

**SUBJECT: N0516/17 – 701-703 Barrenjoey Road, Avalon Beach (Lot 1 DP 12074, Lot 2 DP 12074) - Construction of a four (4) unit Seniors Living development with basement car parking, landscaping and strata subdivision**

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**SUMMARY OF RECOMMENDATION:**

**CONSENT WITH CONDITIONS**

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| <b>REPORT PREPARED BY:</b>       | Tyson Ek-Moller<br>Angela Manahan  |
| <b>APPLICATION SUBMITTED ON:</b> | 10 November 2017   |
| <b>APPLICATION SUBMITTED BY:</b> | A ALAMEIN<br>C/- GARTNER TROVATO ARCHITECTS<br>PO BOX 1122<br>MONA VALE NSW 2103 |
| <b>OWNER(S):</b>                 | Aladdin (Aust) Pty Ltd   |
| <b>COST OF WORKS:</b>            | \$1,860,119  |
| <b>NO. OF SUBMISSIONS:</b>       | Two (2)  |
| <b>DETERMINATION LEVEL:</b>      | Development Assessment Manager   |

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## **1.0 ISSUES**

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

State Environmental Planning Policy (Infrastructure) 2007

Pittwater Local Environment Plan 2014

- Permissibility and zone objectives
- Clause 5.1A Development on land intended to be acquired for public purposes

Pittwater 21 Development Control Plan

- Section A1.4 Avalon Beach Locality
- Section C1.5 Visual Privacy
- Section D1.1 Character as viewed from a public place
- Section D1.8 Front building line:
- Section D1.9 Side and rear building line
- Section D1.11 Building Envelope
- Section D1.15 Fences (General)

## **2.0 SITE DETAILS**

The subject site is identified as 701 and 703 Barrenjoey Road, Avalon Beach (Lot 1 DP 12074 and Lot 2 DP 12074) respectively. The site is triangular in shape and has two road frontages; the primary boundary is oriented towards the east and adjoins the Barrenjoey Road reserve, while the secondary boundary is oriented to the south-west adjoins the Kevin Avenue road reserve; the other boundaries adjoin other residential allotments. 703 Barrenjoey Road contains a dwelling house while 701 Barrenjoey Road contains a shed. The combined area of the allotments is 1069m<sup>2</sup> (based on submitted survey information) and is moderately sloped, with a rear-to-front (i.e. west-to-east) fall of approximately 5.3 metres between its highest and lowest points.



**Figure 1:** Aerial photograph of the subject site, outlined by the yellow border (Source: Nearmap, 2018)



**Figure 2:** A panoramic photograph of the subject site from the eastern side of Barrenjoey Road.



**Figure 3:** A photograph of the subject site from the western side of Kevin Avenue.

The subject site is located within an R2 Low Density Residential zone, while parts of the far eastern side of the site are within an SP2 Infrastructure (Classified Road) zone. The eastern boundary adjoins an SP2 Infrastructure (Classified Road; Barrenjoey Road) zone and all other boundaries adjoin R2-zoned areas. There are also a number of other zone boundaries within the surrounding area, which at their closest respective sites are as follows:

- SP2 Infrastructure (Educational Establishment) zones are located approximately 20m southwest and 160m east of the subject site.
- Another SP2 Infrastructure (Classified Road) zone is located approximately 45m southeast of the subject site.

- An SP2 Infrastructure (Emergency Services Facility) zone is located approximately 160m south of the subject site.
- RE1 Public Recreation zones are located approximately 80m east and 125m south of the subject site.
- An R3 Medium Density Residential zone is located approximately 110m south of the subject site.
- An E4 Environmental Living zone is located approximately 20m southwest of the subject site.
- An E2 Environmental Conservation zone is located approximately 115m east of the subject site.

As reflected by the range of surrounding zones, surrounding development is highly diversified; areas to the east, north, west and southwest predominately contain residential development, while areas to the south-east primarily contain public reserves and vegetated areas. Other surrounding SP2 zones also contain a church/school, a day-care centre and an ambulance base.

Both allotments within the subject site are affected by Class 5 Acid Sulphate Soils, while SP2-zoned parts of the site are part of a Land Reservation Acquisition area. There are no other hazards or identified issues which affect the subject site. Both allotments are burdened by a variable width road dedication corridor, but no other easements or restrictions have been identified. The subject site does not contain a heritage item nor is it within a heritage conservation area; there are also no heritage items within the surrounding vicinity.

A site inspection was undertaken by the assessing officer on 16 November 2017; the layout of the site was consistent with the plans and no significant issues were identified.

## 2.0 PROPOSAL IN DETAIL

The subject development apposition seeks consent for the following:

- The construction of four x three bedroom infill self-care apartments;
- Relocation of the driveway access from Barrenjoey Road to Kevin Avenue and the construction of a basement carpark for eight cars plus a wash bay; and
- Landscaping works.

The two allotments would be amalgamated and the proposed dwellings would be strata subdivided. Demolition works are not proposed, as these have been separately approved (refer to Part 4 of this report below).

## 4.0 BACKGROUND

### 4.1 Site background:

| Date       | Affected site(s)                           | Comments   |
|------------|--|--|
| 06/07/2001 | 701 Barrenjoey Road                        | Development Application No. N0194/01 determined for the reaction of fencing.                         |
| 31/05/2017 | 701 Barrenjoey Road                        | Complying Development Certificate No. CDC0084/17 approved for the demolition of existing structures. |
| 31/05/2017 | 703 Barrenjoey Road                        | Complying Development Certificate No. CDC0089/17 approved for the demolition of existing structures. |
| 10/11/2017 | 701 Barrenjoey Road<br>703 Barrenjoey Road | Subject development application lodged.  |

### 4.2 Application history:

| Date       | Comments                                |
|------------|---|
| 10/11/2017 | Subject development application lodged. |
| 26/11/2017 | Site inspection undertaken.             |

|            |   |
|------------|---|
| 08/03/2018 | Request for additional information sent to the applicant. |
| 05/04/2018 | Additional information received.                          |

## 5.0 NOTIFICATION

### 5.1 Notification

In accordance with Council's notification policy, the subject application was advertised for a 14 day period from 18 November 2017 until 2 December 2018. This process involved sending letters to the owners and/or occupiers of surrounding properties, the erection of a sign at the site and the placement of an advertisement in the local newspaper.

Two (2) submissions were received, both of which objected to the proposal.

### 5.2 Addresses of submissions

The addresses for both submissions are as follows:

- 705 Barrenjoey Road, Avalon Beach
- 707 Barrenjoey Road, Avalon Beach

### 5.2 Issues raised by submissions

The issues raised by the submissions are as follows:

- The overwhelming size of the development in relation to the size and shape of the land, which is a residential zone.
- The development would be in effect a four unit or townhouse complex in a residential zone.
- The development would be out of character with other residences along Barrenjoey Road.
- The development would set a precedent for similar unit developments in the street.
- The proposal would not comply with setback requirements, particularly along the rear of the block (i.e. the western/Kevin Avenue boundary).
- The proposed front setbacks would be well in front of the building lines of dwellings along Barrenjoey Road.
- The visual privacy of surrounding sites would be adversely affected.
- The proposal could reduce parking availability opposite the Anglican Church.
- The proposed development could affect the structural integrity of surrounding dwellings.
- Does the development fit the requirements of seniors living developments with regard to the zoning?
- Two dwellings within setback limits and existing frontage alignments would be more appropriate for the site.
- There is heavy traffic within the surrounding area, and it would be dangerous for vehicles to make a right hand turn from Kevin Avenue into the basement car park entrance. Additional congestion associated with the development would increase demand on the intersection.
- Under what provisions is a four unit development permitted on a site for a single dwelling?
- Who has conducted a traffic and safety report for access to/from the site and traffic moving through the area?
- Who would be monitoring the sale, occupation and subsequent resale of the dwellings as the development is an over 55 living/disability development. Who is responsible for enforcing the legislation?
- How would the safe access of residents to and from the vicinity be assured?

### 5.4 Response to submissions

Responses to issues raised by the submissions are as follows:

| Issue                        | Comment   |
|------------------------------|---|
| The overwhelming size of the | While the proposed development is considerably larger than previous residential |



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|--|--|
| development in relation to the size and shape of the land, which is a residential zone.  | development, it is a permissible form of development with the R2 zone, pursuant to SEPP (Housing for Seniors or People with a Disability) 2004. A detailed planning assessment concludes that the site is suitable for the proposed works.   |
| The development would be in effect a four unit or townhouse complex in a residential zone. Under what provisions is a four unit development permitted on a site for a single dwelling?   | Pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, the proposed development would be most appropriately defined as "in-fill self-care housing", which is defined by the SEPP as <i>"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."</i> |
| The development would be out of character with other residences along Barrenjoey Road.   | The design and appearance of the development has been considered within the assessment of Clause 31 (Design of in-fill self-care housing) of SEPP (Housing for Seniors or People with a Disability) 2004; refer to Part 7 of this report.  |
| The development would set a precedent for similar unit developments in the street.   | The proposed development has been lodged pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, which applies to land within NSW that is zoned primarily for urban purposes or land adjoining land zoned primarily for urban purposes. The proposed development is permissible and would not form a precedent.   |
| The proposal would not comply with setback requirements, particularly along the rear of the block (i.e. the western/Kevin Avenue boundary).  | An assessment of the proposed setbacks is contained within Part 7 of this report.  |
| The proposed front setbacks would be well in front of the building lines of dwellings along Barrenjoey Road.   | An assessment of the proposed setbacks and appearance from public areas is contained within Part 7 of this report.   |
| The visual privacy of surrounding sites would be adversely affected.   | An assessment of visual is contained within Part 7 of this report.   |
| The proposal could reduce parking availability opposite the Anglican Church.   | The proposed development includes sufficient parking facilities in accordance with the Seniors Living SEPP. The proposal only proposes one visitor car parking space, instead of the two that are required by the DCP. As per the SEPP, Council cannot refuse the application on parking grounds, however the proposed development is not expected to generate significant demand for visitor parking. No concern has been raised by Council's Traffic Engineers nor RMS.  |
| The proposed development could affect the structural integrity of surrounding dwellings.   | In response to concerns raised within submissions, it is recommended that in the event of an approval that conditions be added requiring that pre and post construction dilapidation reports are undertaken to identify any impacts that the proposed development may have on surrounding residential and public property.   |
| Does the development fit the requirements of seniors living developments with regard to the zoning.  | The proposed development is permissible with consent within the zone. A detailed planning assessment indicates that the proposal is consistent with requirements sought by the Seniors Living SEPP.  |
| Two dwellings within setback limits and existing frontage alignments would be more appropriate for the site.   | While it is acknowledged that the site is zoned for low density residential development, in-fill seniors housing like that proposed is permissible within the zone.  |
| There is heavy traffic within the surrounding area, and it would be dangerous for vehicles to make a right hand turn from Kevin Avenue into the basement car park entrance. Additional congestion associated with the development would increase demand on the intersection. | As proposed by the applicant and as is required by RMS, the proposed works will include a 500mm median strip within Kevin Avenue that is to extend past the driveway entrance, thereby forcing a "left-in, left-out" vehicular entry and egress. It will not be possible for vehicles to turn right into the site from Kevin Avenue. The proposal is for four dwellings, which is not expected to generate significant traffic demand within the surrounding road network. |

