

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed seniors
housing pursuant to SEPP
(Housing for Seniors or
People with a Disability
2004)

4 Alexander Street,
Collaroy

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4 Alexander Street, Collaroy



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TABLE OF CONTENTS

1	Introduction.....	4
2	Site Analysis	6
2.1	Site Description and location	6
2.1.1	The Site	6
2.1.2	The locality	9
2.1.3	Site analysis	11
3	Description of Proposed Development.....	13
3.1	Details of the proposed development.....	13
4	Statutory planning framework	15
4.1	State environmental planning policy (housing for seniors or people with a disability) 2004..	15
4.1.1	Aims of policy.....	15
4.1.2	Land to which the SEPP applies.....	15
4.1.3	Key concepts.....	16
4.1.4	Site compatibility criteria	16
4.1.5	Site related requirements	16
4.1.6	Design requirements.....	18
4.1.7	Development standards to be complied with.....	27
4.1.8	Standards that cannot be used to refuse development consent for self contained dwellings	30
4.1.9	Compliance table	32
4.2	Warringah Local Environmental Plan 2011	35
4.3	Warringah Development Control Plan 2011	38
4.4	State Environmental Planning Policy No.55 – Remediation of Land	50
4.5	State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development	50
4.6	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	50
4.7	State Environmental Planning Policy (Infrastructure) 2007.....	51
4.8	State Environmental Planning Policy (Coastal Management) 2018	52
4.9	Matters for consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979, as amended.....	53
5	Conclusion.....	58

Attachment 1 Clause 4.6 variation request – Clause 40(3) SEPP HSPD

Attachment 2 Clause 4.6 variation request – Clause 40(4)(b) SEPP HSPD

1 INTRODUCTION

The subject application proposes the demolition of the existing dwelling and the construction of a seniors housing development incorporating 5 x 3 bedroom in-fill self-care housing units and basement car parking for 9 vehicles 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 enhanced site landscape regime.

The architect has responded to the client brief to provide for a residential development of exceptional design quality which responds appropriately to the constraints and opportunities identified through detailed site and context analysis whilst maintaining appropriate levels of amenity to the adjoining residential properties. Consideration has also been given to maintaining an appropriate spatial relationship with the adjoining heritage listed cinema with the proposal having a neutral impact on the item and its setting.

Having regard to the detail of the application we have formed the considered opinion that the development will not give rise to any unacceptable environmental, streetscape, heritage conservation or residential amenity impacts. The development will however provide for additional housing for seniors or people with a disability in an area ideally suited to this form of housing being located within immediate proximity to the Collaroy Beach Local Centre and the B-Line bus service. In addition to this Statement of Environmental Effects, the application is also accompanied by the following:

- Survey plan prepared by Byrne and Associates,
- Architectural plans, elevations, sections, shadow diagrams, montages prepared by PBD Architects,
- Architect Design Verification Statement (SEPP 65/ ADG),
- Heritage Impact Statement prepared by BBF Town Planners (within the SoEE),
- Stormwater drainage plans and management plan prepared by C&M Consulting Engineers,
- Arborist Report prepared by Advanced Treescape Consulting,
- Landscape Plans prepared by Conzept Landscape Architects,
- Traffic and parking Assessment prepared by Varga Traffic Planning Pty Limited,
- BCA Assessment prepared by BCA Logic,
- Accessibility Report prepared by Vista Access Architects,
- Geotechnical Investigation Report prepared by Alliance Geotechnical,
- Waste Management Plan prepared by Auswide Consulting,
- Quantity Surveyor Report prepared by Construction Consultants, and
- BASIX Certificate.

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

- Environmental Planning and Assessment Act, 1979
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- Seniors Living Policy Urban Design Guidelines for Infill Development.
- State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 - Remediation of Land
- State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the relevant planning controls applicable to the site and the proposed development.
- The proposed development is consistent with the desired future character of the locality.
- The proposed development will not have an unreasonable impact on the environmental quality of the land and the amenity of surrounding properties.
- The proposal will have a positive impact on the significance of the adjacent heritage listed property.
- The accompanying clause 4.6 variation requests demonstrates that compliance with the clause 40(3) SEPP HSPD site frontage standard and clause 40(4)(b) storeys standard is unnecessary given the developments consistency, notwithstanding the variation, with the objectives of the standard and the objectives of the zone with sufficient environmental planning grounds to justify the variation. The clause 4.6 variation requests are well-founded.
- The site is assessed as suitable for the proposal, having regard to the relevant considerations pursuant to the SEPP (Housing for Seniors or People with a Disability) 2004.

2 SITE ANALYSIS

2.1 SITE DESCRIPTION AND LOCATION

2.1.1 THE SITE

The development site is legally described as Lot A, DP 379308, No. 4 Alexander Street, Collaroy. The site is irregular in shape having frontage and address to Alexander Street of 19.81 metres with the allotment width increasing to 24.405 metres from a distance of 14.45 metres into the subject property. The property has an overall depth of 51.775 m and an area of 1199m². The site falls approximately 4 metres across its surface in a north easterly direction and contains a number of trees as identified within the accompanying arborist report none of which are considered significant in terms of their form or species. An aerial location/ context photograph is at Figure 1 below.



Figure 1 - Aerial location/ context photograph (Source: SIX Maps)

The property is occupied by single storey brick, fibro and weatherboard house with informal car parking at the front of the property and a number of detached metal sheds at the rear of the property. A significant portion of the property is occupied by concrete and brick paved surfaces with a 1.6 metre high brick fence delineating the front boundary of the property as depicted in the survey extracts at Figure 2 over page.

[illegible]



Figure 3: Subject property as viewed from Alexander Street



Figure 4 - Looking south from front yard towards the rear of the subject property

2.1.2 THE LOCALITY

The subject site is located at the western edge of the Collaroy Beach Local Centre which contains a number of services and facilities and a B-Line bus stop. The sites immediate proximity to the local centre and Collaroy Beach ensures that future occupants will have easy access to range of goods and services, recreational activities, and public transport.

The property to the west, No. 6 Alexander Street, is occupied by a single story brick dwelling with pitched and tiled roof, and informal off-street car parking located down the eastern boundary of the property. The property further to the west, No. 8 Alexander Street, is occupied by a 3 storey brick residential flat building pitched and tiled roof. These adjoining properties are depicted in Figure 5 below.



