



STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS AND ADDITIONS TO MANLY VALE NURSING HOME

280 CONDAMINE STREET | MANLY VALE

CLIENT: HARDI AGED CARE PTY LTD

REF: 2365

DATE: 19 DECEMBER 2024

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1 INTRODUCTION & PROPOSAL

This Statement of Environmental Effects is to accompany a development application to Northern Beaches Council seeking consent for minor demolition works and external alterations and additions to the existing building, which is used as a nursing home, at No. 280 Condamine Street, Manly Vale.

As detailed on the accompanying architectural drawings, the proposal has been designed by *John W Flower Architect* and includes:

- Demolition of the existing port cochere, pedestrian entry paths and ramps fronting the site on Gordon Street;
- Demolition or removal of the existing structures within the private courtyard located on the western side of the site;
- Demolition of some existing walls within the building at ground level adjacent to the building entry point;
- Reduction of existing masonry balustrade wall heights fronting Gordon Street;
- Construction of a wider driveway connecting to Gordon Street for use by ambulance services whilst enabling forward entry and exist of an ambulance, new entry stairs and paths, and landscaping surrounding. Positioned above the driveway is a lightweight awning (maximum height of 4.5m) that provides weather protection for the emergency services;
- Construction of glass balustrades for balconies facing Gordon Street and metal facade panels at the base of the building, also fronting Gordon Street;
- Construction of a landscaped roof over existing car parking spaces that are adjacent to Gordon Street;
- Construction of 2.4 metre high acoustic panels for the western private courtyard where it fronts Gordon Street and turns to Condamine Street;
- Construction of a barbeque area within the western private courtyard with a retractable roof awning over;
- Removal of existing cladding to the balconies facing east and west, and the application of a new paint finish;
- Construction of a raised herb garden within the western private open space area for use of the residents, the introduction of new landscape spaces and shade structures, as shown on the submitted landscape plans; and
- Construction of signage that identifies the site use, fronting Gordon Street.

This Statement of Environmental Effects is supplemented by the following:

1. Land Survey – Prepared by *Astrea*;
2. Architectural Plans – Prepared by *John W Flower Architect*;
3. Landscape Plans – Prepared by *Christina Silk Office of Planting and Lightbox Landscape*;
4. Arborist Report – Prepared by *Mark Bury Consulting*;
5. Civil Works – Prepared by *ACOR Consultants*;
6. BCA Report – Prepared by *Blackett, Maguire and Goldsmith*; and
7. Traffic Report / submission – Prepared by *Traffix*.

The remaining parts of this Statement of Environmental Effects evaluates the subject site and its context (Section 2) and provides an assessment of the proposed development with

consideration to the relevant statutory planning framework and the impacts of the development on the natural and built environment in accordance with S.4.15 of the Environmental Planning & Assessment Act, 1979 (Section 3).

This Statement concludes that the development is permitted with consent and results in a building form and use of the site that is suitable and anticipated by the permitted planning controls for a Residential Care Facility (Seniors Housing) within the R2 – Low Density Residential Zone. In addition, this statement concludes that the development will have acceptable impacts on the natural and built environment and is suitable for approval.

2 SUBJECT SITE AND ADJOINING DEVELOPMENT

2.1 Pre-DA Meeting

The Applicant attended a pre-DA advice meeting with Northern Beaches Council officers on 10 August 2023.

Council was generally supportive of the proposal, with the following key items identified in Council's pre-DA response letter:

- Existing trees within the location of the porte cochere are to be assessed by an arborist. This has been undertaken and an Arborist Report submitted with the application;
- The proposed reduce front setback to the street for the proposed awning was supported on the basis that there is a practical need for ambulances to have weather protection, however, Council raised an issue with respect to the thick profile of awning structure as it fronts the street. In response, the proposed awning profile has been minimised, as shown on the submitted architectural plans;
- The proposed terrace which sits about the proposed new reform was questioned by Council with respect to its visual impact add any structures that may be placed within that space for use by the residents such as chairs, tables and umbrellas. In response, the subject terrace has been reduced in size to limit the ability for use by residents for long periods.
- A detailed landscape plan was requested by Council and is provided with the subject application. A pre and post development landscaped area calculation is also provided and is discussed at Section 3 of this report;
- Council's development engineer requested driveway grades and details as part of the application and this has been provided in the submitted Traffic Report;
- Submission of the relevant documents with the DA.

