

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Proposed Residential Care Facility

**24 Darley Street East  
Mona Vale**



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# Statement of Environmental Effects

**Proposed residential care facility**

**24 Darley Street East, Mona Vale**

Prepared under instructions from



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May 2019

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## 1.0 INTRODUCTION

This document forms a component of a development application that proposes the demolition of the existing 33 bed nursing home and the construction of a new 51 bed residential care facility with basement parking pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD). The application also proposes the implementation of an integrated site landscape regime and the relocation of the existing right of carriageway benefiting the adjoining nursing home at Lot 51, DP 881594, No. 1 Seabeach Avenue, Mona Vale.

The development will be owned and operated by Thompson Health Care, a family owned and operated company with over 40 years industry experience. The company is committed to excellence and owns and operates 12 residential care facilities located from Bowral in the Southern Highlands, throughout the Sydney Region and to Kempsey on the mid-north coast. The Thompson family believes each of their residents is entitled to the highest standards of professional care, a comfortable and secure environment, privacy, dignity and participation in daily decision making.

The existing nursing home is antiquated in design and function and fails to meet modern residential care facility standards and private health care resident expectations. In this regard, the architect has responded to the client brief to provide for a boutique residential care facility of exceptional design quality to meet a clear demand for such accommodation within the area. The built form and landscape outcomes achieved respond appropriately to the constraints and opportunities identified through detailed site analysis whilst maintaining appropriate levels of amenity to the adjoining and nearby residential properties.

The highly articulated and modulated building form has been designed to step down the site in response to topography and provide a generous deep soil landscaped curtilage to adjoining development. The landscaping proposed will ensure that the building is soften and screened as viewed in the round and sits within a relatively informal landscaped setting. The resultant height, form, massing and setbacks are consistent with those established by other development within the sites visual catchment and that reasonably anticipate for this form of development where form follows function.

In the preparation of the document consideration has been given to the following statutory planning regime:

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

Architectural drawings including floor plans, elevations and sections have been prepared in relation to the development proposed. The application is also accompanied by a survey plan, traffic and parking assessment, landscape plans, arborist report, acoustic report, schedule of finishes, concept drainage plans, geotechnical report, acid sulfate soils report, access report, waste management plan, BCA report, QS report, photo montage and an electronic model.

The proposal is permissible and in conformity with the aims and implicit objectives of SEPP HSPD and consistent with the subordinate standards and controls applicable to this form of development on this particular site. This report will demonstrate that the density proposed is contextually appropriate with the development maintaining appropriate streetscape, heritage conservation and residential amenity outcomes.

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

## 2.0 SITE DESCRIPTION AND LOCATION

The subject property is legally described as Lot 52, DP 881594, No. 24 Darley Street East Mona Vale. The allotment is rectangular in shape having frontage of 34.515 metres, depth of 37.39 metres and an area of 1749m<sup>2</sup>. The property is located on the northern side of Darley Street East approximately 130 metres east of Barrenjoey Road. The property does not contain any significant trees or vegetation and falls approximately 2 metres across its surface in a westerly direction. A location/ context photograph is at Figure 1 below.



Source: Google Maps

**Figure 1** – Aerial site location/ context photograph

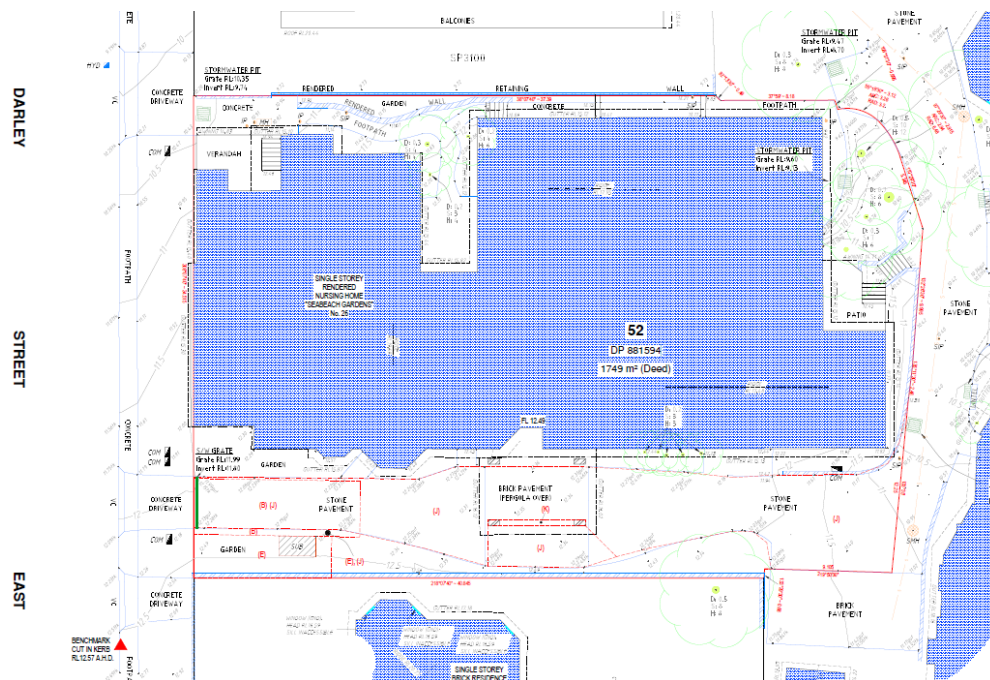
The property is occupied by a single storey 33 bed nursing home known as *Seabeach Gardens Nursing Home*. The existing facility has no off-street carparking or loading facilities however provision has been made on-site for an ambulance which parks along a single lane driveway (Right of Carriageway) located adjacent to the eastern site boundary. The driveway serves 13 parking spaces at the rear of site that belong to the neighbouring *Baldwin Living Seabeach Gardens retirement village*. An electrical substation and associated access easement are located in the south eastern corner of the site.