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|---|--|
| Who has conducted a traffic and safety report for access to/from the site and traffic moving through the area? How would the safe access of residents to and from the vicinity be assured?            | <p>The subject application includes the lodgement of a traffic and parking report (prepared by Terrafic Pty Ltd, dated 7 November 2017). The assessment and associated outcomes of the proposed parking arrangement have been assessed both by Council's traffic engineers and Roads and Maritime Services (RMS).</p> <p>The assessment by the above have concluded that (subject to conditions) safe vehicular entry and egress access can be achieved.</p> |
| Who would be monitoring the sale, occupation and subsequent resale of the dwellings as the development is an over 55 living/disability development. Who is responsible for enforcing the legislation? | The use and occupation of the site would be subject to conditions of consent pursuant to Cl. 18 of the Seniors Living SEPP. If it were found that the site were not being used in accordance with legislative requirements, then compliance action could be undertaken where required.   |

## 6.0 REFERRALS

### 6.1 Internal referrals:

| Officer                                   | Comments   |
|---|--|
| <b>Development Engineer</b>               | <p><b>Recommendation:</b><br/>Supported subject to conditions.</p> <p><b>Comments:</b><br/><i>"Traffic, Road assets and RMS comments have supported the application. No Development Engineering objection is raised to the proposed development with recommended conditions of approval which also includes conditions suggested by RMS, Traffic and Road Assets comments.</i></p> <p><i>Prior to issue of construction certificate condition:</i></p> <p><i>Construction, Excavation and Associated Works Bond (Road, drainage and footpath)</i></p> <p><i>A Bond of \$50,000.00 as security against any damage or failure to complete the construction of road pavement/shoulder, kerb &amp; gutter, footpath, road works and reconstruction works as part of this consent."</i></p>   |
| <b>Traffic Engineer</b>                   | <p><b>Recommendation:</b><br/>Supported subject to conditions.</p> <p><b>Comments:</b><br/><i>"From a traffic perspective the amended plans that have been assessed by RMS are satisfactory. The accessible path of travel to comply with the SEPP is less than 400m.</i><br/><i>My main concern is the grade for connection and width of the footpath to the transport connections.</i><br/><i>The conditions should include the following:</i></p> <ul style="list-style-type: none"> <li><i>Prior to the issue of any occupation certificate the applicant shall upgrade the existing footpath from the subject property to the signalised pedestrian crossing at Central Road and Barrenjoey Road to a minimum width of 1.5 metres, inclusive of complaint pram ramps and where required pedestrian desire line fencing to prevent access to the Barrenjoey Road carriageway at Kevin Avenue.</i></li> </ul> <p><i>A standard CTMP requirement condition is required as is the Roads Act approval condition if Development engineering has missed them."</i></p> |
| <b>Transport and Civil Infrastructure</b> | <p><b>Recommendation:</b><br/>Supported subject to conditions.</p> <p><b>Comments:</b><br/><i>"Angle parking makes provision for wheel stops which should prevent car overhang and maintain 1.2m clearance. No dimensions shown on plan so unable to assess. Applicant will need to submit S138 application for works on council road as condition of consent – assume Paul has already made this requirement. Footpath to connect to driveway of 4 Kevin Ave</i></p> <p><i>No other objection to proposal."</i></p>   |

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| Natural Environment   | <p><b>Recommendation:</b><br/>Supported subject to conditions.</p> <p><b>Comments:</b><br/>"Natural Environment &amp; Climate Change – Biodiversity Division, have no objection to approval subject to conditions, as recommended."</p>  |
| Reserves & Recreation | <p><b>Recommendation:</b><br/>Supported subject to conditions.</p> <p><b>Comments:</b><br/>"In absence of an amended landscape plan, the following conditions shall be applied, to achieve a satisfactory landscape outcome and satisfy C1.1 and D1.1:</p> <p><b>Landscaping</b><br/>Landscaping is to be implemented in accordance with the Landscape Plan, A.09, as prepared by Gartner Trovato, inclusive of the following planting requirements:</p> <ul style="list-style-type: none"> <li>i) the nominated Tuckeroo tree planting (x 2) shall be substituted with <i>Waterhousia floribunda</i>, planted at 400 litre size, in the location as indicated on the landscape plan. Tuckeroo has become a self-seeding environmental weed,</li> <li>ii) 3 x trees shall be planted along the Barrenjoey Rd setback, including 2 x <i>Angophora costata</i> planted at 150 litre size, and 1 x <i>Glochidion ferdinandi</i> planted at 150 litre size. These shall be at installed at least 5 metres from the building and at least 5 metres apart from each other,</li> <li>iii) The nominated Coast Myall tree planting (x 2) along Kevin Avenue shall be substituted with a total of 5 x <i>Elaeocarpus reticulatus</i> planted at 150 litre along the frontage. Coast Myall is an inconsistent plant that may vary in height from 2m to 15m,</li> <li>iv) Planting along the northern boundary shall consist of 7 x <i>Syzygium leuhmannii</i> planted at 150 litre, and screen shrub infill to achieve a mature height of 3 metres, planmted at no more than 1 metres apart and at minimum 200mm pot size,</li> <li>v) All other planting selections proposed in the landscape plan shall be installed as scheduled.</li> </ul> <p>This landscaping is to then be maintained for the life of the development.</p> <p>Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development. (Control C1.1), and reduce the built form (Control D1.1)</p> <p><b>Landscape maintenance</b><br/>All new landscaping is to be maintained for the life of the development.</p> <p>Landscape works shall be maintained to establishment for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be in accordance with the Plans, and associated conditions.</p> <p>Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form. (Control C1.1)"</p> |
| Section 94 Officer    | <p><b>Recommendation:</b><br/>Supported subject to conditions.</p> <p><b>Comments:</b><br/>"The DA proposes the construction and strata subdivision of 4 seniors living dwelling. The development site contains 2 existing allotments. The development will increase the demand for public infrastructure and services provided under the Pittwater Section 94 Contributions Plan for Residential Development. A contribution will be levied for the creation of two additional dwellings pursuant to Clause 2.8 of the Plan."</p>   |
| Community Services    | <p><b>Recommendation:</b><br/>Supported subject to conditions.</p> <p><b>Comments:</b><br/>"The Accessibility report submitted with the DA outlines all necessary details. I would recommend that compliance is checked prior to the issue of Occupation Certificate."</p>   |

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|  | <p><i>The only concern I have is, that the new footpath &amp; driveway crossing seems to encroach on the continuous accessible pathway around the building (please see Drawing A01). The footpath must have unobstructed width of minimum 1 m (AS1428.1-2009, Cl.6.3).</i></p> <p><i>A few points with regards to the laundry facilities:</i></p> <ul style="list-style-type: none"> <li><i>• Ensure that there is enough space to install a dryer next to the washing machine, and not above, so it would be within reach for a person in a wheelchair, if necessary."</i></li> <li><i>• Level access is required to the outdoors cloths lines, if there are to be some. I could not identify their location on the drawings.</i></li> <li><i>• Steps are shown to the ground level from the balcony of unit 2 and stepping stones near unit 1. Stepping stones do not provide adequate surface for accessible pathway.</i></li> </ul> |
|--|---|

## 6.2 External referrals:

The subject application was externally referred to Roads and Maritime Services (RMS). Following the submission of additional information, comments from RMS dated 26 April 2018 indicate that this organisation "would provide concurrence to the proposed removal of the vehicular crossing (layback) on Barrenjoey Road under Section 138 of the Roads Act 1993, subject to Council's approval" and conditions from RMS that are to be contained within the consent if approved.

## 7.0 STATUTORY AND POLICY CONSIDERATIONS

### 7.1 Applicable instruments and policies:

Where applicable, the following relevant state, regional and local instruments and policies apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Sustainable Building Index: BASIX) 2005
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
- Pittwater 21 Development Control Plan (P21 DCP)

### Tables of Compliance:

T - Can the proposal satisfy the technical requirements of the control? Y – Yes  
C - Can the proposal comply with the control? N – No  
O - Can the proposal achieve the control outcomes? N/A or - – Not applicable  
N - Is the control free from objection?

### 7.2 Environmental Planning and Assessment Act 1979

| Environmental Planning and Assessment Act No. 203 |                        |   |   |   |
|---|------------------------|---|---|---|
| Clause  | Assessment and Comment | T | O | N |
| 147 Disclosure of political donations and gifts   | None disclosed         | Y | Y | Y |

### 7.3 State Environmental Planning Policies

| State Environmental Planning Policies (SEPPs)  |                                    |   |   |   |
|--|------------------------------------|---|---|---|
| SEPP   | Assessment and Comment             | T | O | N |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 | Refer to detailed assessment below | Y | Y | N |
| SEPP (Sustainable Building Index: BASIX) 2005  |                                    | Y | Y | Y |



|                                   |   |   |   |   |
|-----------------------------------|---|---|---|---|
| SEPP (Infrastructure) 2007        | Refer to the assessment within Part 7.3A of this report.  | Y | Y | Y |
| SEPP No. 55 – Remediation of Land | <p>A review of the site history indicates that the subject site has been used for residential development purposes for an extended period of time; there is subsequently no evidence to indicate that the subject site has been exposed to activities that would result in land contamination. Provisions relating to the demolition of structures on the site is subject to monitoring by the assessor responsible for approving CDC0084/17 and CDC0084/17.</p> <p>Further to the site review, the site inspection did not indicate any signs of contamination. With consideration to the above and assuming that recommended conditions are adhered with, the proposal is considered to satisfy the relevant provisions of SEPP No. 55.</p> | Y | Y | Y |

### 7.3A Detailed assessments of State Environmental Planning Policies

#### **State Environmental Planning Policy (Infrastructure) 2007**

Division 5 the SEPP is not applicable and shall not be discussed further. As this part of Barrenjoey Road is also not subject to daily traffic volumes which exceed 40,000 traffic movements a day, the provisions of Cl. 102 of the SEPP are not applicable and shall not be discussed further.

