areas, particularly with respect to their associated outdoor spaces is such that direct lines of sight have been minimised or avoided.
- Private open spaces are appropriately located with respect to neighbouring development, will be screened by dividing fencing and enhanced by a new landscaping regime for the property.

The potential for acoustic impacts has been considered in the design. Vehicle noise from the driveway is not anticipated to be significant, garages are well setback from property boundaries and there is a low traffic generation proposed. The proposal is assessed as satisfactory in addressing potential acoustic impact considerations.

In summary the proposed setbacks, design and orientation of the proposed living spaces achieves a compatible relationship with adjoining residences. These characteristics ensure that acoustic and visual privacy is maintained for existing and future residents. It is assessed that the proposal satisfies these provisions of the Seniors SEPP.

#### **5.1.14 Clause 35 – Solar access and design for climate**

Clause 35 ‘Solar access and design for climate’ states:

*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*

*(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.*

#### **Solar access to the proposed dwellings**

The proposal effectively responds to the provisions of the Seniors SEPP Clause 35 - Solar access and design for climate. Detailed site planning has provided a site layout and supporting residential built form that will facilitate solar access, passive solar design and reduced energy consumption of the dwellings. Key features include:

- The building configuration and dwelling designs each achieve compliant solar access to their valued living zone spaces. 100% of the dwellings will receive at least 3 hours sunlight at mid-winter.
- Each dwelling has been designed by orientating its primary indoor and outdoor living spaces to the west, maximising available levels of solar access during the afternoon time period. The proposed front and rear dwellings also benefit from private open spaces to their north and south respectively.

It is assessed that the proposal satisfies the provisions for solar access to the proposed dwellings.

#### **Solar access and shadowing to adjoining land**

Solar access and shadowing of adjoining land has been considered in the proposed design and satisfies the relevant objectives. The design comprises a 1 and 2 storey building form, that is appropriately setback from adjoining residential properties to the south.

Shadow diagrams accompany and support the proposal and demonstrate that the compliance with the DCP is achieved. The following aspects are noted.

The site and the adjoining properties have a south to north orientation to Blackbutts Road. As a result, shade will be relatively evenly shared between (mainly) the rear yard of each adjacent property.

The shadow diagrams demonstrate that shade will be cast over the rear yard, eastern side and southern portions of the dwelling at 91 Blackbutts Road in the morning time period,

then over the rear yard, western side and southern portions of the dwelling at 83 Blackbutts Road during the afternoon time period.

This reflects the existing development & shading pattern for properties along the southern side of Blackbutts Road, and provides a relatively even distribution of shade, consistent with the development pattern along the street.

The DCP requires:

*'2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21'.*

In accordance with Clause D6 of the DCP, the sunlight available to the private open space of adjoining the dwellings will not be impacted by more than 3 hours between 9am and 3pm on 22 June.

It is assessed that, whilst shade onto adjoining properties will be moderately increased above the current levels, the extent of the increase is within reasonable limits, and satisfies the DCP. Therefore, it is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control are satisfied.

For these reasons, and based on the shadow diagrams, the proposal is assessed as satisfying the objective of the development standard and will have an appropriate shading impact.

#### **5.1.15 Clause 36 – Stormwater**

The proposal has satisfactorily addressed the provisions of clause 36. A stormwater management plan supports the proposal and these details accompany the Development Application.

Based on the above the proposal is assessed as entirely satisfactory in addressing stormwater drainage considerations and satisfies this provision of the Seniors SEPP.

#### **5.1.16 Clause 37 – Crime Prevention**

The proposal effectively responds to the provisions of Seniors SEPP Clause 37 Crime prevention. Resident's safety is a fundamental underlying principle in the design. Also, given that the development is to accommodate older persons, the perceived level of safety for future residents is inherent in the achievement of a successful community. Key features of the proposal include:

- Maximising passive observation of streets through orienting doors and windows to the street and providing a highly accessible street network to promote walking;
- Minimising the appearance of blank walls to the street;
- Providing front building setbacks that facilitate direct line of sight for persons entering the property;
- Provision of glazing within front facades and entry doors to dwellings.