The existing 33 bed aged care facility is staffed by a maximum of 12 employees with those staff parking on-street in the vicinity of the site.



**Figure 2 – Subject site as viewed from Darley Street East**



**Figure 3 – Site survey extract**

The property to the west, No. 28 Darley Street East, is occupied by a 4 storey residential flat building with ground level garage accommodation access via driveways down both side boundaries of the property. The property to the east is a listed heritage item of Local significance pursuant to Schedule 5 of Pittwater Local Environmental Plan 2014. The Statement of Significance describes the property as follows:

*The House at 22 Darley Street, called "La Corniche" or Brock's Folly, was built as a grand mansion by a Newtown builder, George Sydney Brock. The house was a significant landmark in the early Mona Vale panorama and is historically significant for the agricultural settlement and development of Mona Vale.*

*The grounds on which the house stood have research potential as it contains remnants of the early structure known as Brock's Folly. The house is associated with the early development of the Northern Beaches as a holiday destination.*



**Figure 4** – Brock's Folly as viewed from Darley Street East.



The property located to the north, and from which access is obtained via a right of carriageway over the subject site, is occupied by a 3 storey brick nursing home known as *Baldwin Living Seabeach Gardens retirement village*. This property has primary frontage and address to Seabeach Avenue and occupies a large sprawling site extending from Seabeach Avenue and along Barrenjoey Road to Darley Street East. The subject site formed part of this land holding before the nursing home was subdivided to enable separate sale.



**Figure 5** – Baldwin Living Seabeach Gardens retirement village as viewed from Seabeach Avenue

The properties to the south are occupied by 2, 3 and 4 storey residential flat and townhouse style development reflecting the R3 Medium Density zoning of the land with the balance of development within the sites visual catchment reflecting a similar diversity of medium density housing forms.

The subject property is within short walking distance of Mona Vale Town Centre, Mona Vale Golf Course and a range of foreshore recreational areas.



**Figure 6** – Medium density housing forms located directly opposite the site in Darley Street East



**Figure 7** – Medium density housing forms located further to the east of the site along Darley Street East





**Figure 8** – Medium density housing forms located further to the east of the site along Darley Street East



**Figure 9** – Medium density housing forms located further to the east of the site along Darley Street East

### 3.0 DEVELOPMENT PROPOSAL

This document forms a component of a development application that proposes the demolition of the existing 33 bed nursing home (residential care facility) and the construction of a new 51 bed residential care facility with basement parking pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD). The application also proposes the implementation of an integrated site landscape regime and the relocation of the existing right of carriageway benefiting the adjoining nursing home at Lot 51, DP 881594, No. 1 Seabeach Avenue, Mona Vale.

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

DA DRAWING LIST	
DWG No:	DRAWING TITLE
DA-00	COVER SHEET
DA-01	EXISTING SITE PLAN AND DEMOLITION
DA-02	SITE ANALYSIS AND SITE PLAN
DA-03	BASEMENT AND CARPARK PLAN
DA-04	GROUND FLOOR PLAN
DA-05	LEVEL 01 FLOOR PLAN
DA-06	LEVEL 02 FLOOR PLAN
DA-07	ELEVATIONS NORTH EAST AND NORTH WEST
DA-08	ELEVATIONS SOUTH EAST AND SOUTH WEST
DA-09	SECTIONS A + B + C
DA-10	SHADOW DIAGRAMS
DA-11	PERSPECTIVE VIEW 1
DA-12	PERSPECTIVE VIEW 2
DA-13	PERSPECTIVE VIEW 3
DA-14	PERSPECTIVE VIEW 4
DA-15	PERSPECTIVE VIEW 5
DA-16	PERSPECTIVE VIEW 6
DA-17	NOTIFICATION SITE PLAN
DA-18	NOTIFICATION ELEVATIONS A
DA-19	NOTIFICATION ELEVATIONS B

The highly articulated and modulated building form has been designed to address the street frontage, response to topography and provide a generous deep soil landscaped curtilage to adjoining development. The relocation of the driveway and associated ROW provides an improved landscape interface with the adjoining heritage item with the general form and massing consistent with that established by medium density housing forms on adjoining sites and with the site's visual catchment generally. The building form will not be perceived as inappropriate or jarring in such context. Specifically, the application provides for the following built form outcome:

### **Basement + Carpark Level – RL 7.30**

This basement level contains carparking for 17 vehicles accessed via a new driveway and ROW down the western boundary of the property from Darley Street East. Internal lift and stair access are provided from the carparking area to the level above.

This floor plate also contains a waste storage area, staff room and amenities, office, storage and service areas, laundry and kitchen. The staff room opens onto a north facing courtyard.

### **Ground Floor Level - RL 10.50**

This floor plate contains the formal reception and lounge together with a salon, function room and staff office/ administration and nurse station areas. Formal lounge and dining areas and kitchenette areas are also located at this level. This floor plate also contains 13 resident rooms accommodating a total of 13 beds. Each room has its own ensuite and either front, side or rear boundary orientated fenestration. Stair and lift access provided to the levels above and below. A green wall is located in a void which runs the full internalised height of the development.

A green roofed porte cochere provides all weather protection to the front entrance and for ambulances as necessary. The existing electrical substation is relocated slightly to the south but remains in the south eastern corner of the property.

### **Level 01 - RL 13.50**

This floor plate contains dining and lounge areas which open onto north and south facing decks with integrated planter boxes. across the golf course. A nurse station, utilities area, laundry and various storage/ cleaner areas are also located on this level.



This floor plate also contains 19 resident rooms accommodating a total of 19 beds. Each room has its own ensuite and either front, side or rear boundary orientated fenestration. Fixed privacy attenuation measures are provided where necessary to prevent direct overlooking opportunities to adjoining residential properties.