As the site is partially zoned as, and has frontage to, an SP2 Infrastructure (Classified Road) zone, the provisions of Clauses 100 and 101 would however be applicable. These are assessed within the following table:

| Clause   | Comment  |
|--|--|
| 100 Development on proposed classified road      | The provisions of Cl. 100 (Development on proposed classified road) would be satisfied; elements of the proposed development which would protrude into the SP2-zoned part of the site would consist of landscaping treatments; the proposed buildings would not protrude into this area. The subject application was externally referred to RMS, who did not object to the proposal subject to conditions.   |
| 101 Development with frontage to classified road | <p>The provisions of Cl. 101 (Development with frontage to classified road) would be satisfied; as part of the proposed development the existing driveway entrance would be relocated from Barrenjoey Road (i.e. the Classified Road) to Kevin Avenue in accordance with Cl.101(1)(a) of the SEPP. Subject to conditions, there is no information to suggest that the proposed land use would adversely affect the safety, efficiency and ongoing operation of the classified road, and concerns have not been raised by Council and RMS.</p> <p>The development would however likely be sensitive to traffic noise and/or emissions; the submitted Statement of Environmental Effects has indicated that the large setbacks and landscaped area would likely mitigate traffic impacts, but does not envision the possibility that this landscaped area could be acquired for road-related purposes as part of a road reservation corridor. In the absence of an acoustic assessment, it is therefore recommended that a condition be applied that would require the development to be designed in accordance with Cl. 102(3) of the SEPP; for reference, such measures would require that the following LAeq levels are not exceeded:</p> <p>(a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i></p> <p>(b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p> |

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

A detailed assessment of applicable provisions within the SEPP is as follows:

| Clause   | Standard  | Proposal  | C |
|--|---|---|---|
| <b>Chapter 1 - Preliminary</b>                     |   |   |   |
| 2. Aims of Policy                                  | <p>(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:</p> <ul style="list-style-type: none"> <li>(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</li> <li>(b) make efficient use of existing infrastructure and services, and</li> <li>(c) be of good design.</li> </ul> <p>(2) These aims will be achieved by:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and</li> <li>(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.</li> </ul> |   | Y |
| 4. Land to which the Policy applies                | This Policy applies to land within NSW that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if development for the purpose of dwelling houses is permitted on the land.   | Aside from SP2-zoned parts of the site, the subject site is R2-zoned, which primarily permits residential development as identified within the land use table of PLEP 2014. | Y |
| <b>Chapter 2 – Key Concepts</b>                    |   |   |   |
| 13. Self-contained dwellings                       | <p><u>self-contained dwelling</u></p> <p>In this Policy, a <i>self-contained dwelling</i> 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.</p> <p><u>in-fill self-care housing</u></p> <p>In this Policy, <i>in-fill self-care housing</i> 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.</p>  | The proposed development comprises four (4) self-contained dwellings that are appropriately defined as “in-fill self-care housing”.   | Y |
| <b>Chapter 3 – Development for seniors housing</b> |   |   |   |
| <b>Division 1 – General</b>                        |   |   |   |
| 14. Objectives of Chapter                          | The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.   |   | Y |
| 15. What Chapter does                              | This Chapter allows for development on land zoned primarily for urban purposes for any form of seniors housing despite the provisions of any other environmental planning instrument if the   | The proposed development is not permissible pursuant to the provisions of PLEP, however is permissible with consent under this Clause.                                      | Y |

| Clause   | Standard  | Proposal  | C |
|--|---|---|---|
|  | development is carried out in accordance with this Policy.  |   |   |
| 16. Development consent required   | Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.  | The proposed development requires consent from Northern Beaches Council.  | Y |
| 18. Restrictions on occupation of seniors housing allowed under this chapter | <p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <ul style="list-style-type: none"> <li>(a) seniors or people who have a disability,</li> <li>(b) people who live within the same household with seniors or people who have a disability,</li> <li>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</li> </ul> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <ul style="list-style-type: none"> <li>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</li> <li>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</li> </ul> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p> | The proposed development is considered to be able to be consistent with this Clause, subject to conditions of consent in the event that the application is approved.  | Y |
| 21. Subdivision  | Land on which development has been carried out under this chapter may be subdivided with the consent of the consent authority.  | As part of the subject application, the applicant seeks consent for the consolidation of the two existing lots and strata subdivision of the resultant development.   | Y |
| <b>Part 1A – Site compatibility certificates</b>                             |   |   |   |
| 24. Site compatibility certificates  | <p>Applicable where:</p> <ul style="list-style-type: none"> <li>(a) the site adjoins land zoned for urban purposes, special uses or used for the purposes of an existing registered club; or</li> <li>(b) applies for buildings with a floor space ratio which requires consent under clause 45</li> </ul>  | A site compatibility statement is not required in this instance.  | - |
| <b>Part 2 – Site-related requirements</b>                                    |   |   |   |
| 26. Location and access to facilities  | <p>The consent authority must be satisfied, by written evidence, that residents of the proposed development will have compliant access to:</p> <ul style="list-style-type: none"> <li>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</li> <li>(b) community services and recreation facilities, and</li> <li>(c) the practice of a general medical practitioner.</li> </ul>  | <p>The subject site is approximately 350m from the closest commercial areas of the Avalon Beach Town Centre. The maximum average gradient of this route is calculated to be approximately 6.7%, which is within the gradients specified by Cl. 26(2) of the SEPP.</p> <p>The Avalon Beach Town Centre contains retail services, financial institutions, medical services (including a medical centre) and community services (i.e. a library and a Council customer service</p> | Y |

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|   |   | office).<br><br>The site is also approximately 100m from the nearest bus stops, which are serviced by the 191, 192, 199, E88 and L90 services (as of May 2018).   |   |
| 27. Bush Fire Prone Land  | A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i> , ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.   | The site is not bushfire prone.   | - |
| 28. Water and sewer   | The consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage  | The proposed development will utilise the services currently connected to the subject site.   | Y |
| 29. Site compatibility criteria to which clause 24 does not apply | Applies to development not subject to clause 24 of the SEPP.<br><br>A consent authority must take into consideration and have regard for the criteria referred to in clause 25 (5) (b) (i), (iii) and (v) which states: <ul style="list-style-type: none"> <li>25(5)(b)(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,</li> <li>25(5)(b)(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,</li> <li>25(5)(b)(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.</li> </ul> | A response to the relevant criteria of Cl 25(5)(b) is as follows:<br><br>The subject site is not affected by significant environmental values, resources or hazards, though the requirements of Council's Geotechnical risk Management policy have been addressed. No issues have been raised by Council's Natural Environment officer.<br><br>As assessed above, there are sufficient services and infrastructure within the immediate vicinity to serve the residents of the proposed development.<br><br>While the bulk, scale and form of the proposed development is larger than surrounding residential areas, it is consistent with the overall context of the area, noting the size of structures and development to the south of the site. The development is unlikely to foreseeably affect existing, approved and potential future uses. | Y |
| <b>Part 3 – Design requirements</b>                               |   |   |   |
| 30. Site analysis   | The consent authority must not grant consent 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.  | The applicant has undertaken a detailed analysis of the site and the surrounding context (refer to the site plan, which incorporates site analysis information such as micro. climates and the locations of structures on surrounding sites).   | Y |
| 31. Design of in-fill self-care housing                           | The consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the  | The provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> have been considered for the  | Y |

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|   | provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.  | purpose of this assessment.<br><br>The proposed development is considered to be consistent with the design principles and "rules of thumb" guidelines.   |   |
| 32. Design of residential development     | A consent authority must not consent to a development application unless satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.  | The note within Division 2 indicates that " <i>Development Standards concerning accessibility and useability for residential care facilities are not specified in this Policy.</i> "   | - |
| <b>Division 2 Design Principles</b>       |   |  |   |
| 33. Neighbourhood amenity and streetscape | <p>The proposed development should:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) maintain reasonable neighbourhood amenity and appropriate residential character by: <ul style="list-style-type: none"> <li>(i) providing building setbacks to reduce bulk and overshadowing, and</li> <li>(ii) using building form and siting that relates to the site's land form, and</li> <li>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</li> <li>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.</li> </ul> </li> <li>(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</li> <li>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</li> <li>(f) retain, wherever reasonable, major existing trees, and</li> <li>(g) be designed so that no building is constructed in a riparian zone.</li> </ul> | <p>As discussed in further detail with regard to Part A4.1 of P21 DCP, the proposal is considered to be generally consistent with the desired future character of the Avalon Beach Locality.</p> <p>Not applicable; there are no heritage items or conservation areas within the vicinity.</p> <p>Noncompliant building setbacks are assessed with regard to Parts D1.8 and D1.9 of P21 DCP below, though these are considered to be supportable on merit.</p> <p>Building form and siting would relate to the site's land form.</p> <p>The proposed building heights are consistent with surrounding development.</p> <p>The design of building walls are in accordance with guidelines for infill development.</p> <p>The proposed front building line is assessed with regard Part D1.8 of P21 DCP below, and is considered to be supportable on merit.</p> <p>The proposed landscaping plans are considered to be satisfactory, subject to conditions.</p> <p>There are no major trees on the site.</p> <p>Not applicable.</p> | Y |
| 34. Visual and acoustic privacy           | <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <ul style="list-style-type: none"> <li>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</li> <li>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</li> </ul>  | <p>The proposal would not result in unreasonable impacts upon the amenity of adjoining properties, particularly with regard to visual privacy or overshadowing.</p> <p>The driveway entrance would be situated at the further point from adjoining residential sites.</p>  | Y |
| 35. Solar access and design for climate   | <p>The proposed development should:</p> <ul style="list-style-type: none"> <li>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to</li> </ul>  | The proposed development would not affect solar access to adjoining residential sites.   | Y |