Figure 5 - Photograph of adjoining properties located to the west of the subject site.

The properties to the east of the subject property are occupied by a 4 storey shop top housing development at No. 1085 – 1087 Pittwater Road, a single storey brick commercial building at No. 1091 Pittwater Road and a multilevel heritage listed cinema at No. 1097 Pittwater Road as depicted in Figure 6 over page. The properties located directly opposite the site on Alexander Street are occupied by a 3 storey shop top housing development and a multilevel building used as backpacker accommodation. A laneway located diagonally opposite the site provide service access to the commercial properties fronting Pittwater Road as depicted in Figure 7 over page.

The properties located to the south of the subject property, having fronting and address to Eastbank Avenue, are occupied by 1 and 2 storey detached dwelling houses.

Being located at the western fringe of the Collaroy Beach Local Centre and within immediate proximity of Collaroy Beach and the north-south B-line bus service the subject property has excellent access to services, facilities, outdoor recreation opportunities and public transport.



Figure 6 - View looking south-west towards adjoining properties to the east of the subject site having frontage and address to Pittwater Road

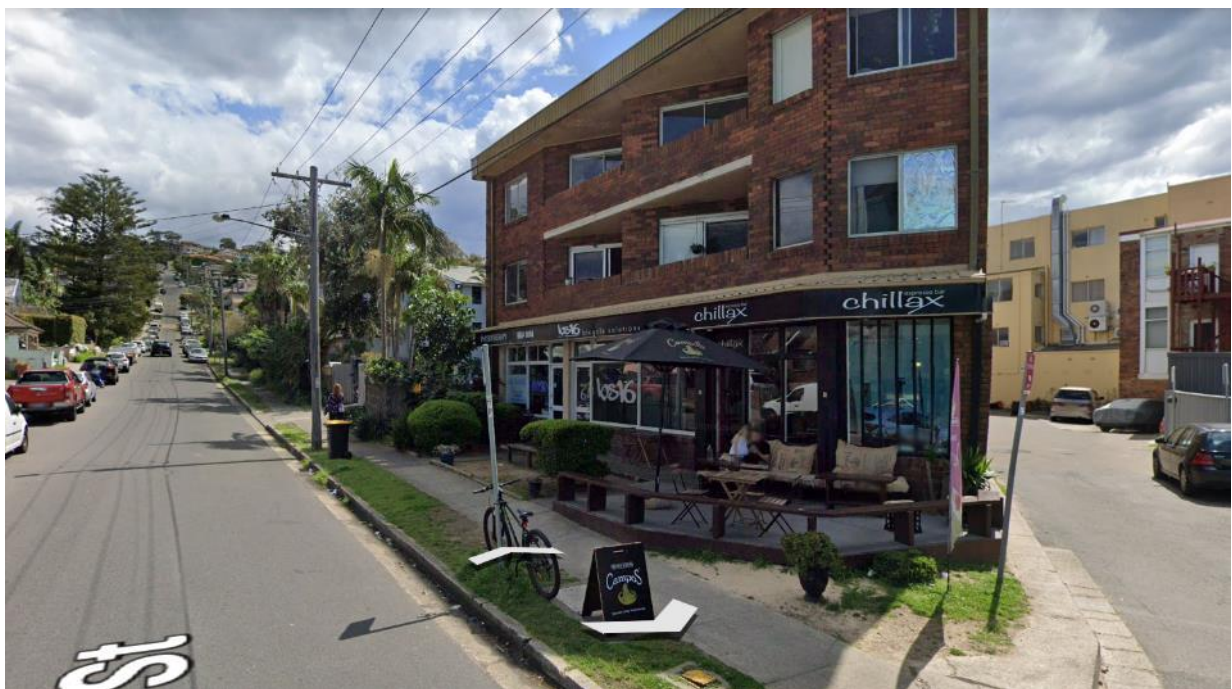


Figure 7 - View looking west along Alexander Street towards the properties located directly opposite the subject site

2.1.3 SITE ANALYSIS

There are no topographical constraints impacting the site relevant to the development as proposed. The natural and built form characteristics of the site are detailed on the site survey submitted with the DA. There are a number of trees on the site which are detailed in the arborist report provided none of which are considered significant in terms of species or form.

The relationship of the proposed development to the adjacent sites provides for appropriate built form separation, with the limited building height and scale mitigating any impacts to established views or outlooks from surrounding properties.

Having regard to the urban design guidelines for infill development as published by the Urban Design Advisor Service of the NSW Department of Planning & Natural Resources the following observations are made:

Context

The development provides for 5 apartments set within an informal landscaped setting. Carparking for all units will be provided at a basement level.

Site Planning and Design

The design of the development has sought to reflect the character and style of housing within the immediate locality noting that it is characterised by detached style housing interspersed by residential flat development. The layout of the development provides private open space in the form of balconies and/ or terraces to each dwelling.

Impacts on the Streetscape

The 2 storey building form presentation to the street is consistent with the existing and desired future form of development in the locality. The setbacks to the Alexander Street frontage provide for landscaping which will soften and screen the built form. The form of building provides for a contemporary infill outcome that is consistent with the intentions of the SEPP and the setting is augmented by the landscape detail as proposed by this application.

Impacts on the Neighbours

The limited building height combined with privacy screening measures to each of the proposed terraces and an enhanced site landscaping regime will ensure that the privacy and amenity of adjacent sites are retained. The shadow diagrams submitted with the application demonstrate that there are limited shadow impacts to neighbouring properties compliant levels of solar access maintained. A single storey building presentation is also maintained within the rear 25% area of the site with a complementary and compatible presentation to the rear of the adjacent heritage item which has its primary heritage façade orientated to the east towards Pittwater Road.

Internal site amenity

All of the units are afforded appropriately sized and orientated terraces and/ or balconies accessed off the main living areas to each of the units. All apartments (100%) receive at least 3 hours of solar access to living rooms and private open space areas.