### **Level 02 - RL 16.50**

This floor plate contains dining and lounge areas which open onto north and south facing decks with integrated planter boxes. across the golf course. A nurse station, utilities area, laundry and various storage/ cleaner areas are also located on this level.

This floor plate also contains 19 resident rooms accommodating a total of 19 beds. Each room has its own ensuite and either front, side or rear boundary orientated fenestration. Fixed privacy attenuation measures are provided where necessary to prevent direct overlooking opportunities to adjoining residential properties.

### **Landscaping works**

The application proposes the removal of 3 prescribed trees as identified in the Arboricultural Impact Assessment prepared by Urban Forestry Australia. The tree removal is appropriately compensated for through the implementation of an enhanced and integrated site landscape regime as depicted on plans prepared by Trish Dobson Landscape Architect. This landscape response, which incorporates screen tree plantings around the entire perimeter of the development together with courtyard and partial roof landscaping, will ensure that the development sits within a landscape setting and that the landscape quality of the immediate locality is maintained as a consequence of the development proposed.

The development will be gravity drained through the required OSD system to the existing kerb inlet pit to the west of the site as detailed on the accompanying drainage plans prepared by Barrenjoey Consulting Engineers. The acceptability of the excavation proposed is assessed and determined to be appropriate as detailed in the accompanying geotechnical report prepared by White Geotechnical Group. A schedule of colours and finishes accompanies the application.

## Operational Characteristics

The residential care facility will operate 24/7 and employ a maximum of 19 staff during the day across a number of shifts as follows:

Position title	Number
Director of Nursing	1
Deputy Director of Nursing	1
Administration Officer	1
Registered Nurse	2
Nursing Assistant	4
Cleaners	2
Chef	1
Catering Attendant	2
Laundry Attendant	2
Recreational Activities Officer	2
Maintenance Officer	1
Total	19

The acceptability of the off-street parking and servicing characteristics of the development are addressed in the accompanying Traffic and Parking Assessment prepared by Terrafic Pty Limited.

## **4.0 STATUTORY PLANNING FRAMEWORK**

### **4.1 Pittwater Local Environmental Plan 2014**

#### **4.1.1 Zone and Zone Objectives**

The subject property is zoned Residential R3 Medium Density Residential pursuant to Pittwater Local Environmental Plan 2014 (PLEP 2014). Seniors housing is permissible with consent in the zone and also permissible pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).

The stated zone objectives are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The proposed development meets the relevant zone objectives by providing housing which will meet the needs of seniors or people with a disability within the community within a medium density residential environment. The height and scale of the development is responsive to context, compatible with that of adjoining development and will not result in unacceptable or jarring residential amenity or streetscape impacts.

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

#### **4.1.2 Height of buildings**

The subject application is made pursuant to the provisions of SEPP HSPD which contains development standards in relation to building height. Whilst the SEPP HSPD building height provisions prevail over the clause 4.3 PLEP 2014 height standard an assessment against the latter numerical provision is considered appropriate. In this regard clause 4.3 of PLEP 2014 states that the height of a building on any land is not to exceed 8.5 metres. The stated objectives of such control are as follows:

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

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

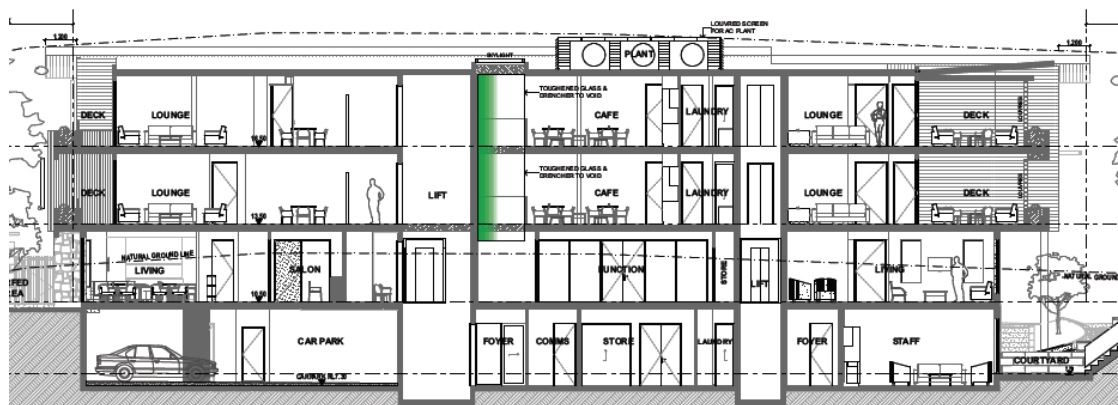
The leading case authority which considers the definition of “ground level (existing)” is *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 which was followed in the recent decision of *Stamford Property Services Pty Ltd v City of Sydney & Anor* [2015] NSWLEC 1189.

In *Stamford Property Services*, the Court followed the reasoning adopted in *Bettar* and confirmed that “ground level (existing)” must relate to the levels of the site, and not to the artificially modified levels of the site as reflected by the building presently located on the land. In this regard the Court preferred the Council’s method to determining the “ground floor (existing)” from which building height should be measured. Council’s approach required that the proposed height be measured from the natural ground levels of the site where known, such as undisturbed levels at the boundary, and from adjacent undisturbed levels such as the level of the footpath at the front boundary of the site. These levels could then be extrapolated across the site reflecting the pre-development sloping topography of the land, consistent with the approach adopted in *Bettar*.

In these proceedings the Court was satisfied that even though there was limited survey information available for the site, there was enough information to determine the “ground level (existing)” for the site based on unmodified surveyed levels in the public domain (footpaths) which could be extrapolated across the site. In summary, the Court has confirmed that the definition of “ground level (existing)” from which building height should be measured:

- is not to be based on the artificially modified levels of the site such as the floor levels of an existing building. This includes the entrance steps of an existing building.
- is not to include the basement floor or the soil beneath the basement following construction of the building.
- is to be based on the existing undisturbed surveyed surface of the ground. For sites where access to the ground surface is restricted by an existing building, natural ground levels should be determined with regard to known boundary levels based on actual and surveyed levels on adjoining properties including within the public domain (footpaths).