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|  | substantial areas of private open space, and<br>(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.   | The proposed development has been accompanied by a BASIX certificate, demonstrating that the proposed development would minimise energy use for heating and cooling.   |   |
| 36. Stormwater   | The proposed development should:<br>(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<br>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.  | No concerns were raised by Council's Development Engineer with regards to stormwater management. Conditions of consent have been imposed where applicable.   | Y |
| 37. Crime prevention   | The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:<br>(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<br>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and<br>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door. | The proposed site layout would permit causal surveillance of the adjoining road reserves, which can be obtained via the primary frontages of the proposed dwellings and the upper floor terraces of Units 3 and 4.<br><br>Access to the site would be secured through gates and doors to the carpark and common foyer.   | Y |
| 38. Accessibility  | The proposed development should:<br>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and<br>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.  | The proposed development would have safe access to public transport and surfaces; refer to the assessment of Cl. 26 above.   | Y |
| 39. Waste management   | The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.  | The proposed dwellings will have access to shared waste and recycling facilities.  | Y |
| <b>Part 4 – Development standards to be complied with</b>      |  |  |   |
| 40. Development standards – minimum sizes and building heights | (1) 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) <b>Site size</b><br>The size of the site must be at least 1,000m².   | The consolidated area of the site is 1069m².   | Y |
|  | (3) <b>Site frontage</b><br>The site frontage must be at least 20 metres wide measured at the building line.   | Site width: Approx. 37.6m at the front building line.  | Y |
|  | (4) <b>Height</b> 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:<br>(a) the height of all buildings in the proposed development must be 8 metres or less, and   | Residential flat buildings are not permitted on the subject site.<br><br>8.06m to the underside of the roof in accordance. The proposed 0.06m breach of the height standard would occur below the ridge of a projecting feature within the centre of the roof. As the breach is minor it is considered likely that small adjustments would enable compliance. It is therefore recommended that a condition reduces the | N |



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|  | <p>(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</p> <p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.<br/> <b>Note:</b> Building height is defined as the distance measured vertically from any point on the ceiling of the topmost floor to the natural ground level below.</p> | <p>lower and upper ridge heights of the roof feature to RL22.389 and RL23.695 respectively to ensure compliance.<br/> <b>Note:</b> The overall height of the building would be 8.255m</p> <p>The proposed building would be a maximum of two storeys; in accordance with Cl. 3(a) of the SEPP, "...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 roof of the carpark is RL 15.00, which is 0.95m above existing ground level. There is one point within the proposed building footprint (above existing excavated stairs) with an existing ground level of RL 13.82, or 1.18m to the underside of the carpark level. This anomaly is associated with existing site excavations, and is surrounded by higher ground levels. The policy does not address how anomalies like the one above should be addressed; however as the remainder of the carpark level (including areas around the existing stairs) complies with the requirements of Cl 3(a) of the SEPP, it is not considered to be a storey.</p> <p>The subject site is a triangular-shaped corner allotment. Despite a small (2.94m) western boundary, the shape of the site is such that Cl. 40(4)(c) is not applicable to the proposal.</p> <p>Subclause 5 not applicable as the applicant is not a public authority or social housing provider.</p> | C |
| 41. Standards for hostels and self-contained dwellings   | 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.  | The proposed development is consistent with the development standards identified by Schedule 3 of SEPP HSPD.   | Y |
| <b>Part 7 – Development standards that cannot be used as grounds to refuse consent</b>         |  |  |   |
| 46. Inter-relationship of Part with design principals in Part 3                                | Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.  |  | Y |
| 47. Part does not apply to certain development applications relating to heritage affected land | Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.   | Not applicable   | - |
| 50. Standards that cannot be used to refuse development consent for self-contained dwellings   | A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:  |  |   |
|  | (a) <b>building height:</b><br>if all proposed buildings are <b>8 metres</b> or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).  | Subject to conditions, the proposed development would comply with the 8 metre height limit (see assessments above and below). The building is also considered to be a two storey structure in accordance with the SEPP.  | Y |
|  | (b) <b>density and scale:</b>  | Site area: 1069m <sup>2</sup>  | Y |

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|        | if the density and scale of the buildings when expressed as a floor space ratio is <b>0.5:1</b> or less  | <p>Proposed GFA: 563.98m<sup>2</sup><br/> Proposed FSR: 52.8% (rounded up to one decimal place)</p> <p>The proposed FSR would be a 4.6% variation, however the standard is not a development standard that must be satisfied, and is instead a standard that cannot be used to refuse development consent, and a formal request to vary the standard is not required. PLEP 2014 does not impose an FSR requirement on the site. The applicant acknowledges the noncompliance and justifies it on the basis that the proposed height, bulk and scale of the proposal is consistent with built form characteristics for the locality, and that the floor space area of the building would not adversely affect the amenity of surrounding residential sites.</p> | C |
|        | <p><b>(c) landscaped area:</b> if:</p> <p>(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</p> <p>(ii) in any other case-a minimum of <b>30%</b> of the area of the site is to be landscaped,</p>   | <p>Proposed landscaped area: Approx. 504m<sup>2</sup>, or 47.1%<br/> 552m<sup>2</sup> of hard surfaces, or 51.6% of the total</p>  | Y |
|        | <p><b>(d) Deep soil zones:</b><br/> 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 <b>15%</b> of the area of the site (the <b>deep soil zone</b>).</p> <p>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</p> | <p>Proposed deep soil area (inclusive of minimum dimensions): Approx. 252m<sup>2</sup>, or 23.6%</p> <p>The majority of the deep soil area is located within the primary and secondary setbacks; while this would be inconsistent with the preferred approach of providing the majority of such area within the rear setback, the proposal is more consistent with local planning provisions, as it would provide sufficient space for trees/vegetation that are capable of screening and filtering the development from public areas. The location of deep soil areas is considered to be satisfactory.</p>   | Y |
|        | <p><b>(e) solar access:</b><br/> if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of <b>3 hours</b> direct sunlight between 9am and 3pm in mid-winter</p>  | <p>Proposed Unit 2 would not receive at least three hours of direct solar access, however the other three (i.e. 75%) proposed dwellings would receive at least three hours of direct solar access to living and private open space areas on June 21.</p> <p>It is acknowledged that the level of access to living areas (particularly to the living areas of Units 1 and 3) would be marginal, however neither the SEPP nor the Seniors Living policy stipulate what area/proportions of living/POS area should receive direct solar access. Of the three apartments that would receive at least three hours solar access, they are all designed with an east-west orientation that is consistent with the Seniors Living Policy.</p>                          | Y |
|        | <p><b>(f) private open space for in-fill self-care housing:</b> if:</p> <p>(i) in the case of a single storey dwelling or a</p>  | <p><b>Proposed POS areas:</b></p> <ul style="list-style-type: none"> <li>Unit 1: 41m<sup>2</sup></li> <li>Unit 2: 25m<sup>2</sup></li> </ul>   | Y |

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|  | <p>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</p> <p>(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 dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> | <ul style="list-style-type: none"> <li>Unit 3: 18.7m<sup>2</sup></li> <li>Unit 4: 24.2m<sup>2</sup></li> </ul> <p>Note: These areas exclude large turfed areas at the front of the site which are capable of acting as additional private open space for Units 1 and 2.</p>   | C |
|  | <p>(h) <b>parking:</b> if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p>   | <p><b>Required parking facilities:</b></p> <ul style="list-style-type: none"> <li>1.5 spaces per dwelling</li> </ul> <p><b>Proposed parking facilities:</b></p> <ul style="list-style-type: none"> <li>2 spaces per dwelling</li> </ul>   | Y |
| <b>Schedule 3 – Standards concerning accessibility and useability for hostels and self-contained dwellings</b> |  |   |   |
| <b>Part 1 – Standards applying to hostels and self-contained dwellings</b>                                     |  |   |   |
| 2. Siting standards  | <p>(1) <b>Wheelchair access</b></p> <p>If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(3) <b>Common areas</b></p> <p>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.</p>  | <p>The overall site gradient is approximately 12%. Wheelchair access to all dwellings is however obtainable via a ramp (with a 1:14 gradient) from the front boundary and an elevator from the proposed driveway and elevator.</p> <p>Elevator access provided to dwellings and lobby; there are however no common facilities apart from the lobby and carpark.</p> | Y |
| 3. Security  | <p>Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p>   | Not indicated, however this could be subject to conditions in the event that the application is recommended for approval.   | Y |
| 4. Letterboxes   | <p>Letterboxes:</p> <p>(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</p> <p>(b) must be lockable, and</p> <p>(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.</p>   | The letter boxes are located at the end of the ramp to the main entrance. The design specifics could be addressed via conditions  | Y |
| 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</p>  | <p>The proposed car parking arrangements are in accordance with AS2890. At least one space within all garages would be 3.8m wide.</p> <p>The plans do not indicate whether there are power-operated doors, however this could be subject to conditions in the event that the application is recommended for approval.</p>   | Y |

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|                      | 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.  |  |   |
| 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.   | The proposed entrance to the building and each individual dwelling is considered consistent with 4.3.1 and 4.3.2 of AS 4299.   | Y |
| 7. Interior: general | (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.<br>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.<br>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.   | The proposed development was accompanied by Access Reports which confirms that the proposal is able to achieve consistency with this clause.   | Y |
| 8. Bedroom           | At least one bedroom within each dwelling must have:<br>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:<br>(i) in the case of a dwelling in a hostel—a single-size bed,<br>(ii) in the case of a self-contained dwelling—a queen-size bed, and<br>(b) a clear area for the bed of at least:<br>(i) 1,200 millimetres wide at the foot of the bed, and<br>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and<br>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and<br>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and<br>(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<br>(f) wiring to allow a potential illumination level of at least 300 lux. | The proposed development was accompanied by an Access Report which confirms that the proposal is able to achieve consistency with this clause.<br><br>Numerical requirements as detailed would be satisfied; though other elements could be subject to conditions in the event that the application is recommended for approval. | Y |
| 9. Bathroom          | (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:<br>(a) a slip-resistant floor surface,<br>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,<br>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:<br>(i) a grab rail,<br>(ii) portable shower head,<br>(iii) folding seat,<br>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,<br>(e) a double general power outlet beside the mirror.<br>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.  | The proposed development was accompanied by an Access Report which confirms that the proposal is able to achieve consistency with this Clause.<br><br>Should the application be approved, conditions of consent are recommended to ensure consistency with this clause.  | Y |
| 10. Toilet           | A dwelling must have at least one toilet on the  | Should the application be approved,  | Y |