Significant enhancements to the landscaping are proposed throughout the site with the incorporation of additional tree planting, deep soil zones and dense screen shrub planting.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 DETAILS OF THE PROPOSED DEVELOPMENT

The subject application proposes the demolition of the existing dwelling and the construction of a seniors housing development incorporating 5 x 3 bedroom in-fill self-care housing units and basement car parking for 9 vehicles pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD). The proposed development is depicted on plans DA000 – DA003, DA100 – DA103, DA110 – DA114, DA200, DA201, DA300, DA400 – DA403, DA500, DA510, DA511, DA513, DA514, DA530, DA540 and DA600 prepared by PBD Architects.

The plans provide for 5 x 3 bedroom self-contained dwellings with all apartments provided with private open space in the form of balconies and/ or terraces. Internal access is provided to basement accommodation for 9 vehicles accessed via a driveway from Alexander Street the acceptability of which is detailed in the accompanying Traffic and Parking Assessment Report prepared by Varga Traffic Planning. A schedule of external building materials and colours is shown on the elevations together with montage images of the proposed development. The development can be summarised as follows:

Site Area	1,199 m ²
Proposed FSR	0.65:1
Landscape (min)	30%
Landscape (proposed)	30%
Deep Soil (min)	15%
Deep Soil (proposed)	19%
Total no. units	5
Total no. car spaces	9
Height (max.)	8.0m to Ceiling
Height (proposed)	8.0m to Ceiling
Solar Access (min)	70% of Living rooms & POS receive 3hrs 9AM - 3PM
Solar Access (proposed)	100% of Living rooms & POS receive 3hrs 9AM - 3PM
Private Open Space (min)	15 m ² per dwelling, not less than 3m wide and 3m long
Private Open Space (proposed)	All greater than 15m ²

UNIT MIX				
Level	Unit No.	Type	Internal area (m ²)	Terrace/ Balcony (m ²)
Ground Floor	G.01	3bed	148	97.8
Level 1	1.01	3bed	148	31
Level 1	1.02	3bed	126	159
Level 1	1.03	3bed	127	199.5
Level 2	2.01	3bed	151	80
Total Unit	5			

The proposal also involves the implementation of an enhanced and integrated site landscape regime as depicted on the landscape plans prepared by Conzept Landscape Architects with the required tree removal identified and appropriately addressed in the accompanying arborist report prepared by Advanced Treescape Consulting. The landscape proposal incorporates appropriate deep soil perimeter landscape treatments which will soften and screen the development and ensure that the buildings sit within a landscape setting.

The acceptability of accessibility is dealt with in the accompanying access report prepared by Vista Access Architects with no objection is raised to the recommendations contained within these reports forming appropriate conditions of development consent. Whilst excavation has been limited to a single level of basement car parking its suitability is addressed in detail within the accompanying geotechnical report prepared by Alliance Geotechnical. All stormwater will be gravity drained to the street drainage system via the required on-site stormwater detention system as detailed on the accompanying stormwater drainage plan and report prepared by C&M Consulting Engineers.

4 STATUTORY PLANNING FRAMEWORK

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The following section of this report assesses the proposed development against the relevant provisions of the SEPP 2004 (as amended).

4.1.1 AIMS OF POLICY

The stated aims of the SEPP at clause 2 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.*

The architectural details submitted with the Development Application demonstrate that the development is of high design quality. The site locational and physical attributes facilitate its use as proposed and contextually the housing outcome is appropriate particularly given the character of the housing, density, and spatial relationship of the adjoining developments.

4.1.2 LAND TO WHICH THE SEPP APPLIES

Clause 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 subject allotment is zoned primarily for urban purposes (R2 Low Density Residential) on which dwelling houses are permissible with consent. As the site is not classified as environmentally sensitive land as identified in Schedule 1, or zoned for industrial purposes, the provisions of SEPP (SEPP – Housing for Senior or People with a Disability) 2004 apply.

4.1.3 KEY CONCEPTS

The development proposes the provision of self-contained dwellings to be used permanently for seniors or people with a disability. The proposed dwellings are self-contained as defined in clause 13 of the SEPP.

4.1.4 SITE COMPATIBILITY CRITERIA

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

4.1.5 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.*

The site is located immediately adjacent to the Collaroy Beach Local Centre and a proximally 150 metres from the north and southbound B-line bus stops located to the east along Pittwater Road. Access to the bus stops is available along the existing footpath located on the southern side of Alexander Street which has a gradient of less than 1:14. Compliant footpath gradients and kerb ramps provide an accessible path of travel via the pedestrianised signals located at the corner of Collaroy Street and Pittwater Road to both the north and southbound B-Line bus stops.

As Council is aware, the B-line bus service provides direct access to the required range of services and facilities located within the Dee Why Town Centre and Warringah Mall to the south of the site and Mona Vale Town Centre to the north with proximally 540 bus services per day travelling near the site on weekdays, a proximally 480 bus services per day on Saturdays in a proximally 460 bus service as per day on Sundays as set out in the table below.

Bus Routes and Frequencies							
Route No.	Route	Weekday		Saturday		Sunday	
		In	Out	In	Out	In	Out
181X	Narrabeen to City Wynyard (Express Service)	16	24	-	-	-	-
199	Palm Beach to Manly via Mona Vale & Dee Why	119	111	108	111	104	105
B1	B-Line Mona Vale to City Wynyard	124	128	126	115	124	110
BN1	B-Line Mona Vale to City QVB (Night Service)	12	13	12	12	10	10
TOTAL		271	276	246	238	238	225

The bus services operate at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive). The site is therefore located in an “accessible area” as defined in the *SEPP (Housing for Senior or People with a Disability) 2004*.

Under such circumstances, the consent authority can be satisfied that the development is situated where residents can access necessary services in line with the requirements of clause 26(1) and 26(5) of the SEPP.

The proposed development meets the location and access to facilities requirements as outlined above.

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 dwelling house that is connected to a reticulated water and sewage system. The proposed development will connect to these existing systems. The location of the sewer line is indicated on the site survey. The proposal can comply with the water and sewer provision requirements as outlined.