In these ways the provisions of clause 37 are assessed as being satisfied.

### **5.1.17 Clause 38 – Accessibility**

Clause 38 states:

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

The proposal satisfies the provisions of Clause 38 Accessibility of the Seniors SEPP. An Access Assessment report supports and accompanies the proposal. It confirms that the site benefits from obvious and safe pedestrian links from the site that provide access to public transport services and local facilities. Furthermore, the plans demonstrate accessibility within the site is appropriate for future residents. It is assessed that the proposal satisfies these provisions of the Seniors SEPP.

### **5.1.18 Clause 39 – Waste management**

The proposal has satisfactorily addressed the provisions of clause 39. Waste management is provided for by the proposed development as shown on the architectural plans. The following key aspects of the proposal's waste management provisions are noted:

- The garbage bin storage and collection area is proposed adjacent to the driveway at the Blackbutts Road frontage of the site. Each self-care dwelling will have compliant access to this area via external pathways.
- The storage area is suitably located and appropriately designed to avoid impacts on the amenity of surrounding land or the streetscape.

The SEPP provisions relating to waste management are satisfied by the proposal.

### **5.1.19 Clause 40 – Development standards – minimum sizes and building height**

The relevant provisions of clause 40

#### **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.*
- (2) Site size - The size of the site must be at least 1,000 square metres.*
- (3) Site frontage - The site frontage must be at least 20 metres wide measured at the building line.*
- (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:*

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

*Note.*

*Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).*

*(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*

*Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

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

The proposal addresses the provisions of clause 40 in the following ways:

- The site is less than 1,000 square metres in area (being 938.1m<sup>2</sup>). A clause 4.6 exception submission accompanies the application and addresses this matter. Being 938.1m<sup>2</sup> the site area demonstrates a 6.2% (61.9m<sup>2</sup>) exception to the site size standard. A clause 4.6 exception submission accompanies the application and addresses this matter.
- The site frontage is approximately 23.5 metres wide measured at the building line to Blackbutts Road, satisfying clause 40(3) of the SEPP.
- The proposed building within the rear 25% area of the site does not exceed 1 storey in height. Whilst a stair connecting the first floor level of the rear dwelling is proposed, it is not a storey as defined in the standard local instrument copied below, satisfying clause 40(4)(c) of the SEPP

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

#### **5.1.20 Clause 41 – Standards for hostels and self-contained dwellings**

Self-care housing must comply with the standards specified in schedule 3 of the Seniors SEPP. The proposal has been designed to meet the detailed requirements of the schedule and an assessment of this is provided in the accompanied Access Report.

Notably, 100% of the dwellings within the proposed design will be accessible in accordance with the 'Siting standards' in clause 2 of Schedule 3 of the Seniors SEPP.

In relation to Schedule 3, Part 2 'Additional standards for self-contained dwellings', clause 17 'Access to kitchen, main bedroom, bathroom and toilet' states: in a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on

the entry level. Bedrooms are provided at ground level within each proposed dwelling satisfying the control.

Based on the above, it is assessed that the proposal entirely satisfies these provisions of the Seniors SEPP.

#### **5.1.21 Clause 46 – Inter-relationship of Part with design principles in Part 3**

The proposal demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 3 (clauses 30 to 39) of the Seniors SEPP. As demonstrated by the responses to Clauses 30 to 39, the proposal entirely satisfies the design principles of the Seniors SEPP.

#### **5.1.22 Clause 47 – Heritage**

There are no identified European heritage features or architectural items of significance on or near the site. The proposal satisfies this provision of the SEPP.

#### **5.1.23 Clause 50 – Standards in relation to self-contained dwellings**

The following are standards that cannot be used to refuse development consent for self-contained dwellings if the proposal complies with these standards. As such exceptions to these standards are not subject to a clause 4.6 exception.

Drawing from the architectural plans, a table demonstrating compliance with these provisions is detailed as follows. Where a numerical non-compliance is identified, the objectives of the control and the merits of the proposal are addressed separately below the table.