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|   | ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.   | conditions of consent are recommended to ensure consistency with this clause.   |   |
| 11. Surface finishes  | Balconies and external paved areas must have slip-resistant surfaces.  | Subject to conditions of consent, the proposed development is considered to achieve consistency with this control.  | Y |
| 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.  | Subject to conditions of consent, the proposed development is considered to achieve consistency with this control.  | Y |
| 13. Ancillary items   | Switches and power points must be provided in accordance with AS 4299.   | Subject to conditions of consent, the proposed development is considered to achieve consistency with this control.  | Y |
| <b>Part 2 – Additional standards for self-contained dwellings</b> |  |   |   |
| 15. Living room and dining room                                   | <p>(1) A living room in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> <li>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</li> <li>(b) a telephone adjacent to a general power outlet.</li> </ul> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>   | <p>The plans indicate that the development would satisfy such requirements.</p> <p>Should the application be approved, conditions of consent are recommended to ensure consistency with this clause.</p>                        | Y |
| 16. Kitchen   | <p>A kitchen in a self-contained dwelling must have:</p> <ul style="list-style-type: none"> <li>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</li> <li>(b) a circulation space at door approaches that complies with AS 1428.1, and</li> <li>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: <ul style="list-style-type: none"> <li>I. benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</li> <li>II. a tap set (see clause 4.5.6),</li> <li>III. cooktops (see clause 4.5.7), except that an isolating switch must be included,</li> <li>IV. an oven (see clause 4.5.8), and</li> </ul> </li> <li>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</li> <li>(e) general power outlets: <ul style="list-style-type: none"> <li>I. at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</li> <li>II. one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</li> </ul> </li> </ul> | <p>The proposed plans indicate that the proposal is able to achieve consistency with this clause.</p> <p>Should the application be approved, conditions of consent are recommended to ensure consistency with this clause.</p>  | Y |
| 19. Laundry   | <p>A self-contained dwelling must have a laundry that has:</p> <ul style="list-style-type: none"> <li>(a) a circulation space at door approaches that complies with AS 1428.1, and</li> <li>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</li> <li>(c) a clear space in front of appliances of at least 1,300 millimetres, and</li> <li>(d) a slip-resistant floor surface, and</li> <li>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</li> </ul>   | <p>The submitted plans indicate that the proposal is able to achieve consistency with this clause.</p> <p>Should the application be approved, conditions of consent are recommended to ensure consistency with this clause.</p> | Y |
| 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.   | The plans suggest that the proposed development would be consistent with the controls.  | Y |

| Clause      | Standard   | Proposal  | C |
|-------------|--|---|---|
|             |  | Should the application be approved, conditions of consent are recommended to ensure consistency with this clause.           |   |
| 21. Garbage | A garbage storage area must be provided in an accessible location. | The waste storage areas are proposed within the western part of the site, which is considered to be an accessible location. | Y |

### Seniors Living Policy: Urban Design Guideline for Infill Development

Clause 31 of SEPP HSPD requires a consent authority to have consideration of the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004. These urban design guidelines associate the development standards of SEPP HSPD with design principles and general rules of thumb to achieve appropriate urban design for infill development.

These design principles and rules of thumb are considered in the following table;

| Clause                      | Principle   | Proposal   | C |
|-----------------------------|---|--|---|
| 2. Site Planning and Design | General: <ul style="list-style-type: none"> <li>Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours</li> <li>Cater for the broad range of need by providing a mix of dwelling sizes</li> </ul>   | <p>The applicant has demonstrated that the proposal has been designed to optimise internal amenity. The proposed development would not have foreseeably adverse impacts on neighbouring properties (refer to the detailed assessment of P21 DCP).</p> <p>Four x three bedrooms units are proposed, which does not represent a mix of dwelling sizes or more affordable housing options.</p>  | N |
|                             | Built Form: <ul style="list-style-type: none"> <li>Locate the bulk of development towards the front of the site to maximise the number of dwellings with a frontage to a public street</li> <li>Parts of the development towards the rear should be modest in scale to limit impacts on adjoining properties</li> <li>Design and orient dwelling to respond to environmental conditions</li> </ul>  | <p>All four dwellings would be oriented towards Barrenjoey Road, with elements of Units 2 and 4 being directed towards Kevin Avenue. The dwellings are also oriented (albeit at an angle) to the secondary frontage as a consequence of the dwelling design and lot shape.</p> <p>Due to the slope of the site, the height of the proposed development is progressively reduced towards the rear of the site.</p> <p>Due to the southern orientation of the site, all proposed dwellings are oriented in an east-west direction.</p> | Y |
|                             | Trees, landscaping and deep soil zones: <ul style="list-style-type: none"> <li>Maintain existing patterns and character of gardens and trees: <ul style="list-style-type: none"> <li>Retain trees on the street and in front setbacks</li> <li>Retain trees and plantings at the rear</li> <li>Retain large or otherwise significant trees through sensitive planning</li> </ul> </li> <li>Improve amenity by increasing the proportion of the site that is landscaped area</li> <li>Provide deep soil zones for absorption of run-off and to sustain vegetation</li> <li>Minimise the impact of higher site cover in stormwater run-off</li> </ul> | <p>There are no significant trees on the subject site. While the proposed development would reduce the amount of landscaped area on the site (as a larger building is proposed), the applicant proposes a landscaping regime that would include at least five significant trees.</p> <p>It is considered that when compared with current site conditions, the proposed development would improve the amenity of the site. Both landscaped and deep soil space are proposed that would comply with the requirements of the SEPP</p>   | Y |



| Clause                    | Principle  | Proposal  | C |
|---------------------------|--|---|---|
|                           | Parking, garaging and vehicular circulation: <ul style="list-style-type: none"> <li>Consider centralised parking to reduce the amount of space occupied by driveways</li> <li>Where possible, retain existing driveways and crossings</li> </ul>   | The current driveway access would be relocated on the site (in accordance with SEPP Infrastructure 2007) and would feed to a centralised basement carpark.  | Y |
|                           | <b>RULE OF THUMB:</b><br>The proportion of the site given to landscaped area and deep soil should be increased in less urban areas, on large lots, and in areas already characterised by a high proportion of open space and planting.   | The proposed development results in approximately 504m <sup>2</sup> of hard surfaces, or 47.1% of the total site. This may reduce the amount of landscaped area on the site, however it is recognised that the proposed development is proposed to replace a relatively modest dwelling house. The amount of landscaped area on surrounding areas appears to vary considerably, and the proposed layout is considered to be generally consistent with such surrounding development, despite the DCP requirement for such sites to provide at least 60% landscaped area. | Y |
| 3. Impacts on streetscape | General: <ul style="list-style-type: none"> <li>Respond to the desired streetscape by:               <ul style="list-style-type: none"> <li>Locating and designing new development to be sympathetic to existing streetscape patterns (building siting, height, separation etc.)</li> <li>Providing a front setback that relates to adjoining development</li> </ul> </li> </ul>   | As assessed below, the proposed development is generally consistent with the desired character of the locality. There is a highly variable building setback along Barrenjoey Road to the north of the town centre, and the proposed front setback (which is consistent with the numerical requirements of the DCP) would form a transition between development that is north and south of the subject site.   | Y |
|                           | Built form: <ul style="list-style-type: none"> <li>Reduce the visual bulk of development by:               <ul style="list-style-type: none"> <li>Breaking up the building massing and articulating facades</li> <li>Allowing breaks in rows of attached dwellings</li> <li>Using varied materials</li> <li>Using a roof pitch sympathetic to that of existing buildings in the street</li> <li>Avoiding uninterrupted building facades including large areas of painted render</li> </ul> </li> </ul> | The proposed development would include high levels of articulation along frontages addressing public areas. This is obtained by articulating the building facades and utilising a range of materials. Both the design of the proposed skillion roof (which is pitched up and away from the primary frontage) and associated materials would be consistent with surrounding developments.  | Y |
|                           | Trees, landscaping and deep soil zones: <ul style="list-style-type: none"> <li>Retain existing trees and planting in front and rear setbacks and in the road reserve.</li> </ul>   | There are no significant trees on the subject site.   | - |
|                           | Residential amenity: <ul style="list-style-type: none"> <li>Clearly define open space in front setbacks as either private or communal open space</li> <li>Define the threshold between public and private space</li> <li>Design dwellings at the front of the site to address the street</li> <li>Provide a high transition between</li> </ul>   | Defined Private Open Space (POS) areas at ground level are indicated and which would be delineated by landscaping treatments.<br><br>All four dwellings would address the primary road frontage, and would also generally address a secondary frontage (albeit at an angle to Kevin Avenue).  | Y |