It is on the basis of this court case and from the survey levels obtained that the sections were prepared demonstrating compliance with the 8.5 metre height standard. We confirm that the entire development sits below the 8.5 metre height development standard as nominated on the elevations and sections prepared by the project Architect an extract of which is at Figure 10 below:



**Figure 10** – Plan extract Section A showing compliance with 8.5 metre height standard



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

- The height, bulk and scale of the highly articulated 3 storey building form is compatible with the height and scale of surrounding and nearby development noting that SEPP HSPD anticipates a medium density building form within a low density residential environment rather than the medium density built form environment in which the proposed development is located.
- The height of the development does not give rise to any unacceptable residential amenity impacts in terms of views, privacy or solar access;
- The height of the development will not give rise to adverse impact on the scenic quality of Pittwater's coastal and bush environments with the building not being readily discernible as viewed from street as it is stepped down appropriately to the rear;
- The height of the development will not be perceived as inappropriate or jarring in its context as viewed from public places such as parks and reserves, roads and community facilities.
- Consistent with the conclusions reached by the Senior Commissioner in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the Rose Avenue or Lantana Avenue streetscapes or having regard to the built form characteristics of development within immediate proximity of the site.

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

### 4.1.3 Earthworks

The application requires excavation to accommodate basement parking for the development. Having regard to the clause 7.2(3) earthwork considerations, the application is accompanied by a geotechnical report prepared by White Geotechnical Group. This report concludes that no geotechnical hazards will be created by the completion of the proposed development in accordance with the requirements of such report and good engineering and building practice.

We confirm that all excavated material will be disposed of to a suitable land fill area with excavation not having any adverse impact on the amenity or stability of adjoining properties. There are no exposed rock outcrops or waterways on the site so there is minimal likelihood of disturbing relics or, subject to appropriate erosion and sediment controls, impacting on waterways, drinking water catchments or environmentally sensitive areas.

In this regard, we have formed the considered opinion that the excavation satisfies the clause 7.2(3) considerations subject to appropriate conditions.

### 4.1.4 Heritage Conservation – Heritage Impact Assessment

Pursuant to clause 5.10(4) of MLEP 2013 the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

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

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

The subject property is not heritage listed or located within a heritage conservation area however is located within adjacent to the heritage listed dwelling at No. 22 Darley Street East.

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Office.

### **Statement of Significance**

The property to the east is a listed heritage item of Local significance pursuant to Schedule 5 of Pittwater Local Environmental Plan 2014. The Statement of Significance describes the property as follows:

*The House at 22 Darley Street, called "La Corniche" or Brock's Folly, was built as a grand mansion by a Newtown builder, George Sydney Brock. The house was a significant landmark in the early Mona Vale panorama and is historically significant for the agricultural settlement and development of Mona Vale.*

*The grounds on which the house stood have research potential as it contains remnants of the early structure known as Brock's Folly. The house is associated with the early development of the Northern Beaches as a holiday destination.*

### **Heritage Considerations**

**The following aspects of the proposal respect or enhance the heritage significance of the adjacent buildings for the following reasons:**

- The proposed development will maintain appropriate levels of visual privacy and solar access to the adjacent dwelling with compliant building heights and a generous landscaped setback maintained between buildings.
- The proposed development will not impact on views to and from the item.
- The proposed building will contribute positively to the streetscape character and design quality of development located within the sites visual catchment.

**The following aspects of the proposal could detrimentally impact on heritage significance.**

- The maintenance of the driveway down the eastern boundary of the property could potentially impact on the amenity of this item due to increased traffic movements and reduced landscape ability down this boundary of the property.

**The following sympathetic solutions have been considered and adopted.**

- The driveway has been relocated to the western boundary of the property providing a generous deep soil landscaped setback to the eastern boundary able to be landscaped to soften and screen the proposed development as viewed from the adjacent item.

**The following sympathetic solutions have been considered and discounted for the following reasons:**

- Nil

**Having given consideration to the impact of the proposed works on the significance of the adjacent heritage items I have formed the considered opinion that:**

- The proposed development will have no unacceptable amenity impact on the adjacent item in terms of privacy and overshadowing and will not impact on views to and from the item.
- The proposed building will contribute positively to the streetscape character and design quality of development located within the sites visual catchment.
- Accordingly, the proposed development will have a neutral impact on the significance of the item and its setting.

Accordingly, there is no statutory impediment to the granting of consent to the proposed works in this instance.

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

The following section of this report assesses the proposal against the relevant provisions of SEPP HSPD.

#### **4.3.1 Aims of Policy**

The stated aims of the SEPP are to encourage the provision of housing that will:

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

The policy indicates that these aims will be achieved by:

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in the policy, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

This report clearly and comprehensively demonstrates that the modified development is of good design and achieves the aims, development criteria and standards prescribed by the Policy and responds positively to the characteristics of the site through the design initiatives adopted including the breaking of the massing of the development and the maintenance of a generous landscaped curtilage.

#### **4.3.2 Land to Which Policy Applies**

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



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

The allotment, the subject of this application, is zoned primarily for urban purposes on which dwelling houses and residential flat buildings are permissible uses.

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

#### **4.3.3 Key Concepts**

The development proposes the construction and use of a residential care facility providing accommodation for seniors or people with a disability. The proposed development satisfies the definition of a residential care facility as detailed at clause 11 of the SEPP.

#### **4.3.4 Site Compatibility Criteria**

The subject application is not one to which the application of a site compatibility certificate applies pursuant to clauses 24 and 25 of the SEPP.