The above items have been considered and incorporated into the package of DA submitted documents.

2.2 Site Description

The subject site has a primary street frontage to Gordon Street and secondary street frontage to Condamine Street. It is addressed as No. 280 Condamine Street, Manly Vale, and has a legal description of 1 Lot 1 in DP 5502753. Condamine Street is a classified road.

Hardi Aged Care presently operate a Residential Aged Care Facility on the site, known as Manly Vale Nursing Home.

Provided at Figure 1 over page is site location map.



Figure 1: Site Location

The site has an irregular shape with an angled alignment to Condamine Street and stepped southern boundary. The northern and eastern boundaries have regular shape alignment. The site's frontage length to Gordon Street is 54.46m and 40.37m to Condamine Street, and it has a site area of 2,112.44m². The site has a moderate fall in an easterly direction, with stormwater connecting to Gordon Street at its northeastern corner.

The site contains a 2 storey Residential Aged Care Facility operated by Hardi Aged Care. It is positioned above street level with the primary pedestrian access point being from Gordon Street and a side access driveway on its eastern side. Car parking is located along the southern boundary of the site and an existing area of private open space is positioned along the western boundary, adjacent to Condamine Street.

The site is bounded by fences of varying materials and heights with various sections of landscaping. Two canopy trees front the existing building on Gordon Street, which have been assessed in the submitted Arborist Report and will be retained and protected as part of the proposed development.

To the east and west of the site is low density residential development, also located on the opposite side of the street is a mix of older and more recently completed apartment buildings, and to the west on the opposite side of Condamine Street is a St Kieran's Catholic Primary School.

Photographs of the site and its surrounds are provided over page.



Figure 2: Gordon Street site frontage



Figure 3: Condamine Street site frontage



Figure 4: Existing private open space adjacent to Condamine Street



Figure 5: Apartments located on the northern side of Condamine Street



Figure 6: Dwellings to the west of the site

3 STATUTORY PLANNING ASSESSMENT

Provided below is a Statutory Planning Assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979. This includes compliance with the relevant planning controls, impacts of the development on the natural and built environment as well as the suitability of the site and a consideration of the public interest.

3.1 Compliance with Planning Controls (Section 4.15(1)(a))

The following statutory and non-statutory planning policies apply to the assessment of this application under Section 4.15(1)(a) of the EP&A Act, 1979:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and infrastructure) 2021;
- State Environmental Planning Policy (Housing) 2021;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan 2011.

3.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

On March 1, 2022 SEPP (Resilience and Hazards) 2021 replaced three former SEPPs including SEPP Coastal Management 2018 and SEPP 55 (Remediation of Land). Chapter 2 of the SEPP relates to Coastal Management, this chapter is not applicable as the site falls outside the land application map.

Chapter 4 (Remediation of Land) of the SEPP applies to the State of NSW and aims to undertake remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether land is contaminated. A review of aerial photographs indicate that this site has been used for residential purposes since it was subdivided and the site has a long standing and established use for residential purposes as an aged care facility. As such, there are no reasons to suspect that the site is contaminated and the requirements of Chapter 4 of SEPP (Resilience and Hazards) 2021 are satisfied.

3.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

On March 1, 2022 SEPP (Biodiversity and Conservation) 2021 replaced 11 former SEPPs and SREPPs, including SEPP (Vegetation in non-rural areas) 2017 which applies to the subject site and proposed development.

Chapter 2 (Vegetation on non-rural areas) of the SEPP contains provisions from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The site is not identified on Council's mapping system to contain any species of significance or biodiversity values and is therefore acceptable regarding the SEPP.

3.1.3 SEPP (Transport and Infrastructure) 2021

On March 1, 2022 SEPP (Transport and Infrastructure) 2021 replaced 4 former SEPPs, including SEPP (Infrastructure) 2007 which applies to the proposed development.

Chapter 2 of the SEPP contains those provisions from the former Infrastructure SEPP.