4.1.6 DESIGN REQUIREMENTS

Site Analysis

Pursuant to clause 30 of the SEPP a site analysis plan accompanies this application. The relevant issues are discussed as follows:

a) Site Dimensions

Comment: The site dimensions have been detailed in Section 2.0 of this report.

b) Topography

Comment: Please refer to the survey plan and description of the site provided in Section 2.0 of this report. The site has no physical impediments to the land use outcome anticipated on this site.

c) Services

Comment: Please refer to the detail survey.

d) Existing Vegetation

Comment: Please refer to the Arborist Report and accompanying landscape plans.

e) Micro Climates

Comment: Please refer to the commentary provided within Section 2.1.3 (site analysis) regarding the orientation of dwellings and access to solar and natural ventilation outcomes.

f) Location of Site Features

Comment: Please refer to the survey detail and description of the site in Section 2.0 of this report.

g) Views

Having inspected the site and its surrounds to determine view lines available across the site we have formed the considered opinion that the proposed development will not impact established views from neighbouring properties.

h) Overshadowing

Comment: Please refer to the shadow diagrams prepared by PBD Architects. The shadow diagrams indicate that the dwellings and yards of the neighbouring properties will retain adequate sunlight in mid-winter (June 21st).

Surrounds of the Site

a) Neighbouring buildings

Comment: The neighbouring buildings are shown on the site survey, site analysis plans and floor plans prepared by PBD Architects.

b) Privacy

Comment: Appropriate spatial separation and privacy measures is provided between the proposed development and neighbouring dwellings as detailed on the architectural drawings.

c) Walls built to the site's boundaries

Comment: There are currently no walls built to site boundaries other than the front wall delineating the front boundary of the property.

d) Difference in levels

Comment: Site levels are shown on the site survey.

e) Views and solar access

Comment: The height and scale of the development as proposed does not impede upon any established views from neighbouring properties. Good levels of solar access will be retained to all neighbouring properties.

f) Major Trees

Comment: Please refer to the arborist report and landscape plans.

g) Street frontage features

Comment: Please refer to the site survey and commentary in Section 2.0 of this report.

h) Built form and character of adjoining development

Comment: The proposed development provides for a compatible building form within the context of the locality. Development within the visual catchment of the site comprises predominately low density residential development to the west and south of the subject property with shop top housing development located within the adjacent B2 Local Centre zone.

The locality anticipates housing as a permitted land use. The form of housing proposed by this application satisfies the development definition as per clause 13 of the SEPP.

The locality benefits from an abundance of open space and recreational areas.

i) *Heritage features*

Comment: The subject property is not heritage listed or located within a heritage conservation area however is located within the vicinity of a number of heritage items namely:

<i>Former Arlington</i>	<i>1056–1066</i>	<i>Lots 20–25, DP</i>	<i>Local</i>	<i>I20</i>
<i>Amusement Hall</i>	<i>Pittwater Road</i>	<i>218990</i>		

<i>Collaroy Cinema</i>	<i>1097 Pittwater</i>	<i>Lot 4, DP 6984;</i>	<i>Local</i>	<i>I22</i>
<i>(facades and</i>	<i>Road</i>	<i>Lot B, DP</i>		
<i>interiors)</i>		<i>379308</i>		

<i>Former Westpac</i>	<i>1121 Pittwater</i>	<i>Lot 1, DP 528546</i>	<i>Local</i>	<i>I23</i>
<i>Bank</i>	<i>Road</i>			

j) *Direction and distance to local facilities*

Comment: The site is situated within immediate proximity of the Collaroy Beach Local Centre which contains a number of local facilities including shops, restaurants, a pub and Cinema.

k) *Public open space*

Comment: The site is conveniently located to a range of recreational facilities including Collaroy Beach, Collaroy Tennis club and Long Reef Golf Course.

l) *Adjoining bushland and environmentally sensitive land*

Comment: N/A

m) *Sources of nuisance*

Comment: The site is located at the eastern zone boundary interface between the R2 Low Density Residential zone and the B2 Local Centre zone. The nearest source of noise is that associated with traffic on Pittwater Road although acoustic shielding is afforded to the subject site by the shop top housing development and Cinema complex located to the east between the subject site and Pittwater Road.

Design of in-fill self-care housing

Pursuant to clause 31 of the SEPP the consent authority is to have regard to the Urban Design Guideline for Infill Development in its consideration of the application. An assessment pursuant to this guide is set out in the following table:

Issue	Key Requirement	Comment
Responding to context	Street and Lot Layout	The proposal responds to the established street and lot layout, through presenting the development as a 2 storey built form development as viewed from the street similar in height and scale to the detached style of housing in the locality
	Subdivision Layout	The proposal does not involve the consolidation of subdivision plan
	Consistency of built form – massing and scale	The proposed development displays a massing and scale and 2 storey streetscape presentation consistent with that established by development located within the site's visual catchment.
	Trees	<p>The trees to be removed are detailed in the arborist report provided.</p> <p>The loss of these trees will be compensated by replacement tree planting and enhanced landscape regime throughout the site.</p> <p>The landscape plan provides for the enhancement of landscaping on the site.</p>

Issue	Key Requirement	Comment
Site Planning & Design	<p>Dwellings to address the street</p> <p>Rear dwellings should be more modest in form</p> <p>Maximise solar access and access to private open space</p> <p>Centralised parking in car parking courts are preferred to reduce the amount of space occupied by driveways, garages, etc. Retain existing crossings if possible.</p>	<p>The site comprises an irregular shaped allotment with frontage to Alexander Street.</p> <p>The development is single storey where located in the rear 25% of the site area.</p> <p>Living areas and private open space areas are afforded compliant levels of solar access.</p> <p>Spatial separation between neighbouring dwellings is maintained by the provision of boundary setbacks and substantial boundary edge landscaping.</p> <p>A single basement level carpark is provided for all units. The basement carpark is access via a single driveway from Alexander Street.</p>
Impacts on the Streetscape	Built Form; trees; amenity; parking and garaging and vehicular circulation.	These matters have been addressed in term of the comments on context and site planning.
Impact on neighbours	Minimise impacts to by maintaining a consistency in the pattern of building.	The relationship of the siting of the development to the neighbouring dwellings to the west and south maximises the opportunity for spatial separation between dwellings.

Issue	Key Requirement	Comment
	Landscaping	Edge condition planting augments planting on the adjacent sites and increases privacy by screening in conjunction with the established fencing.
Internal Site Amenity	<p>Maximise Solar Access</p> <p>Clearly define and identify individual dwellings</p>	<p>The siting of balconies and living areas maximises the opportunities for solar access and natural light and ventilation to the individual units.</p> <p>The design of the development clearly defines the dwelling entries so that they are easily identifiable and legible, providing a sense of address to each individual unit.</p>

It is considered that the proposal appropriately responds to the design code.