| Clause                   | Principle   | Proposal  | C |
|--------------------------|---|---|---|
|                          | the public and private domains  |   |   |
|                          | Parking, garaging and vehicular circulation: <ul style="list-style-type: none"> <li>Avoid unrelieved long, straight driveways that are visually dominant</li> <li>Minimise the impact of driveways upon the streetscape by terminating with trees, vegetation and open space, not garages or parking</li> <li>Where basement car parking is used minimise the impact of the entry</li> <li>Locate or screen all parking to minimise visibility from the street</li> </ul>   | A curved driveway is proposed from Kevin Avenue which would curve to a garage entrance on the primary frontage. The garage door would be recessed below Unit 2 so as to reduce visual prominence. Landscaped areas between the garage/driveway and the primary boundary would be capable of minimising the visual impact of the driveway and garage from both frontages.  | Y |
|                          | <b>RULES OF THUMB:</b> <ul style="list-style-type: none"> <li>Respond to Council planning instruments that specify the character or desired character for the area</li> <li>Where there is a consistent front building alignment, new development should not encroach on the front setback</li> <li>Driveways or basement entries should not exceed 25% of the site frontage</li> <li>Garage doors should be a minimum of 1m behind the prominent building line</li> </ul>  | <p>The proposal is generally consistent with applicable development controls within P21 DCP; refer to the assessment below.</p> <p>While there is a generally consistent front setback arrangement on the northern side of Kevin Avenue intersection, this is not continued by larger/higher density to the south of the intersection; the proposed development is considered to be a transition between the two areas and is therefore considered to be supportable; a more detailed discussion of the control is contained within the applicable DCP assessment below.</p> <p>The garage door would account for approximately 16% of the width of the primary frontage and would be recessed approximately 2.2m behind the front building line.</p> | Y |
| 4. Impacts on neighbours | Built form: <ul style="list-style-type: none"> <li>Design the relationship between buildings and open space to be consistent with the existing patterns in the block</li> <li>Protect neighbours amenity by carefully designing the bulk and scale of new development to relate to the existing residential character</li> <li>Break down the visual bulk of the roof form</li> <li>Design second storeys to reduce overlooking of neighbouring properties</li> <li>Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of walls to these setbacks</li> </ul> | <p>The scale of the proposed development is considered to be greater than surrounding residential development to the north and east of the subject site, however such development consists predominately of low-density detached dwellings, and not higher density development that is proposed and permitted by the SEPP.</p> <p>Despite the inconsistency discussed above, the design of the proposal would prevent foreseeable adverse impacts (such as overlooking and overshadowing) on adjoining sites.</p>   | Y |
|                          | Trees, landscaping and vegetation: <ul style="list-style-type: none"> <li>Use vegetation and mature planting to provide a buffer</li> <li>Locate deep soil zones where they will provide privacy between new and existing dwellings</li> <li>Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings</li> <li>For new planting, use species that are characteristic of the local area</li> </ul>  | <p>Deep soil areas are proposed on the primary and secondary frontages; such areas would generally permit landscaping treatments to screen/filter the development from public areas. In the event of approval, conditions are recommended that would require the following:</p> <ul style="list-style-type: none"> <li>The stormwater design shall avoid the location of pipes within the root areas of proposed trees; and</li> <li>Landscaping treatments would be required to consist of locally native species.</li> </ul>  | Y |

| Clause                   | Principle   | Proposal  | C |
|--------------------------|---|---|---|
|                          | <b>Residential amenity:</b> <ul style="list-style-type: none"> <li>Protect sun access and ventilation to living areas and private open space of neighbouring properties by ensuring adequate building separation</li> <li>Design dwellings so that they do not directly overlook neighbours private open space or look into existing dwellings</li> <li>When providing new private open space minimise negative impacts on neighbours</li> <li>Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation</li> </ul> | <p>Overshadowing associated with the proposed development would be located within the subject site and adjoining road reserves.</p> <p>Window openings on the northern elevation are limited to bedrooms and bathrooms (as opposed to living areas) and are proposed to be screened.</p> <p>The locations of private open spaces are such that they should prevent unreasonable overlooking of adjoining sites.</p> <p>The plans propose for the northern side setback to be used for landscaping purposes.</p> | Y |
|                          | <b>Parking, garaging and vehicular circulation:</b> <ul style="list-style-type: none"> <li>Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts</li> <li>Position driveways so as to be a buffer between new and existing buildings</li> </ul>  | The proposed driveway would be located on the southern boundary, at the furthest point from surrounding residences and which should minimise noise impacts. Landscaping treatments are proposed between the driveway and primary frontage.  | Y |
|                          | <b>RULES OF THUMB:</b> <ul style="list-style-type: none"> <li>Where side setbacks are less than 1.2m, a maximum of 50% of the development should be built to this alignment</li> <li>The length of unrelieved walls along narrow side setbacks should not exceed 8m</li> <li>Living rooms of neighbouring buildings should receive a minimum of 3 hours direct sunlight in mid-winter</li> <li>Solar access to the private open space of neighbouring properties should not be unreasonably reduced</li> </ul>  | <p>A minimum side setback distance of 1.5m is proposed.</p> <p>There is an unrelieved wall along the northern elevation of the ground floor that is 10.9m long, however horizontal articulation is provided along the top floor that is a maximum 7.2m long; a variety of materials are also proposed to provide additional articulation.</p> <p>Overshadowing by the development would affect the adjoining road reserves and would not affect dwellings on sites to the north.</p>                            | N |
| 5. Internal site amenity | <b>Built form:</b> <ul style="list-style-type: none"> <li>Design dwellings to maximise solar access to living rooms and private open spaces</li> <li>Design dwelling entries so that they are clear and identifiable, provide a sense of address for each dwelling and are oriented to not look directly into other dwellings</li> </ul>  | <p>As indicated above, three of the proposed four dwellings would receive direct solar access. While the amount of solar access to internal living areas is limited, there is no numerical requirement for a certain proportion of living areas to receive direct solar access.</p> <p>The design of the dwellings is such that they should prevent unreasonable overlooking of adjoining sites.</p>  | Y |
|                          | <b>Parking, garaging and vehicular circulation:</b> <ul style="list-style-type: none"> <li>Locate habitable rooms away from driveways, car parks and pedestrian pathways</li> <li>Avoid large uninterrupted areas of hard surface</li> <li>Screen parking from views and outlooks from dwellings</li> <li>Reduce dominance of areas for</li> </ul>  | <p>The proposed driveway entrance would be under the living area and primary balcony of Unit 2.</p> <p>A basement carpark is proposed that would limit areas of hard surfaces.</p>  | Y |

| Clause | Principle  | Proposal   | C |
|--------|--|--|---|
|        | vehicular circulations and parking   |  |   |
|        | Residential amenity: <ul style="list-style-type: none"> <li>• Provide distinct and separate pedestrian and vehicular circulation</li> <li>• Ensure adequate consideration is given to safety and security</li> <li>• Provide open space that is: <ul style="list-style-type: none"> <li>○ Generous in proportion</li> <li>○ Oriented for solar access</li> <li>○ Comprises multiple areas for larger dwellings</li> <li>○ Uses screening for privacy but also allows for casual surveillance</li> <li>○ Provides both paved and planted areas at ground level</li> <li>○ Retains existing vegetation where practical</li> </ul> </li> <li>• Provide communal open space that: <ul style="list-style-type: none"> <li>○ Is clearly accessible to all residents</li> <li>○ Incorporates existing mature trees and vegetation to provide amenity for all residents</li> <li>○ Includes shared facilities</li> </ul> </li> </ul> | Distinct and separate vehicular and pedestrian access is proposed from the secondary frontage.<br><br>The proposed pedestrian entrance would be gated. Internal access to all units is via a central lobby.<br><br>The proposed private open space areas on the ground floor would contain large proportions capable of obtaining solar access. Both first floor units would contain multiple balconies that would adjoin living areas (Unit 3 would contain the smallest balconies with a combined area of 18.7m <sup>2</sup> ). Paved and planted areas would be provided at ground level.<br><br>Communal open spaces are not proposed. | Y |
|        | <b>RULE OF THUMB:</b> <ul style="list-style-type: none"> <li>• Separation of 1.2m should be achieved between habitable rooms and driveways or car parks of other dwellings</li> </ul>  | The proposed driveway would be located below Unit 2.   | - |

With regard to the above, the proposed development is consistent with the majority of the design principles or rules of thumb guidelines identified within the *Seniors Living Policy: Urban Design Guideline for Infill Development*, and would therefore be consistent with Clause 31 of SEPP HSPD.

#### 7.4 Pittwater Local Environment Plan 2014

##### 7.4A Permissibility:

The subject site is located within an R2 Low Density Residential zone under Pittwater Local Environment Plan (PLEP) 2014. Part of the site is also located within an SP2 Infrastructure zone.

The proposed development under PLEP 2014 would be most appropriately defined as "seniors housing".

Seniors housing is not a form of development that is permissible within the R2 zone under PLEP 2014. The application has however been made pursuant to SEPP (Housing for Seniors or People with a Disability) 2004; clause 4(1) of the SEPP permits seniors housing developments on sites "zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

- (i.) dwelling-houses,
- (ii.) residential flat buildings,
- (iii.) hospitals,
- (iv.) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries"

Refer to Part 7.3 of this report above for an assessment of permissibility under the SEPP.

Seniors housing is a form of development that is also not permissible within the SP2 zoned part of the site; refer to the assessment of clause 5.1A of the LEP below.

#### 7.4B Zone objectives

The objectives of the R2 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 provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The proposed development would satisfy the objectives of the R2 zone as:

- It would provide for the housing needs of the community.
- It would provide housing facilities for specific segments of the community in a scale and context that is consistent with the surrounding area.