#### **4.3.5 Site-related Requirements**

##### **Location and access to facilities**

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

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

We confirm that an accessible path of travel of compliant gradient provides access to the north and south bound bus stops on Barrenjoey Road. The distance to these bus stops is approximately 140 metres to the south bound bus stop and 190 metres to the north bound bus stop. Both bus stops meet the minimum servicing requirements of the SEPP and provide access to the necessary range of services located within the Mona Vale Town Centre. Whilst this outcome satisfies the clause 26 provisions, we note that the Mona Vale Town Centre is located only 440 metres walking distance from the subject site.

### **Bush fire prone land**

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

The subject site is not identified as bushfire prone land.

### **Water and sewer**

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

The subject site currently contains a residential care facility which is connected to reticulated water and sewage systems. The proposed development will connect to these existing systems. The proposal can comply with the water and sewer provision requirements as outlined.

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

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

*25(5) The relevant panel must not issue a site compatibility certificate unless the relevant panel:*

*(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*

*(i) 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,*

Response: The subject site is not environmentally constrained in terms of identified environmental values or known hazards. The residential care facility use is compatible with the surrounding medium density residential environment in which it is proposed.

The consent authority can be satisfied that the proposal is consistent with the natural environment and the existing uses and approved uses of land in the vicinity of the proposed development.

*(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,*

Response: The subject site currently contains a residential care facility which is connected to reticulated water and sewage systems. The proposed development will connect to these existing systems. The proposal can comply with the water and sewer provision requirements as outlined.

The application is accompanied by a Statement of Compliance prepared by Accessible Building Solutions. The proposed development meets the location and access to facilities requirements of the SEPP as outlined.

The consent authority can be satisfied that the proposal is compatible having regard to these considerations.

*(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,*

Response: The resultant height, scale and 3 storey form are consistent with that established along this section of Darley Street and within the R3 Medium Density Residential zone.

The highly articulated and modulated building form has been designed to address the street frontage, response to topography and provide a generous deep soil landscaped curtilage to adjoining development. The relocation of the driveway and associated ROW provides an improved landscape interface with the adjoining heritage item with the general form and massing consistent with that established by medium density housing forms on adjoining sites and with the site's visual catchment generally. The building form will not be perceived as inappropriate or jarring in such context.

In terms of physical impacts, the accompanying shadow diagrams demonstrate that at least 3 hours of solar access will be maintained to the north, east and west facing living and open space areas of all adjoining residential properties between 9am and 3pm on 21<sup>st</sup> June with the design and orientation of communal areas within the development, and the use of fixed privacy screen treatments to bedroom areas where considered necessary, ensuring the maintenance of appropriate privacy between properties.

Having inspected the site and its surrounds to identify available view lines we have formed the considered opinion that a view sharing scenario is maintained between adjoining properties in accordance with the principles established in *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC140 and *Davies v Penrith City Council* [2013] NSWLEC 1141. The physical impacts of the development have been found to be acceptable with appropriate levels of residential amenity maintained to adjoining residential properties. To that extent it can be reasonably concluded that the proposal is compatible with its surroundings.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development by virtue of its form, massing or scale, offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the sites visual catchment.

Finally, the proposed development by virtue of its height, bulk, scale and setbacks will not compromise the reasonable development potential of any adjoining land.

The consent authority can be satisfied that the proposal is compatible having regard to the clause 25(5)(b)(i),(iii) and (v) considerations.

#### **4.3.6 Design Requirements**

##### **Site analysis**

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

##### **The Site**

###### *(a) Site Dimensions*

Comment: These have been detailed in Section 2.0 of this report.

###### *(b) Topography*

Comment: The property falls approximately 2 metres across its surface in a westerly direction.

###### *(c) Services*

Comment: The proposed works will connect to existing services.

###### *(d) Existing vegetation*

Comment: The application is accompanied by a site survey and arborist report prepared by Urban Forestry Australia which collectively depict the location of existing trees relative to property boundaries.

###### *(e) Micro climates*

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



*(f) Location of site features*

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

*(g) Views:*

Comment: There are currently no scenic views available from the site.

*(h) Overshadowing*

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

**Surrounds of the site**

*(a) Neighbouring buildings*

Comment: The neighbouring buildings are shown on the accompanying survey plan and aerial photograph. The built form characteristics of adjoining development are described in section 2.0 of this statement.

*(b) Privacy*

Comment: Good levels of privacy are currently afforded to the immediately adjoining residential properties through a combination of building height, design and location.

*(c) Walls built to the site's boundaries*

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

*(d) Difference in levels*

Comment: The associated levels are shown on the site survey. There is currently minimal change in levels between properties.

*(e) Views and solar access*

Comment: Given the height of the residential flat building to the west some scenic views may be available from the upper level in a north easterly direction towards Mona Vale Beach however these are likely to be highly compromised by intervening built form and landscape elements. All adjoining properties receive good levels of solar access throughout the day to living and private open space areas.

*(f) Major trees*

Comment: Trees located on adjoining properties and within proximity of the allotment boundaries are identified and detailed with the accompanying arborist report and aerial photograph at Figure 1.

*(g) Street frontage features*

Comment: The site has frontage to Darley Street East with the general streetscape urban in character.

*(h) Built form and character of adjoining development*

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

*(i) Heritage features*

Comment: The subject property is not heritage listed or located within a heritage conservation area however is located within adjacent to the heritage listed dwelling at No. 22 Darley Street East. This submission includes a heritage impact assessment.

*(j) Direction and distance to local facilities*

Comment: We confirm that an accessible path of travel of compliant gradient provides access to the north and south bound bus stops on Barrenjoey Road. The distance to these bus stops is approximately 140 metres to the south bound bus stop and 190 metres to the north bound bus stop. Both bus stops meet the minimum servicing requirements of the SEPP and provide access to the necessary range of services located within the Mona Vale Town Centre. Whilst this outcome satisfies the clause 26 provisions, we note that the Mona Vale Town Centre is located only 440 metres walking distance from the subject site.