Neighbourhood Amenity and Streetscape

Pursuant to clause 33 of the SEPP, 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: The site analysis and assessment pursuant to the Urban Design Guidelines (refer to the table above) has dealt with this issue.

- 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: Refer to accompanying Statement of Heritage Impact (within this SoEE).

- c) maintain reasonable neighbourhood amenity and appropriate residential character by*
- i) providing building setbacks to reduce bulk and overshadowing, and*

Comment: The proposed development complies with Warringah DCP setback controls. The shadow diagrams also show that the development will maintain compliant levels of solar access to adjoining properties.

ii) using building form and siting that relates to the site's land form, and

Comment: The height, scale and form of the development relates to the topography of the site and that of the neighbouring sites.

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

Comment: The proposal conforms to the building height standard of the SEPP (8 metres) and is compatible with the height and scale of the neighbouring develop which includes a mixture of 1 and 2 storey dwelling house to the south and west of the site and commercial development up to 4 storeys in height to the east and north of the site. The height is also compliant with the building height standard in the WLEP 2011 (8.5 metres).

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

Comment: No buildings are located on the boundaries of the site.

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 existing building line is setback a significant distance from the front boundary with the proposed development is set back in sympathy with, but not necessarily the same as, the existing building line as depicted on the architectural plans.

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

Comment: A landscape concept plan is included as a component of the works proposed with the proposed landscaping in sympathy with, but not necessarily the same as, other planting in the streetscape.

f) retain, wherever reasonable, major existing trees, and

Comment: A detailed Arborist Assessment accompanies the DA and considers the removal and retention of existing trees on the site. No significant trees were identified for retention.

g) be designed so that no building is constructed in a riparian zone

Comment: The proposed buildings are not situated within a riparian zone.

Visual and Acoustic Privacy

Pursuant to clause 34 of the SEPP 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 design and orientation of individual dwellings has been developed through appropriate site analysis to ensure that the development anticipates and appropriately addresses any potential amenity impacts to adjoining developments. Low density residential properties to the west and south of the site will not experience any unreasonable privacy impacts due to the orientation of private open space areas, implementation of integrated privacy attenuation measures into the design of the development and supplementary screening afforded through the landscaping proposed.

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

Comment: This design principle has been considered and is incorporated into the layout and design of the proposed dwellings.

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: A solar access study and shadow diagram prepared by PBD Architects accompanies this application. The shadow diagrams indicate that adequate solar access will be maintained to the north facing living and adjacent rear open space areas of all surrounding properties between 9am and 3pm on 21st June.

- 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: 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: Detailed hydraulic and stormwater plans accompany this application with all stormwater appropriately drained to the street drainage system.

- b) Include where practical on-site stormwater detention or re-use for second quality water uses.*

Comment: These design principles have been incorporated and detailed with the Development Application.

Crime Prevention

Pursuant to clause 37 the proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

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

Comment: The design of the development enables casual observation of Alexander Street including the approaches to the individual units. The individual unit entries are well located centrally within the site, so that they are easily identifiable, providing a sense of address to each unit and passive surveillance.

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

Comment: Each unit will be able to be accessed separately.

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

Comment: This design principle has been incorporated into the detailed design of the proposed development.

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: These matters have been addressed previously in this 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 accompanying traffic and parking report.

Waste Management

Pursuant to clause 39 the proposed development is provided with waste storage facilities that maximise recycling and are located within 6.5 mere of the front boundary to satisfy Council's DCP control. The application is accompanied by a waste management plan prepared by Auswide Consulting.

4.1.7 DEVELOPMENT STANDARDS TO BE COMPLIED WITH

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 total area of the allotment is 1199m² and satisfies the development standard.

Site Frontage

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

Comment: The site frontage is 19.81 metres measured at the front building line with the allotment width increasing to 24.405 metres at a point 14.45 metres into the site. This represents a non-compliance of 190mm or 2.2%.

Clause 4.6 of WLEP provides a mechanism by which this development standard can be varied. In this regard we rely on the clause 4.6 variation request at Attachment 1 which demonstrates that compliance is unnecessary given the developments ability to satisfy the underlying objective of the standard and the objectives of the zone with sufficient environment planning grounds to justify such variation. The clause 4.6 variation request is well-founded.

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

Comment: The proposal conforms to the maximum building height of 8 metres, measured to the underside of the uppermost ceiling, as depicted on architectural plan DA530 as reproduced in Figure 8 over page.