#### 7.4C Assessment of Pittwater Local Environment Plan (PLEP) 2014

Refer to sections 3.0 and 3.1 of this report (above) for comments on permissibility and zone objectives. Refer below to a table of compliance for applicable controls under the LEP.

| Clause   | Numerical Standard   | Numerical Proposal   | T | O | N |
|--|--|--|---|---|---|
| <b>Pittwater Local Environmental Plan 2014</b>                       |  |  |   |   |   |
| 1.9A Suspension of covenants, agreements and instruments             |  |  | - | - | - |
| 4.1 Minimum subdivision lot size                                     |  |  | - | - | - |
| 4.2 Rural subdivision  |  |  | - | - | - |
| 4.3 Building Height  | Maximum allowable height (pursuant to Cl 4.3(2)): 8.5m<br><br>Maximum allowable height (pursuant to Cl 4.3(2D)): 10m | <b>Maximum proposed height:</b> 8.255m<br><br><b>Note:</b> An 8m height limit (measured from the ceiling of the top level) applies pursuant to Cl. 50(a) of SEPP Seniors Housing; see Part 7.3 of this report. | - | - | - |
| 4.6 Exceptions to development standards                              |  | None proposed  | - | - | - |
| 5.1 Relevant acquisition authority                                   |  | Refer to comments within the assessment of Cl. 5.1A below.   | - | - | - |
| 5.1A Development on land intended to be acquired for public purposes |  | Refer to assessment below.   | Y | Y | Y |
| 5.4 Controls relating to miscellaneous permissible uses              |  |  | - | - | - |
| 5.5 Development within the coastal zone                              |  |  | - | - | - |
| 5.6 Architectural roof features                                      |  |  | - | - | - |
| 5.7 Development below mean high water mark                           |  |  | - | - | - |
| 5.8 Conversion of fire alarms  |  |  | - | - | - |
| 5.10 Heritage conservation   |  |  | - | - | - |
| 7.1 Acid Sulphate Soils  |  |  | Y | Y | Y |
| 7.2 Earthworks   |  |  | Y | Y | Y |
| 7.3 Flood planning   |  |  | - | - | - |
| 7.4 Floodplain risk management                                       |  |  | - | - | - |
| 7.5 Coastal risk planning  |  |  | - | - | - |
| 7.6 Biodiversity   |  |  | - | - | - |
| 7.7 Geotechnical hazards   |  |  | - | - | - |
| 7.8 Limited development on foreshore area                            |  |  | - | - | - |
| 7.9 Residual lots  |  |  | - | - | - |
| 7.10 Essential services  |  |  | Y | Y | Y |

| Clause  | Numerical Standard | Numerical Proposal | T | O | N |
|---|--------------------|--------------------|---|---|---|
| 7.11 Converting serviced apartments to residential flat buildings |                    |                    | - | - | - |
| 7.12 Location of sex services premises                            |                    |                    | - | - | - |

#### **7.4D Discussion of LEP issues:**

##### **5.1A Development on land intended to be acquired for public purposes**

As indicated above, part of the site is within an SP2 Infrastructure (Classified Road) zone. Only landscaped areas are proposed within the SP2-zoned parts of the site, with all structures to be situated within the R2-zoned parts of the site; the proposed development would therefore not prevent the SP2-zoned part of the site from being developed as a road pursuant to Cl. 5.1A(3), and the objectives of the clause would be satisfied. The subject application has also been referred to Roads and Maritime Services (the relevant acquisition authority identified by Cl. 5.1(2) of the LEP) who have indicated that there is no objection to the development as proposed, subject to conditions.

#### **7.5 Pittwater 21 Development Control Plan (P21 DCP)**

##### **7.5A Assessment of Pittwater 21 DCP**

Refer below to a table of compliance for applicable controls under the DCP; more detailed assessments and elements of noncompliance are also assessed/discussed in depth below.

| Clause  | Numerical Standard | Numerical Proposal  | T | O | N |
|---|--------------------|---|---|---|---|
| <b>Section A Shaping Development in Pittwater</b>   |                    |   |   |   |   |
| <b>A1 Introduction</b>  |                    |   |   |   |   |
| A1.7 Considerations before consent is granted   |                    |   | Y | Y | Y |
| <b>A4 Localities</b>  |                    |   |   |   |   |
| A4.1 Avalon Beach Locality  |                    |   | Y | Y | N |
| <b>Section B General Controls</b>   |                    |   |   |   |   |
| B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites |                    |   | - | - | = |
| B1.4 Aboriginal Heritage Significance   |                    | <b>Planner comments:</b><br>The site is highly disturbed; a condition is recommended to address any heritage items uncovered during work.     | Y | Y | Y |
| B3.1 Landslip Hazard  |                    | The site is not affected by a geotechnical hazard, the nature of the works would be subject to Council's Geotechnical Risk Management Policy. | Y | Y | Y |
| B3.2 Bushfire Hazard  |                    |   | - | - | - |
| B3.6 Contaminated Land and Potentially Contaminated Land  |                    | Refer to SEPP 55 assessment above.  | Y | Y | Y |
| B3.11 Flood Prone Land  |                    |   | - | - | - |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land  |                    |   | Y | Y | Y |
| B5.1 Water Management Plan  |                    |   | Y | Y | Y |
| B5.3 Greywater reuse  |                    |   | - | - | - |
| B5.4 Stormwater Harvesting  |                    |   | Y | Y | Y |
| B5.5 Rainwater Tanks - Business, Light Industrial and Other Development   |                    |   | - | - | - |
| B5.7 Stormwater Management - On-Site Stormwater Detention   |                    |   | - | - | - |
| B5.8 Stormwater Management - Water Quality - Low Density Residential  |                    |   | Y | Y | Y |



| Clause  | Numerical Standard  | Numerical Proposal   | T  | O | N |
|---|---|--|----|---|---|
| B5.9 Stormwater Management - Water Quality - Other than Low Density Residential   |   |  | Y  | Y | Y |
| B5.10 Stormwater Discharge into Public Drainage System  |   |  | Y  | Y | Y |
| B5.11 Stormwater Discharge into Waterways and Coastal Areas   |   |  | -  | - | - |
| B5.12 Stormwater Drainage Systems and Natural Watercourses  |   |  | -  | - | - |
| B5.13 Development on Waterfront Land  |   |  | -  | - | - |
| B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)   |   |  | -  | - | - |
| B6.1 Access driveways and Works on the Public Road Reserve  |   |  | Y  | Y | N |
| B6.2 Internal Driveways   |   |  | Y  | Y | N |
| B6.3 Off-Street Vehicle Parking Requirements  |   |  | -- | - | - |
| B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)  | <b>Required:</b> <ul style="list-style-type: none"> <li>• 8 resident spaces</li> <li>• 2 visitor spaces</li> <li>• 2 Bicycle racks</li> </ul> | <b>Proposed:</b> <ul style="list-style-type: none"> <li>• 8 resident spaces</li> <li>• 1 visitor space/car wash bay</li> <li>• 2 Bicycle racks</li> </ul> <p>Number of visitor spaces do not comply, though there is considered to be sufficient visitor parking space within the surrounding road reserve. Despite the noncompliance, Council cannot refuse the application on parking grounds, as parking requirements under Cl. 50(h) of SEPP (Seniors Housing) 2004 are met.</p> | N  | Y | N |
| B6.6 On-Street Parking Facilities   |   | Not proposed   | -  | - | N |
| B8.1 Construction and Demolition - Excavation and Landfill  |   |  | Y  | Y | Y |
| B8.2 Construction and Demolition - Erosion and Sediment Management  |   |  | Y  | Y | Y |
| B8.3 Construction and Demolition - Waste Minimisation   |   |  | Y  | Y | Y |
| B8.4 Construction and Demolition - Site Fencing and Security  |   |  | Y  | Y | Y |
| B8.5 Construction and Demolition - Works in the Public Domain   |   |  | Y  | Y | Y |
| B8.6 Construction and Demolition - Traffic Management Plan  |   | A condition of consent will be imposed for the submission of a Construction Traffic Management Plan.   | Y  | Y | Y |
| <b>Section C Development Type Controls</b>  |   |  |    |   |   |
| <b>Note:</b> Also refer to Part 6 of this report and the assessment of SEPP (Seniors Living 2004) for additional assessment and comments on matters relevant to Part C of Pittwater 21 DCP. |   |  |    |   |   |
| C1.1 Landscaping  |   |  | Y  | Y | Y |
| C1.2 Safety and Security  |   |  | Y  | Y | Y |
| C1.3 View sharing   |   |  | -  | - | - |
| C1.4 Solar Access   |   | Refer to the assessment of solar access within the Seniors Living SEPP, above. There would be no impact on surrounding residential sites.  | Y  | Y | Y |
| C1.5 Visual Privacy   |   |  | Y  | Y | N |
| C1.5 Acoustic Privacy   |   |  | Y  | Y | Y |

| Clause  | Numerical Standard   | Numerical Proposal  | T | O | N |
|---|--|---|---|---|---|
| C1.7 Private Open Space   |  | Refer to the assessment of SEPP (Seniors Living 2004)   | - | - | - |
| C1.9 Adaptable Housing and Accessibility                                  |  | Also refer to the assessment of SEPP (Seniors Living 2004)  | Y | Y | Y |
| C1.11 Secondary Dwellings and Rural Worker's Dwellings                    |  |   | - | - | - |
| C1.12 Waste and Recycling Facilities                                      |  |   | - | - | - |
| C1.13 Pollution Control   |  |   | Y | Y | Y |
| C1.14 Separately Accessible Structures                                    |  |   | - | - | - |
| C1.16 Development ancillary to residential accommodation - Tennis Courts  |  |   | - | - | - |
| C1.17 Swimming Pool Safety  |  |   | - | - | - |
| C1.19 Incline Passenger Lifts and Stairways                               |  |   | - | - | - |
| C1.20 Undergrounding of Utility Services                                  |  | No variation to this control has been sought; a condition is recommended for the undergrounding of electricity infrastructure within the road reserve.  | Y | Y | Y |
| C1.21 Seniors Housing   |  | The height, bulk and scale of the proposed development is considered to be a transition between low-density residential development to the north and larger-scale development to the south. There are no identified instances of similar types of senior development within the surrounding area, therefore the proposal would not become a dominant social type of housing or structure within the area. | Y | Y | N |
| C1.23 Eaves   |  |   | Y | Y | Y |
| C1.24 Public Road Reserve - Landscaping and Infrastructure                |  |   | - | - | - |
| C1.25 Plant, Equipment Boxes and Lift Over-Run                            |  |   | Y | Y | Y |
| <b>Section D Locality Specific Development – D1 Avalon Beach Locality</b> |  |   |   |   |   |
| D1.1 Character as viewed from a public place                              |  |   | Y | Y | Y |
| D1.4 Scenic protection – General  |  |   | - | - | - |
| D1.5 Building colours and materials                                       |  | Materials indicated on the perspectives sheet. To be subject to recommended conditions.   | Y | Y | Y |
| D1.8 Front building line  | <b>Primary frontage:</b><br>Minimum 10m or prevalent building setback pattern, whichever is greater.<br><b>Secondary frontage:</b><br>Half the primary building line i.e. 5m | Proposed front setback: Minimum 10m<br><br>Proposed secondary frontage:<br>• Minimum 2.8m (main building)<br>• Minimum 0m (waste storage area)  | N | Y | N |
| D1.9 Side and rear building line  | Side setbacks:<br>• Minimum 4.2m on the north side boundary<br><b>Note:</b> Southern boundary not applicable as it is assessed under Part D1.8 above.                        | <b>Side setbacks:</b><br>• North: 1.5m  | N | Y | Y |
| D1.11 Building Envelope   |  |   | N | Y | Y |

| Clause  | Numerical Standard   | Numerical Proposal   | T | O | N |
|---|--|--|---|---|---|
| D1.14 Landscaped Area –Environmentally Sensitive Area               | Minimum 60% of the site (359.5m <sup>2</sup> based on a site area of 599.2m <sup>2</sup> ) is to be landscaped | Proposed landscaped area: Approx. 504m <sup>2</sup> , or 47.1%<br><br>Pursuant to Cl. 50 of the Seniors Living SEPP, Council cannot refuse the application if at least 30% of the site is landscaped. Despite the noncompliance, the site layout would permit sufficient space for the siting of large trees/vegetation within the primary and secondary setbacks thereby satisfying the outcomes of the controls. | N | Y | N |
| D1.15 Fences – General  |  |  | N | Y | Y |
| D1.17 Construction, Retaining walls, terracing and undercroft areas |  |  | Y | Y | Y |