The proposed does not introduce any new connections to Condamine Street (being the classified road) and maintains Gordon Street as its primary entry/exit point for pedestrians and vehicles.

In addition, as the proposal is ancillary development to existing Seniors Housing (being *residential accommodation*) there is no need to undertake acoustic modelling for the existing residents, although the proposal does include additional 2.4m high acoustic screens to the north-western street corner to buffer the private open space from the dominant road noise source.

On this basis, the requirements of the SEPP are satisfied.

3.1.4 State Environmental Planning Policy (Housing) 2021

On November 26, 2021 SEPP (Housing) 2021 replaced 2 former SEPPs, namely, SEPP (Affordable Rental Housing) 2009 and SEPP (Housing for Seniors or People with a Disability) 2004. The SEPP applies to numerous zones throughout NSW, including the R2 Low Density Residential Zone and therefore the subject site. However, given the minor and ancillary nature of the proposed works, there are no specific SEPP provisions that are applicable in the circumstances.

3.1.5 Warringah Local Environmental Plan 2011

Under the LEP the subject site is located within the *R2 – Low Density Residential* zone. Seniors Housing is a prohibited land use within the zone and although permissibility is achieved pursuant to the Housing SEPP (as described above), it is noted that the use of the site as a nursing home is longstanding with numerous development consents being granted over several decades.

Although existing use rights does not need to be strictly established (because the Housing SEPP creates permissibility), it is noted that DA2008/504 was granted by Council on 2 May 2008 that allows for the 'construction of accessible toilet facilities within an existing nursing home'. This approval establishes the use of the site as Seniors Housing.

On the basis that Seniors Housing is prohibited development in the R2 zone, there are no LEP provisions that apply or require further analysis, although it is noted that the proposal is not antipathetic to the general intent for development within the R2 zone, including building height for which the proposed awning structure is easily compliant (4.5m proposed).

3.1.6 WARRINGAH DCP 2011

As existing use rights applies to the site and its existing use, there is no direct nexus between the proposal and the provisions of the DCP. However, to assist Council's assessment, a response to the provisions of the Warringah DCP 2011 as identified within Council's pre-DA response letter is provided in Table 1 below.

TABLE 1: RELEVANT PROVISIONS OF WDCP 2011		
Provision	Proposal	Complies
General Principals of Development		
B7 Front Boundary Setbacks Required – 6.5m	<p>The proposed awning has a nil boundary setback.</p> <p>As advised by Council in the pre-DA response letter, there is general support for the proposed nil front boundary setback on the basis that the structure is reduced in profile thickness to minimise its visibility from the streetscape, and also on the basis that the two existing canopy trees fronting the site are retained. Both of these aspects have been integrated into the development application documents. In addition, we note that the site is located at the end of the street and adjacent to Condamine Street where a reduced front setback for the awning structure will not be seen as cutting through in established pattern of building setbacks that might normally occur within a low density zone and where a site is located more centrally. The proposed awning performs a critical role in terms of weather protection for emergency services, which are regularly called to the site given the elderly and frail nature of the residents. There will be no adverse amenity impacts created on an adjoining property in terms of overshadowing, privacy or view loss. The proposal will form part of a longstanding use of the site as a nursing home and will complement the external appearance off the building, including being largely obscured by the existing large tree canopies fronting inside.</p>	N/A
DA Landscaped Open Space and Bushland Setting Required – 40% of the site	<p>Site Area – 2,112.44m² Existing – 552.40m² (26.1%) Proposed - 557.30m² (26.4%)</p> <p>The proposal will therefore result in a slight increase to site landscaping, although the landscaped roof over the car spaces fronting the site is not technically defined as deep soil landscaping. Even so, as previously expressed, the site benefits from existing use rights and the DCP provisions do not strictly apply to prohibited development.</p>	N/A

3.2 Impacts on Natural & Built Environment (Section 4.15(1)(b))

Natural Environment

The proposal seeks to carry out alterations and additions to an existing nursing home and will incorporate appropriate construction methodology to minimise runoff and siltation.

The site is not mapped as containing any significant ecological features and the historically developed nature of the site indicates that there are limited significant natural trees on and fronting the site. There are to existing native canopy trees fronting the existing building on Gordon Street, which will be retained and protected as part of the proposal.