*(k) Public open space*

Comment: The site is located within short walking distance of Mona Vale Beach, APEX Park, Kitchener Park, Mona Vale Golf Course and Village Park within the Mona Vale Town Centre.

*(l) Adjoining bushland and environmentally sensitive land*

Comment: There is no adjoining bushland or environmentally sensitive land.

*(m) Sources of nuisance*

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

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

**Neighbourhood amenity and streetscape**

Pursuant to clause 33 the proposed development should:

- (a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and*

Comment: As previously indicated, the highly articulated and modulated building form has been designed to address the street frontage, response to topography and provide a generous deep soil landscaped curtilage to adjoining development. The relocation of the driveway and associated ROW provides an improved landscape interface with the adjoining heritage item with the general form and massing consistent with that established by medium density housing forms on adjoining sites and with the site's visual catchment generally. The building form will not be perceived as inappropriate or jarring in such context.

The proposal maintains complimentary and compatible side and rear boundary setbacks and appropriate residential amenity in terms of solar access, privacy and views.

The implementation of the integrated site landscape regime will ensure that the development sits within a landscape setting and maintains a distinctive residential character and a harmonious and sympathetic relationship with adjoining development. The proposal will meet a housing need for seniors and people with a disability within the LGA.

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

Consistent with the conclusions reached by the Senior Commissioner in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the Darley Street East streetscape.

*(b) retain, compliment and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in the local environmental plan, and*

Comment: The subject property is not heritage listed or located within a heritage conservation area however is located within adjacent to the heritage listed dwelling at No. 22 Darley Street East. Having given consideration to the impact of the proposed works on the significance of the adjacent heritage item we have formed the considered opinion that:

- The proposed development will have no unacceptable amenity impact on the adjacent item in terms of privacy and overshadowing and will not impact on views to and from the item.
- The proposed building will contribute positively to the streetscape character and design quality of development located within the sites visual catchment.
- Accordingly, the proposed development will have a neutral impact on the significance of the item and its setting.

Accordingly, there is no statutory impediment to the granting of consent to the proposed works in this instance.

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

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

Comment: The application proposes variable setbacks to the eastern boundary of between 4.265 and 6.255 metres and setbacks to the western boundary of between 5.250 and 8.850 metres to the building facade. The porte cochere extends to within 2 metres of the western boundary however is an open single storey structure. A rear setback of between 6.5 and 11.5 metres

is proposed with all setback areas, with the exception of the western driveway, available for deep soil landscape treatments.

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

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

The building setbacks proposed reduce bulk and overshadowing and maintain appropriate amenity to surrounding development.

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

Comment: The highly articulated and modulated building form has been designed to limit excavation to that necessary to provide basement style off-street parking and servicing and maintain a generous deep soil landscaped curtilage to adjoining development.

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

Comment: The resultant height, scale and articulated 3 storey form are consistent with that of adjoining medium density housing forms and that established by medium density housing generally along Darley Street East.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development by virtue of its form, massing or scale, offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the sites visual

catchment. To that extent it can be reasonably concluded that the proposed heights at the street frontage are compatible in scale with adjacent development with development able to coexist in harmony in a streetscape context.

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

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

- (d) *be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*

Comment: The proposed development maintains a variable setback to Darley Street East of between 5.750 and 7.510 metres providing for an average setback of 6.5 metres consistent with the setbacks established by adjoining development and development generally along this section of Darley Street East. A sympathetic front building line setback and streetscape outcome is achieved.

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

Comment: The application proposes the implementation of an enhanced and integrated site landscape regime as depicted on plans prepared by Trish Dobson Landscape Architect. This landscape response, which incorporates screen tree plantings around the entire perimeter of the development together with courtyard and partial roof top landscaping, will ensure that the development sits within a landscape setting and that the landscape quality of the immediate locality is maintained as a consequence of the development proposed.

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

Comment: The application proposes the removal of a number of trees as identified in the Arboricultural Impact Assessment prepared by Urban Forestry Australia. The tree removal is appropriately compensated for through the implementation of an enhanced and integrated site landscape regime as depicted on plans prepared by Trish Dobson Landscape Architect.

This landscape response, which incorporates screen tree plantings around the entire perimeter of the development together with courtyard and partial roof top landscaping, will ensure that the development sits within a landscape setting and that the landscape quality of the immediate locality is maintained as a consequence of the development proposed.

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

Comment: N/A.

### **Visual and acoustic privacy**

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

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

Comment: The proposal maintains appropriate levels of both aural and visual privacy through appropriate building design and orientation of internal living and elevated open space areas relative to adjoining living and open space areas. Integrated privacy attenuation measures have been implemented to side boundary facing fenestration, where necessary, to prevent direct overlooking opportunities between properties.

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

Comment: Appropriate aural privacy will be maintained to all bedrooms through the driveway location which limits exposure of bedrooms to driveway noise.

### **Solar access and design for climate**

Pursuant to clause 35 the proposed development should:

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



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

- (b) *involving site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Comment: The majority of bedrooms and all north facing lounge areas have access to at least 3 hours of solar access and cross ventilation. These design principles have been considered and incorporated in conjunction with detailed site analysis into the design of the proposed development.

### **Stormwater**

Pursuant to clause 36 the proposed development should:

- (a) *control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by finishing driveways surfaces with semi impervious material, minimising the width of paths and minimising paved areas, and*

Comment: The development will be gravity drained through the required OSD system to the existing kerb inlet pit to the west of the site as detailed on the accompanying drainage plans prepared by Barrenjoey Consulting Engineers.

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

Comment: The proposal incorporates the on-site detention of stormwater as depicted on the accompanying drainage plans prepared by Barrenjoey Consulting Engineers.