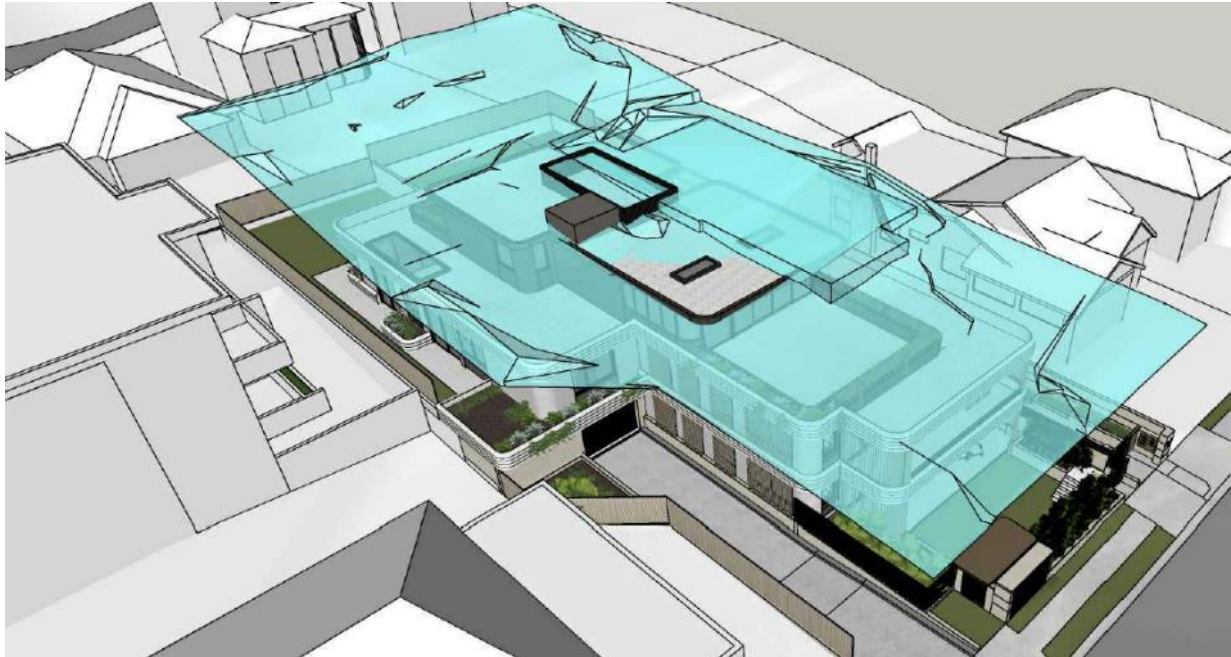


Figure 8 - Plan extract showing the developments compliance with the 8 metre height of building standard measured to the underside of the uppermost ceiling

- b) a building that is adjacent to a boundary of the site must be not more than 2 storeys in height, and*

Comment: It has been determined that a portion of the building is 3 storeys in height as defined where it adjoins the eastern boundary of the subject property although the building is 2 storeys in height as defined as it presents to the western boundary of the site. This is depicted in sections A and B on plan DA300 as reproduced in Figures 9 and 10 below and over page.

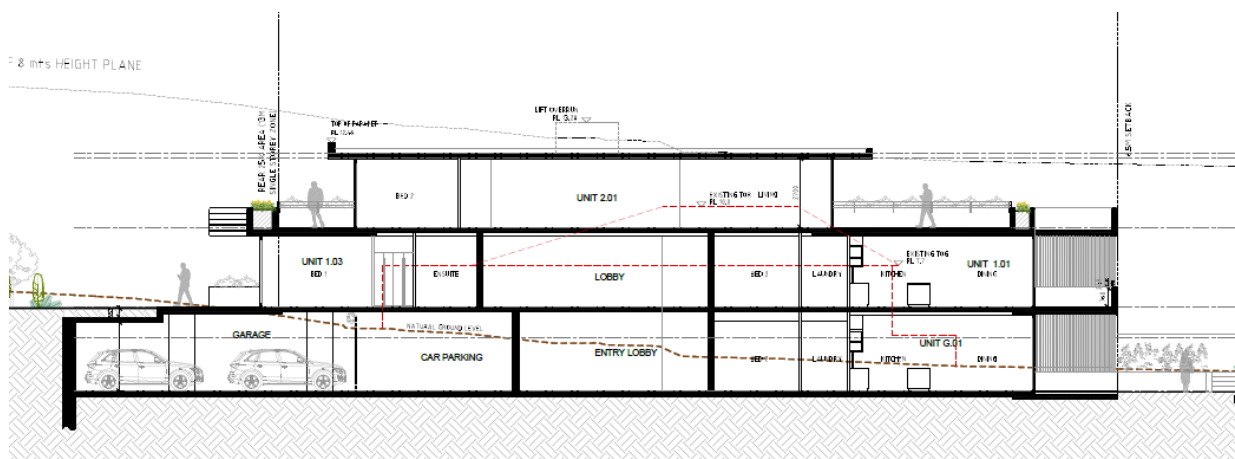


Figure 9 – Section A plan DA300 extract showing the 3 storey building elements

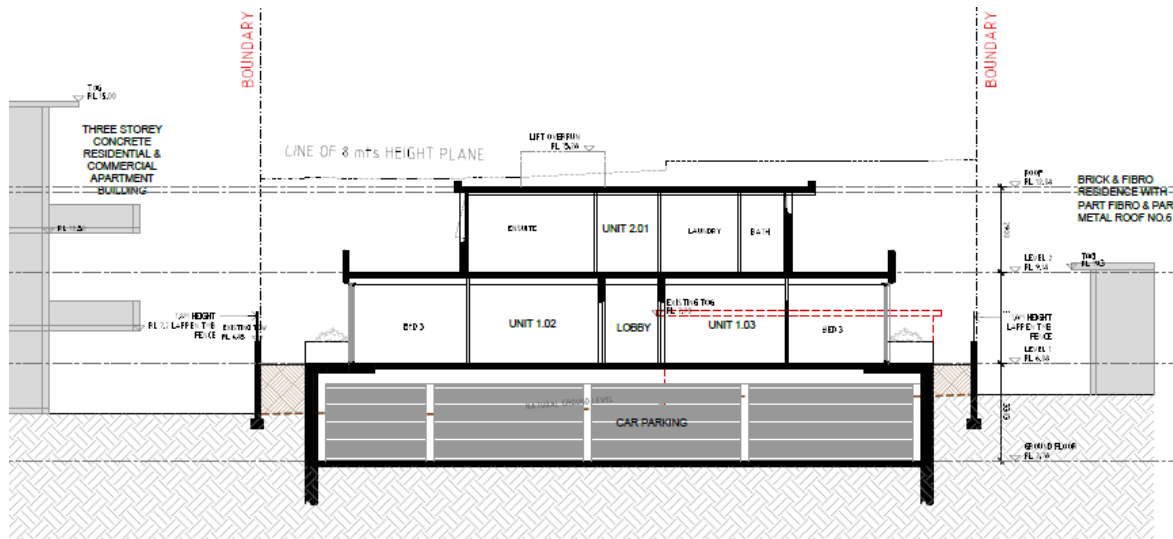


Figure 10 – Section B plan DA300 extract showing the 3 storey building elements

Clause 4.6 of WLEP provides a mechanism by which this development standard can be varied. In this regard we rely on the clause 4.6 variation request at Attachment 2 which demonstrates that compliance is unnecessary given the developments ability to satisfy the underlying objective of the standard and the objectives of the zone with sufficient environment planning grounds to justify such variation. The clause 4.6 variation request is well-founded.

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

Comment: The building elements located within the rear 25% site area are single storey in nature in compliance with this standard.