The submitted Arborist Report prepared by Mark Bury Consulting concludes as follows:

Trees 1 and 2 in my opinion will not be affected the proposed works as can be seen from the plans in Appendix 4 of this report provided they are managed as per the Tree Management and protection plan in appendix 7 of this report.

It is suggested that a pier and beam construction technique be designed and incorporated into the overall design of the proposed development to ensure the protection of the trees 1 and 2 on the site.

All works are to be carried out as per the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

In light of the above, the proposal will not give rise to significant impacts on the natural environment and will provide a net improvement to the natural features of the site through additional landscaping within the existing private open space area adjacent to Condamine Street.

Built Environment

The proposal does not give rise to any material impacts on the built environment as detailed below.

With respect to amenity within the subject site, the proposal will improve the amenity of the private open space area for the residents with the introduction of a new barbecue area, retractable morning, new seating, a vegetable garden, acoustic screening and landscaping. For the sites frontage to Gordon Street, the proposed landscaped rooftop for the two car parking space located adjacent to the entrance driveway will assist by softening the appearance of this portion of the building as viewed from the street. In addition, the external changes to the balconies will create improved building appearance and residential amenity outcomes through additional light into the adjacent rooms and improved outlook towards the adjacent streets.

Although the subject site benefits from existing use rights and as such, the local planning controls do not directly apply, in terms of a merit based assessment, the proposed reduced front setback for the awning needs to be considered.

In this respect, as compared to the pre-DA lodgement design, the awning structure has been reduced in profile thickness to minimise its visibility from the streetscape and the 2 existing canopy trees fronting the site are to be retained, which will assist with screening

the awning structure and maintaining a landscaped street appearance. Such outcomes where desirably expressed by Council in its pre-DA response letter.

In addition, it is noted that the site is located at the end of the street and adjacent to Condamine Street (a classified road) where a reduced front setback for the awning structure will not be seen as cutting through in established pattern of building setbacks that might normally occur within a low density zone and where a site is located more centrally on a street.

Significantly, the proposed awning replaces an existing porte cochere structure that has larger appearance from the street and the new structure performs a critical role in terms of weather protection for emergency services, which are regularly called to the site given the elderly and frail nature of the residents.

There will be no adverse amenity impacts created on an adjoining property in terms of overshadowing, privacy or view loss. The proposal will form part of a longstanding use of the site as a nursing home and will complement the external appearance off the building, including being largely obscured by the existing large tree canopies fronting inside.

Social and Economic Impacts

The proposal will add to and improve the existing building and site, whilst respecting streetscape presentation and neighbour amenity. In the absence of impacts on the natural or built environment and maintaining the residential use at the site, the proposal will result in no adverse social impacts, and to the contrary will add to resident amenity which as improved social outcomes. In addition, the nature of the proposal will have a neutral impact on the economy.

3.3 The Suitability of the Site (Section 4.15(1)(C))

The site is presently used as a nursing home, and this will continue. On the basis of the ongoing and historic use of the site as a nursing home, and in the absence of any natural or built environmental impacts as detailed above, the development is suitable at the site.

3.4 The Public Interest (Section 4.15(1)(e))

The proposed development is permissible with development consent, is consistent with zone objectives and complies largely with the LEP and DCP unless identified and appropriate justification has been provided. Accordingly, the proposed development is in the public interest and worthy of Council's support.

4 CONCLUSION

This Statement of Environmental Effects has detailed the specifics of the site and its context and outlines the proposal to carry out alterations and additions to the existing Manly Vale Nursing Home.

The application has been considered in accordance with the matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is prohibited development within the R2 zone, although it benefits from existing use rights, as outlined in this report.

The proposal will result in acceptable development that will have no significant adverse environmental impact on the street and locality.

As detailed in this Statement, the proposed development will not give rise to any unacceptable impacts on the natural and built environment and will in fact improve the streetscape appearance of Gordon Street compared to existing. The proposal will also have acceptable impacts in term of privacy and overshadowing in relation to the surrounding properties.

The proposal is therefore suitable for the site and in the interest of the public and it is requested that Council determine the application favourably.