Clause	Provision	Response	Compliance
Building height	8 metres	Up to 7.0m	YES
Density and scale	Floor space ratio (FSR) is 0.5:1 or less.	FSR: 0.5:1	YES
Landscaped area	30% of the site area	31.7%	YES
Deep Soil Zone	15% of the site area – 140.7m <sup>2</sup>  66% (92.8m <sup>2</sup> ) of which should be located at the rear of the site	Approximately 27.4% / 256m <sup>2</sup> of the site is provided as deep soil  A significant portion of the deep soil area (totalling 97m <sup>2</sup> ) is provided at the rear of the site	YES



Clause	Provision	Response	Compliance
Private open space	Not less than 10 m <sup>2</sup> with minimum dimension of 2m, accessible from living room	All dwellings will achieve (and exceed) compliance having living rooms at ground level with private open space connected to these rooms.	YES
Solar access	70% of the dwellings living rooms and private open spaces receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	All dwellings will achieve a minimum of 3 hours direct sunlight between 12pm and 3pm in mid-winter.	YES
Car Parking	Car Parking - Residents: 0.5 car spaces for each bedroom	The proposal generates the need for 4.5 resident car parking spaces, based on the provision of 9 bedrooms @ 0.5 spaces per bedroom. The proposed provides for 6 spaces, 2 per dwelling exceeding the minimum requirement.	YES

#### **5.1.24 Schedule 1 - Environmentally sensitive land**

The land on which the development is proposed is not identified in the Warringah LEP 2011 as having particular environmental sensitivity, to a level or significance that would preclude the lands use or development for urban purposes and as envisaged by the zoning provisions. The LEP does not identify the land as having any significant sensitivities in relation to matters such as coastal protection, conservation, critical habitat, environmental protection, escarpment, floodway, or high flooding hazard. The Seniors SEPP is applicable to the land.

#### **5.1.25 Schedule 3 – Standards concerning accessibility and useability for hostels and self-contained dwellings**

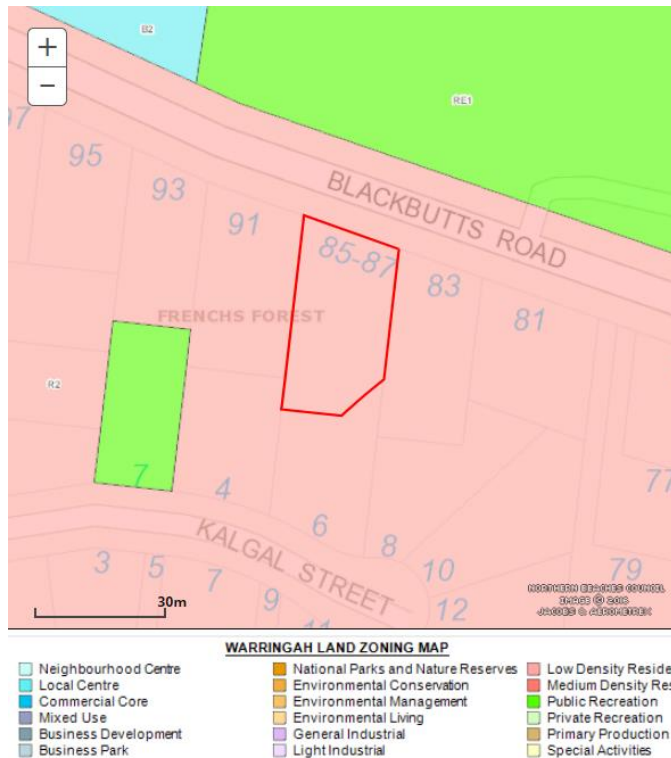
The proposal has satisfactorily addressed the provisions of Schedule 3. Matters relating to Schedule 3 have been assessed within the Access report by Ergon Accessibility Consultants which accompanies the application. Based on this report the proposal satisfies these provisions of the Seniors SEPP.



## 5.2 Warringah Local Environmental Plan 2011

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (LEP).

Dwelling-houses are a permissible land use with development consent in the zone. As such, the proposed dwelling is permissible with development consent under clause 4 of the Seniors SEPP (addressed in section 6.2 below). This report demonstrates that the development is permissible with consent and consistent with the zone objectives.