### **Crime prevention**

These design principles have been considered and detailed with the development application. Appropriate levels of casual surveillance are achieved to publicly accessible areas of the site from internal bedroom and living areas. All basement car parking and public accessible areas will be appropriately lit night with the and landscape designs minimising potential concealment and entrapment opportunities.

- (a) *site planning that allows, from inside each dwelling, general observation of the street, the site and approaches to the dwellings entry, and*

Comment: These design principles have been considered and adopted into the design. Good levels of casual surveillance are achieved to all communal spaces within the development relatively divorced from the public domain. The car parking area will be appropriately lit at night with the development staffed 24/7.

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

Comment: N/A

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

Comment: N/A

### **Accessibility**

Pursuant to clause 38 the proposed development should:

- (a) *have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*

Comment: We confirm that an accessible path of travel of compliant gradient provides access to the north and south bound bus stops on Barrenjoey Road. The distance to these bus stops is approximately 140 metres to the south bound bus stop and 190 metres to the north bound bus stop. Both bus stops meet the minimum servicing requirements of the SEPP and provide access to the necessary range of services located within the Mona Vale Town Centre. Whilst this outcome satisfies the clause 26 provisions, we note that the Mona Vale Town Centre is located only 440 metres walking distance from the subject site.

The proposed development meets the location and access to facilities requirements as outlined within the accompanying access report.

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

Comment: These matters have been addressed in detail in the Traffic and Parking Assessment prepared by TerraTraffic Pty Limited. This report contains the following commentary:

*The proposed development satisfies the SEPP requirement with the provision of 17 parking spaces comprising 16 spaces in the basement carpark for staff and visitors and an ambulance bay on ground level.*

*The basement carpark and access arrangements have been designed to satisfy the following requirements contained in the Australian Standard AS/NZS2890.1-2004: "Off-Street Car Parking":*

- *Class 1A (long-stay) staff car spaces are a minimum 2.4m x 5.4m*
- *Class 3 (short-stay) visitor parking spaces are a minimum 2.6m x 5.4m*
- *An additional 300mm has been provided to spaces adjacent a wall or obstruction*
- *A minimum manoeuvring aisle width of 5.8m has been provided*
- *Columns have been located in accordance with Clause 5.2 of the Standard*
- *A 1.0m wide dead-end aisle extension has been provided*
- *The single lane curved ramp satisfies the dimensional requirements in Figure 2.9 of the Standard*
- *The first 6m of the access ramp from the property boundary does not exceed 5% (1 in 20)*
- *Ramp grades do not exceed 20% (1 in 5) and are measured along the inside curve*
- *Ramp transitions do not exceed 12.5% (1 in 8) over a distance of 2.0m*
- *A minimum headroom clearance of 2.2m has been provided in the basement*
- *Pedestrian sight line triangles have been provided*

*The courier loading bay in the basement has also been conveniently located next to a storage area and has been designed to satisfy Clause 4.10 of the Standard by providing 2.0m clearance at rear of the space (in the aisle) and 500mm clearance to the side.*

*The disabled parking space has been designed in accordance with the Australian Standard AS/NZS2890.6:2009 – “Off-street parking for people with disabilities” as follows:*

- *A 5.4m long x 2.4m wide dedicated (non-shared) parking space*
- *An adjacent shared area that is also 5.4m long x 2.4m wide*
- *A minimum headroom of 2.5m above the disabled spaces*
- *Pavement cross-falls in disabled spaces do not exceed 2.5% (1 in 40) in any direction*

*In the circumstances, it can be concluded that the proposed development has no unacceptable parking, access or servicing implications.*

## **Waste management**

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

Comment: The development incorporates appropriately sized and conveniently accessed garbage storage facilities within a dedicated garbage room. Waste will be collected by a private contractor.

#### **4.3.7 Development standards to be complied with**

##### **Minimum sizes and building height**

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

##### **Site size**

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

Comment: The area of the entire development site is 1749m<sup>2</sup> and as such complies with this development standard.

##### **Site frontage**

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

Comment: The site has a width of 34.515 metres measured at the building alignment and therefore compliant with the standard.

##### **Height in zones where residential flat buildings are not permitted**

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*
- (b) a building that is adjacent to a boundary of the site must be not more than 2 storeys in height, and*
- (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.*

Comment: These provisions do not apply as residential flat buildings are permissible in the R3 Medium Density zone.

#### **4.3.8 Standards that cannot be used to refuse development consent for residential care facilities.**

Pursuant to clause 48 of SEPP HSPD 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 residential care facility on any of the following grounds:

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

Comment: As previously identified, the proposed development has a maximum overall building height of 8.5 metres and a maximum height measured to the underside of the upper most ceiling of 8 metres in strict accordance with this standard.

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

Comment: The proposal has a gross floor area of 2204.03m<sup>2</sup> calculated in accordance with the gross floor area definition contained within SEPP HSPD representing an FSR of 1.26:1.

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

We note that the 1:1 FSR standard applies to both the R2 Low Density Residential and R3 Medium Density Residential with no distinguish made between the disparate housing forms and associated density between such zones. We consider the FSR proposed to be appropriate given the medium density zoning of the land and the FSR established by adjoining development and development generally within the sites visual catchment including the 3 storey brick residential care facility to the north of the site known as *Baldwin Living Seabeach Gardens retirement village*.

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

- (c) ***landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,***

Comment: Based on the 51 beds proposed a landscaped area of 1275 square metres is required. The application provides for a total ground level landscaped area of 577.881 square metres representing 38.5% of the developable area of the site (exclusive of area of ROW's). Whilst non-compliant with the provisions relating to residential care facilities, the proposal exceeds the 30% landscaped area and 15% deep soil landscaped area provisions applicable to self-contained dwellings proposed pursuant to the SEPP.

The quantum of landscaping is acceptable given that a generous deep soil landscaped curtilage is afforded to the perimeter of the development.