## 7.5B Discussion of DCP issues

### Section A1.4 Avalon Beach Locality, Section D1.1 Character as viewed from a public place

Where applicable, the proposed development would satisfy the desired character requirements of the Avalon Beach locality. The development would be a maximum of two storeys in any one place (noting the number of storeys as considered by the Seniors Living SEPP above), and would be sufficiently serviced by surrounding infrastructure. Provided that the recommendations of relevant reports are satisfied, the proposal should not foreseeably introduce new hazards to the area. Subject to conditions, proposed landscaping treatments should delineate property boundaries and filter/screen the proposed development from surrounding areas.

The proposed development broadly satisfies the requirements of Section D1.1 of the DCP by introducing articulation on elevations addressing public areas. The proposed entrance to the basement carpark would not form a dominant feature due to its location and design, and its width would be less than 50% of the primary frontage. Subject to conditions, landscaping would be integrated into the development. The concealment of services would be subject to recommended conditions. It is also recommended that a condition seek the deletion of the roof overhang on the southeast side of the balconies adjoining the southern side of Units 2 and 4; given the size of the landscaped area beneath this feature, the removal of the overhang would enable the planting of landscaping that could grow to a height that would assist in filtering the visual impact of the development when viewed from the adjoining road intersection to the southeast of the site.

### Section D1.8 Front building line:

#### **Primary setback (Barrenjoey Road):**

The proposed front setback would comply with the numerical 10m requirement of the DCP, however it would not be consistent with low-density residential development to the north of the subject site; disregarding parking structures within the front setback of some properties, such development is generally set back 15-18m from Barrenjoey Road. Such setback patterns are however inconsistent with higher-density development (which includes a church, school, ambulance and stations and residential flat-type buildings) which contain a range of setbacks to Barrenjoey Road. The proposed primary setback is situated the predominant setback patterns of development to the north and south of the Kevin Avenue intersection, and is considered to be acceptable.

#### **Secondary setback (Kevin Avenue):**

The applicant has sought a variation to the secondary (i.e. Kevin Avenue) frontage, which at its smallest point would be 2.8m (a 44% variation to the minimum 5m setback). The applicant has justified the noncompliance for reasons that are outlined as follows:

- A large 10m setback is proposed to the Barrenjoey Road frontage.
- A high level of articulation is proposed along the secondary frontage.

- The development is a considerable distance to the next site (i.e. 4 Kevin Avenue).
- There are numerous opportunities for deep soil planting along Kevin Avenue.
- The proposal would not significantly contribute to bulk and scale in the context of the surrounding area.
- There would not be unreasonable amenity impacts as a result of the noncompliance.

It is agreed that a high degree of articulation is proposed along the southern elevation, that there would be opportunities for the imposition of landscaping (subject to conditions) and that there would be no impacts of the amenity of surrounding residences. The height, bulk and scale of the development is also consistent with that of surrounding development, particularly when compared with development directly opposite the site on the southern side of Kevin Avenue.

With regard to the above, the outcomes of the controls would be satisfied, and the proposed noncompliance is considered to be supportable on merit.

#### Section C1.5 Visual Privacy

The front, southern and rear outlooks from the proposed development would primarily overlook adjoining road reserves, and there are no visual privacy concerns raised regarding these elevations. The northern elevation is however located only 1.5m from the northern boundary and there is concern that windows from this elevation could overlook lower-density residential sites to the north. The elevation plans indicate that screens are proposed on the north-facing windows apart from the laundry; while it is unlikely that such a room would be a high-use area, it is recommended that a condition seek for this window to be obscured using obscure/frosted glass. While the side elevation of Unit 3's rear balcony would not be screened, the erection of a screen may adversely affect the solar amenity of this area. Further, it is expected that any side-facing views from the balcony would be filtered once proposed vegetation along the northern boundary becomes established. Subject to conditions, the proposed development would satisfy the outcomes and controls of Section C1.5 of the DCP.

#### Section D1.9 Side and rear building line

As indicated above, the proposed development would contain a setback to the north side boundary of 1.5m, a 64% variation to the minimum required setback of 4.2m.

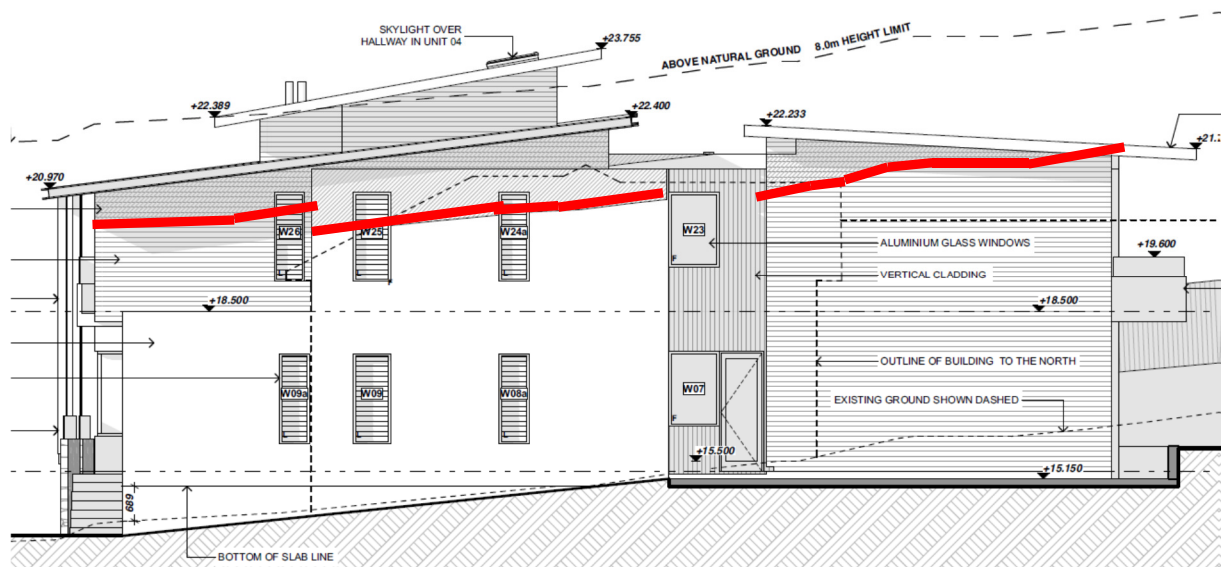
The applicant claims that the setback applies on the basis that they have applied the setback control for a dwelling house, instead of the larger setback that is required for residential flat buildings. Regardless, the noncomplying side setback would satisfy control outcomes where applicable, in that it would not block significant views, result in overshadowing of adjoining sites nor (subject to conditions) would it result in unreasonable overlooking of adjoining residential sites. Further, the noncomplying setback would not be highly evident from public areas.

With regard to the above, the proposed noncompliance is considered to be supportable on merit.

#### Part D1.11 Building Envelope

As indicated by the plans, part of the northern side elevation would not comply with the building envelope. Due to the articulation of this elevation, the height of the noncompliance varies, though at its maximum point the variation would be 1.4m high and would extend for the entire length of the affected elevation (see figure 4). The applicant acknowledges the noncompliance and justifies it on the basis that there would be no adverse impacts on surrounding sites and the visual impact of the noncompliance would be screened by vexation that is proposed along the northern boundary.

It is agreed that adverse impacts on the adjoining site would be unlikely; the development would not affect views nor would it overshadow sites to the north. Subject to conditions regarding screening, overlooking of the adjoining site to the north should also be prevented prior to boundary vegetation becoming properly established.



**Figure 4:** Extract of the northern elevation plan; elements above the red line would not comply with the envelope.

As the outcomes of the control would be met and the amenity of adjoining sites would be retained, the noncompliance is considered to be supportable on merit.

#### Section D1.15 – Fences (General)

Technical noncompliances are proposed in that 1.8m high boundary fences are proposed along both road frontages. With the exception a small section along the southwest side boundary (adjacent to the waste storage area), all proposed boundary fences are to be set back 1-1.5m from the primary frontage and at least 1.5m from the secondary frontage, with soft landscaped areas proposed between the boundaries and fences. A condition is recommended that would require the following:

- All fences are to be of a see-through design and be finished with dark and earthy tones; and
- Landscaping treatments between the fences and property boundaries are to include species that are capable of growing to heights that can conceal the boundary fences.

Subject to conditions, the fences would subsequently be screened from the public domain, thereby satisfying the outcomes of the controls.

With regard to the above, the noncompliances are considered to be supportable on merit.

## **9.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The proposal is mostly consistent with the relevant statutory and policy controls and outcomes (refer to relevant assessments within Part 7 of this report), assuming that recommended consent conditions are satisfied. The impacts associated with the proposed dwelling are considered to be acceptable, subject to the recommended conditions. It is therefore recommended that the application be approved.

## **RECOMMENDATION OF PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application No. N0516/17 for the

Construction of a four (4) unit Seniors Living development with basement car parking, landscaping and strata subdivision) at 701 and 703 Barrenjoey Road, Avalon Beach, subject to the attached conditions of consent.

**Report prepared by**

Tyson Ek-Moller

**PRINCIPAL PLANNER  
DEVELOPMENT ASSESSMENT**

Angela Manahan

**PRINCIPAL PLANNER  
DEVELOPMENT ASSESSMENT**