**Figure 24 - Zoning Map Extract from State Planning Portal**

Clause 2.3 of the LEP requires the consent authority to have regard to the objectives of the zone in the assessment and determination of the development application. The objectives of the zone 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 ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah

The proposed development meets the relevant zone objectives by providing accommodation that meets the needs of the community within a low-density residential setting and to provide housing choice in a manner that is compatible with the local area's context.

The development has been designed through detailed site and streetscape analysis to ensure that it is of a low intensity and scale and compatible with surrounding building form and development character.

Accordingly, Council can be satisfied that the proposed development is permissible with consent and consistent with the zone objectives. There is no statutory impediment to the granting of consent.

### 5.3 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size	NA	NA
LEP Clause 4.3 – Height of Buildings	The proposal is under 8.5m in maximum building height as scaled from the architectural plans and complies with this standard.	Yes
LEP Clause 4.4 – Floor space ratio	No FSR standard is applicable under the LEP. An FSR standard is applicable under the Seniors SEPP which is previously addressed within section 5.1.23.	Yes
LEP Clause 4.6 – Exceptions to development standards	A Clause 4.6 submission accompanies the application in relation to the Development Standards under the Seniors SEPP relating to minimum site size.	Yes
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 6.1 Acid sulfate soils	Modest excavation is proposed below the existing site levels and which is above AHD RL 5.00 (being at approx. AHD RL 161)	Yes
LEP Clause 6.2 Earthworks	Modest excavation for footings is proposed below the existing site levels.  The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.  Based on the above the proposed	Yes

LEP Provision	Response	Complies
	development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.	
LEP Clause 6.3 Flood planning	NA	NA
LEP Clause 6.4 Development on sloping land	Site is within Area A on and satisfies this LEP provision.	NA

## 5.4 Other SEPPS

### 5.4.1 State Environmental Planning Policy - BASIX

The proposed dwellings are BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

### 5.4.2 State Environmental Planning Policy No. 55 – Remediation of Land

Council shall not consent to the carrying out of any development on land unless it has considered the provisions of SEPP No. 55 – Remediation of Land (“SEPP 55”). In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

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

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

## 5.5 BCA and access considerations

The application is accompanied and is supported by an assessment of the design against the key provisions of the Building Code. The report finds that the proposal is capable of satisfying building safety and access requirements subject to further detailed design and documentation at the Construction Certificate stage. In conclusion, the relevant safety and accessibility considerations are appropriately addressed and satisfied by the proposal.

## 6 Development Control Plan

### 6.1 Applicability of the DCP

The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is the principal consideration in assessing the suitability of the proposed built form. Most provisions of the DCP that relate to the proposed development and its subsequent building form are not relevant to the proposal.

Notwithstanding the aims of the SEPP, the built form provisions of the Warringah DCP have been considered below to assist in considering the proposal's compatibility with the local development character.

#### 6.1.1 Aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are copied below, with attention drawn to clause 2(2)(a) relating to how the aims will be achieved (our emphasis):

##### **2 Aims of Policy**

*(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

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

*(2) These aims will be achieved by:*

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*

Notwithstanding the aims of the SEPP, the provisions of the Warringah DCP have been considered below to assist in the assessment of the proposal's compatibility with the local development character.

The proposal achieves a high level of compliance with the DCP's key numerical built form controls and entirely satisfies the objectives of these controls, further demonstrating that the proposed built form outcome is suitable for the site. In this regard it is relevant to note that:

- The proposal's building form is a type of low scale medium density housing being 2 storeys in height, with compliant boundary setbacks and landscaped area provision;

- The Warringah LEP does not permit this form of housing in the R2 zone. The built form controls relating to the R2 zone and the subject site do not relate to this type, form, and density of housing.

## 6.2 Overview

The proposal:

- is compatible with the architectural form and style of the established and likely future development character and will complement the site's appearance when viewed from the street and public spaces;
- will be located within a landscaped setting and will be appropriately treated in terms of its materials and finishes to blend with the character of the property and the locality.
- constitutes an example of low-rise form of medium density development in an accessible location.