(d) ***parking for residents and visitors: if at least the following is provided:***

- (i) *1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and*
- (ii) *1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and*
- (iii) *1 parking space suitable for an ambulance.*

Comment: The application provides for the required quantum of car parking as detailed in the Traffic and Parking Assessment prepared by Terraffic Pty Limited.

## 4.4 COMPLIANCE TABLES

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

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

SUMMARY OF COMPLIANCE WITH STANDARDS			
Standard	Required	Provided	Complies
Location, Facilities and Support Services (Clause 26 SEPPHSPD)	Site within 400m of transport that can provide access to Facilities and Support Services	Property located within 400m of both north and south bound bus services along Barrenjoey Road	Yes
Building Frontage (Clause 40(3) SEPPHSPD)	Minimum street frontage of 20 metres wide at building line.	>20 metre width at building line	Yes
Wheelchair Access Requirements (Schedule 3)	100% access to road or internal driveway; 10% access to adjoining road; 100% access to common areas and facilities; 100% adaptable to disabled persons requirements	100% access to road or internal driveway; greater than 10% access to adjoining road; 100% access to common areas and facilities; 100% adaptable to disabled persons requirement	Yes
Height (Clause 40(4) SEPPHSPD)	<8.0m 2 storeys at boundary. Single storey in rear 25% of site.	N/A	N/A
FSR (Clause 48(b) SEPPHSPD)	Threshold of 1:1	1.26:1	No Acceptable on merit
Landscaped Area (Clause 48(c) SEPPHSPD)	Minimum 25 square metres per bed (3300sqm required)	577.88sqm or 38.5% of developable site area (exclusive of ROW's)	No Acceptable on merit
Parking total 51 bedrooms (Clause 48(d) SEPPHSPD)	17 spaces	17 spaces	Yes
Neighbour amenity and streetscape (Clause 33 SEPPHSPD)	Attractive residential environment		Satisfactory
Visual and Acoustic Privacy (Clause 34 SEPPHSPD)	Appropriate site planning and acceptable noise levels		Satisfactory
Solar Access (Clause 35 SEPPHSPD)	Adequate daylight to living areas of neighbours and sun to POS		Satisfactory



Stormwater (Clause 36)	Minimise stormwater run-off.		Satisfactory
Crime Prevention (Clause 37 SEPPHSPD)	Personal property security for residents and visitors and encourage crime prevention.		Satisfactory
Accessibility (Clause 38 SEPPHSPD)	Access to public transport, parking and disabled access to all aspects of the development.		Satisfactory
Waste Management (Clause 39 SEPPHSPD)	Waste facilities that maximise recycling.		Satisfactory

### **Pittwater 21 Development Control Plan**

	<b>Control</b>	<b>Proposed</b>	<b>Compliance</b>
Side Boundary Setback	Min 1 / 2.5 metre	All setbacks well in excess of control	Yes
Building Envelope	4.2 metres/ 45 degree envelope	Strict compliance achieved	Yes

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

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

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

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

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

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

#### **4.6 Matters for Consideration Pursuant to Section 4.15C (1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15C of the Environmental Planning and Assessment Act 1979(as amended). Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

##### **4.6.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.**

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use and associated built form outcome are complimentary and compatible with the character of the immediate area. The development provides appropriate streetscape and residential amenity outcomes.

The development is permissible in the zone and generally compliant with the relevant statutory planning regime as detailed within this report.

##### **4.6.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

###### *Context and Setting*

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
  - *the character and amenity of the locality and streetscape?*
  - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
  - *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the report with the development found to be acceptable in this regard.

ii) *What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable and within the scope of the built form controls.

#### *Access, transport and traffic*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

These issues have been discussed in detail in the report. It has been determined that the development provides adequate carparking facilities and will not significantly increase traffic generation as detailed in the accompanying report prepared by Terraffix Pty Limited.

#### *Public domain*

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

#### *Utilities*

The development is adequately serviced.

### *Flora and fauna*

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

### *Waste*

Commercial waste collection applies to this development.

### *Natural hazards*

The property is not identified as being affected by hazards.

### *Economic impact in the locality*

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

### *Site design and internal design*

i) *Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the policy controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development can comply with the provisions of the Building Code of Australia as detailed within the accompanying report prepared by Philip Chun. The proposal complies with the relevant standards pertaining to health and safety.

### *Construction*

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

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

### **4.6.3 The suitability of the site for the development.**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

*Are the site attributes conducive to development?*

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

### **4.6.4 Any submissions received in accordance with this Act or the regulations.**

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

#### **4.6.5 The public interest.**

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

## 5.0 CONCLUSIONS

The proposal is permissible and in conformity with the aims and implicit objectives of SEPP HSPD and consistent with the subordinate standards and controls applicable to this form of development on this particular site. This report demonstrate that the density proposed is contextually appropriate with the development maintaining appropriate streetscape, heritage conservation and residential amenity outcomes.

The existing nursing home is antiquated in design and function and fails to meet modern residential care facility standards and private health care resident expectations. In this regard, the architect has responded to the client brief to provide for a boutique residential care facility of exceptional design quality to meet a clear demand for such accommodation within the area. The built form and landscape outcomes achieved respond appropriately to the constraints and opportunities identified through detailed site analysis whilst maintaining appropriate levels of amenity to the adjoining and nearby residential properties.

The highly articulated and modulated building form has been designed to step down the site in response to topography and provide a generous deep soil landscaped curtilage to adjoining development. The landscaping proposed will ensure that the building is soften and screened as viewed in the round and sits within a relatively informal landscaped setting. The resultant height, form, massing and setbacks are consistent with those established by other development within the sites visual catchment and that reasonably anticipate for this form of development where form follows function.

The resultant height, form, massing and setbacks are consistent with those anticipated for development within the R3 Medium Density Residential zone.



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

Yours faithfully

**Boston Blyth Fleming Town Planners**

A handwritten signature in black ink, appearing to read 'Greg Boston', written over a horizontal line.

**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

**Director**