Self-Contained Dwellings

Schedule 3 of the SEPP specifies standards that self-contained dwellings must be designed to be in accordance. It is normal for these requirements to form conditions of development consent. The self-contained dwellings are able to comply with the relevant provisions and it is usual for the Council to condition certification of the finished dwellings to conform to these standards.

4.1.8 STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT FOR SELF CONTAINED DWELLINGS

Clause 50 of the SEPP requires that a Consent Authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:

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

Comment: The buildings comply with this standard.

b) **density and scale:** *if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

Comment: The development provides for an FSR of 0.65:1 as depicted on plan DA520. In relation to the GFA/ FSR proposed we have formed the following opinion:

- The development sits comfortably below the 8.5 metre WLEP 2011 height of buildings standard and also below the 8 metre ceiling height standard with SEPP HSPD;
- The landscaped area complies with the minimum 30% landscape and 15% deep soil SEPP HSPD standards with complimentary and compatible setbacks provided to all boundaries.
- The proposed development will not give rise to any unacceptable residential amenity impacts in terms of privacy, view loss, overshadowing or visual bulk.
- The integrated site landscape regime proposed will soften and screen the building when viewed from the street and neighbouring residential properties.
- The development will increase the supply of housing for seniors and people with a disability within immediate proximity of a local centre and the Collaroy Beach B-line bus service.
- 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 offensive, jarring or unsympathetic in a streetscape context nor when assessed against the built form characteristics of development within the site's visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.

It has been determined that the GFA/FSR has been appropriately distributed across the site having regard to the relationship of the proposal to the established built form arrangement on adjoining properties and the maintenance of appropriate residential amenity and streetscape outcomes. The site is ideally suited to this form of housing.

c) **Landscaped Area:** *a minimum of 30% of the area of the sites is to be landscaped,*

Comment: The proposed development incorporates 365m² soft landscaped area equating to 30% of the site area in strict accordance with this standard. This area is depicted on plan DA540.

The outcome provides for an appropriate placement of deep and good levels of spatial separation to adjoining development.

- d) *Deep Soil Zones: if, in relation to that part of the site that is not built upon, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site. Two thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres*

Comment: The proposal incorporates 230m² or 19% of the site area although some of these areas have a dimension of less than 3 metres. That said, compliant deep soil landscape opportunity exist at the front and rear of the subject property with deep soil landscape opportunity available down both side boundaries of the property consistent with the dimension anticipated for residential development in the zone. The extent of deep soil landscaping is considered to be acceptable given the ability to implement the landscape regime as depicted on the accompanying plans prepared by Conzept Landscape Architects.

- e) **solar access:** *Living rooms and private open spaces for a minimum of 70% of the dwellings of the development must receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter;*

Comment: All 5 units are compliant with the private open space requirements. The development is compliant with the minimum 70% of the dwellings receiving a minimum of 3 hours direct sunlight between 9am – 3pm in mid-winter with 100% of apartment satisfying this standard.

f) private open space for in-fill self-care housing:

- i) *in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
- ii) *In the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area.*

Comment: All terraces/ balconies exceed the minimum prescriptive standards associated with SEPP and comprise functional spaces, extending from the living/dining room areas.

g) Parking: *at least the following is provided:*

- i) *0.5 car spaces for each bedroom where the development application is made by a person other than the Department of Housing or a local government or community housing provider.*

Comment: The development provides 15 bedrooms at 0.5 spaces per bedroom equates to 7.5 required spaces. A total of 9 off-street car parking spaces are proposed which complies with this standard.

4.1.9 COMPLIANCE TABLE

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

Standard	Requirement	Proposal	Complies
Location, Facilities & Support Services	Site within 400m of transport that can provide access to Facilities and Support Services	The subject site is located within 400 metres accessible path of travel to the north and south bound B-Line bus stops along Pittwater Road.	Yes
Site Frontage	The site frontage is 20 metres wide measured at the building line.	19.81 metres	No Refer to attached clause 4.6 variation request
Wheelchair Access	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 as detailed in the accompanying access report prepared by Vista Access Architects.	Yes

Standard	Requirement	Proposal	Complies
Height	<p>8 metres</p> <p>2 storeys</p> <p>Single Storey in rear 25% of the total site area</p>	<p>8 metres</p> <p>3 storeys (eastern boundary)</p> <p>Single storey proposed within the rear 25%</p>	<p>Yes</p> <p>No</p> <p>Refer to attached clause 4.6 variation request</p> <p>Yes</p>
FSR	0.5:1	0.65:1	No Acceptable on merit
Landscaped Area	<p>Minimum 30% of site as landscaped area.</p> <p>Deep soil zone –15% of site area.</p>	<p>30% of site landscaped.</p> <p>Min 15% of site is deep soil zone as defined.</p>	<p>Yes</p> <p>Yes</p>
Parking	<p>0.5 car parking spaces for each bedroom =</p> <p>15 bedrooms x 0.5 spaces per bedroom = 7.5 parking spaces</p>	9 car spaces are proposed.	Yes
Neighbour amenity and streetscape	Attractive residential environment is achieved	The proposed development maintains acceptable levels of privacy and amenity to surrounding properties and the streetscape	Satisfactory

Standard	Requirement	Proposal	Complies
Visual and Acoustic Privacy	Appropriate site planning and acceptable noise levels	The development provides acceptable visual and acoustic privacy levels.	Satisfactory
Solar Access	Adequate daylight to living areas of neighbours and solar access to neighbouring private open space	The shadow diagrams indicate that adequate solar access provided to neighbouring properties.	Satisfactory
Stormwater	Minimise Stormwater Run-off	Achieved – see hydraulic and stormwater drawings.	Satisfactory
Crime Prevention	Personal property security for residents and visitors and encourage crime prevention & passive surveillance.	The development has been designed to accord with the CPTED principals.	Satisfactory
Accessibility	Access to public transport, parking, and disabled access to all aspects of the development.	The proposal accords with the accessibility requirements as demonstrated in the accessibility report.	Yes
Waste Management	Waste facilities that maximise recycling.	The proposal provides adequate waste & recycling facilities.	Satisfactory

4.2 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The land is zoned R2 Low Density Residential pursuant to Warringah Local Environmental Plan 2011 (WLEP). Seniors housing as defined by the LEP is a prohibited use in the zone. However, the use remains permissible with consent via the operation of SEPP (HS&PD) 2004 and the operation of Clause 1.9 of the LEP. SEPP (HS&PD) 2004 is not omitted from operation by Clause 1.9(2) of the LEP and accordingly is the operative planning instrument.