## 6.3 Principal Built Form Controls

Clause	Requirement	Proposed	Complies?
Maximum wall height	7.2m	Complies – as shown on the architectural plans	Yes
B3 Side Boundary Envelope	4m at 45 degrees	Complies – as shown on the architectural plans	Yes
B5 Side Setback	900mm	West: 6.4 to 8.5m (approx.) East: 6.4 to 8.5m (approx.)	Yes Yes
B7 Front Setback	6.5m (or average of neighbouring properties)	Varies due to angular alignment of the front boundary. 6.7m to 7.3m (approx.)	Yes
B9 Rear Setback	6m	6m	Yes
D1 Landscaped Open Space Bushland Setting	40%  Min. dimension 2m	256m <sup>2</sup> (27%)  Numerical variation proposed of: 119 m <sup>2</sup> .	Numerical variation * addressed with section below table. Objectives of the control are

Clause	Requirement	Proposed	Complies?
			satisfied.

### 6.3.1 D1 Landscaped area variation

Landscaped Area, being a development standard under Clause 50 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, is an assessment ground that the consent authority cannot use to refuse the development application if it complies with that standard. As previously addressed within Section 5.1.23 of this report, the proposal complies with that standard by providing a landscape area of 31.7% whereas the control seeks 30%. In this instance the assessment of the site landscaped area is satisfied under the SEPP and no further assessment under the DCP is warranted.

## 6.4 Broader DCP Compliance Assessment

Clause	Compliance with Requirement	Consistent with aims and objectives
<b>Part B - Built Form Controls – addressed above</b>		
<b>Part C - Siting Factors</b>		
C1 Subdivision	Previously addressed	Previously addressed
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	NA	NA
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
<b>Part D - Design</b>		
D1 Landscaped Open Space and Bushland Setting	Previously addressed	Previously addressed
D2 Private Open Space	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
D3 Noise	Yes	Yes
D4 Electromagnetic Radiation	Yes	Yes
D6 Access to Sunlight	Previously addressed	Previously addressed
D7 Views	Yes	Yes
D8 Privacy	Previously addressed	Previously addressed
D9 Building Bulk	Previously addressed	Previously addressed
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D16 Swimming Pools and Spa Pools	NA	NA
D22 Conservation of Energy and Water	Yes	Yes
<b>Part E - The Natural Environment</b>		
E1 Private Property Tree Management	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E8 Waterways and Riparian Lands	NA	NA
E10 Landslip Risk – report accompanying	Yes	Yes
E11 Flood Prone Land – NA	Yes	Yes

## **7 Section 4.15 the Environmental Planning and Assessment Act 1979 - Summary**

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
  - Social benefits arising from the addition of 4 accessible dwellings, being housing designed specifically for seniors and people with disabilities in an appropriate location.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal also satisfies the relevant provisions of the council's DCP.
- It is compatible with the current and evolving character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.



- The public interest is best served through the approval of the application. In support of this view we make the following submission:

The proposed development will increase the stock of housing within the Northern Beaches LGA and thereby provide an important social benefit. The development will also provide an alternative to detached, multi dwelling and residential apartment style housing in a location which has good access to public transport and access to a range of shops, services and outdoor recreational areas. The development improves housing choice and therefore responds positively to the housing needs of the local community.

## 8 Conclusion

The proposed “Seniors” development for demolition of existing structures and seniors housing for 3 *in-fill self-care housing* dwellings and associated landscaping, vehicle access, and car parking to the property at 85-87 Blackbutts Road, Frenchs Forest represents an appropriate development of the land.

The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is assessed as acceptable and should be approved because:

- The proposed development is permissible with consent under the Seniors SEPP and satisfies the various objectives, numeric criteria, and detailed design requirements for this specific housing form.
- The design of the proposal is based on a thorough and comprehensive understanding of the local character, its key natural, physical and built form characteristics. As such the proposal responds to the design objectives and detailed planning provisions contained in the Seniors SEPP.
- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposal will result in various environmental benefits, on both the natural and built environments.
- The site is suitable for the proposed development, having regard to access to services and its size and capacity to accommodate the proposed design.
- The proposal will result in various positive social and economic impacts in the locality.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

### BBF Town Planners



**Michael Haynes**  
**Director**