Height of buildings

Pursuant to clause 4.3 of WLEP the height of building map anticipates buildings to a maximum height of to 8.5 metres not including chimneys, flues, lift overruns or the like. The proposed development conforms with the 8.5 metre height limit and the 8 metre height limit (to the ceiling of the uppermost floor) pursuant to the standard of the SEPP.

Heritage conservation - Heritage Impact Statement

Pursuant to clause 5.10(4) of WLEP 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 the vicinity of a number of heritage items namely:

Former Arlington Amusement Hall	1056–1066 Pittwater Road	Lots 20–25, DP 218990	Local	I20
Collaroy Cinema (facades and interiors)	1097 Pittwater Road	Lot 4, DP 6984; Lot B, DP 379308	Local	I22
Former Westpac Bank	1121 Pittwater Road	Lot 1, DP 528546	Local	I23

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

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 have no physical impact on the items within vicinity of the site given the spatial separation maintained and the developments location at the rear/service area of the adjacent heritage listed Cinema. In this regard the proposal will have a neutral impact on their significance.
- 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.

- Nil

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 physical impact on the items within vicinity of the site given the significant spatial separation maintained and to that extent will have a neutral impact on their significance.
- 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 heritage items within the vicinity of the site.

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

Flood planning

Pursuant to clause 5.21 of WLEP subject property is not identified as flood affected.

Acid Sulfate Soils

The site is mapped Acid Sulphate Soil Class 4. The application is accompanied by a Geotechnical Investigation Report prepared by Alliance Geotechnical Pty Limited which assesses the likelihood of acid sulphate soils being present on the site. The report does not identify the presence of acid sulphate soils.

Earthworks

In accordance with the clause 6.2 WLEP 2011 the application is accompanied by a Geotechnical Investigation Report prepared by Alliance Geotechnical Pty Limited which assessed the acceptability of the earthworks proposed. Such report contains a number of recommendations which are to be complied with through the construction process and no objection is raised to an appropriately worded condition in this regard.

Development on sloping land

Pursuant to clause 6.4 WLEP the site is mapped as falling within Land Slip Risk Areas A and D. A geotechnical report prepared by Alliance Geotechnical Pty Limited accompanies the application with the report containing a number of recommendations in relation to excavation/ construction methodology to ensure the stability of the site and its surrounds during construction works. No objection is raised to such recommendations forming a condition of development consent.

4.3 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The following relevant DCP 2011 controls have been addressed with respect to consideration of the proposed Seniors Housing Development.

Control	Requirement	Proposed	Compliance
Side Boundary Envelope DCP Control B3	<p>Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres.</p> <p>Objectives:</p> <ul style="list-style-type: none"> •To ensure that development does not become visually dominant by virtue of its height and bulk. •To ensure adequate light, solar access, and privacy by providing spatial separation between buildings. •To ensure that development responds to the topography of the site. 	<p>The development sits within the side boundary envelope control given the recessive nature of the upper level apartment relative to the side boundaries of the property.</p>	Yes
Side Boundary Setbacks DCP Control B5	<p>Side boundary setbacks 0.9m.</p> <p>Objectives</p> <ul style="list-style-type: none"> •To provide opportunities for deep soil landscape areas. 	<p>All side boundary setbacks are significantly greater than the minimum required with the upper level apartment maintaining setbacks in excess of 6 metres from both side boundaries.</p>	Yes

Control	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> •To ensure that development does not become visually dominant. •To ensure that the scale and bulk of buildings is minimised. •To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained. •To provide reasonable sharing of views to and from public and private properties. 		
Rear Boundary Setback DCP Control B9	6m rear setback <ul style="list-style-type: none"> • To ensure opportunities for deep soil landscape areas are maintained. • To create a sense of openness in rear yards. • To preserve the amenity of adjacent land, particularly relating to privacy between buildings. • To maintain the existing visual continuity and pattern of buildings, rear gardens, and landscape elements. 	All above ground structures are located a minimum of 11.903 metres from the rear boundary. Although the basement level car parking extends within the required 6 metre rear setbacks to a variable extent the garage roof slab has been folded to provide sufficient soil depth to enable the establishment of appropriate landscaping at the rear of the site in accordance with the accompanying landscape plans.	No Acceptable on merit

Control	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> To provide opportunities to maintain privacy between dwellings. 	Given the ability to comply with the objectives of the control strict compliance is unreasonable and unnecessary.	
Traffic, Access, and Safety DCP Controls C2	To minimise: <ul style="list-style-type: none"> a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian, and cyclist conflict; e) interference with public transport facilities; and f) the loss of “on street” kerbside parking. 	A Traffic and Parking Assessment Report has been prepared by Varga Traffic Planning. The traffic and parking report demonstrates that the proposed development has no unacceptable traffic implications. The proposed development will only generate 2 additional vehicle trips during the peak periods, which will not have any noticeable or unacceptable effect on the road network serving the site or nearby intersections.	Yes
Bicycle Parking DCP Control C3A	Objectives <ul style="list-style-type: none"> To help meet the transport needs of the Warringah community To encourage healthy active lifestyles and help reduce reliance on private motor vehicles To provide convenience and safety for bicycle users 	Bicycle parking can be incorporated for residents within the individual garages.	Yes

Control	Requirement	Proposed	Compliance
Stormwater DCP Control C4	<p>To ensure the appropriate management of stormwater.</p> <p>To minimise the quantity of stormwater run-off.</p> <p>To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.</p> <p>To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).</p>	<p>Please refer to Stormwater Drainage Plans.</p> <p>All run-off from the development is to be directed to the OSD Control Pit. The OSD is designed in accordance with Warringah Councils "On Site Stormwater Detention Technical Specification" to reduce peak storm run-off flowrates to that of a "greenfields" site.</p>	Yes
Erosion and Sedimentation DCP Control C5	<ul style="list-style-type: none"> •To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment. •To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands. 	<p>Please refer to the erosion and sediment control plan provided in the stormwater engineers drawings.</p>	Yes

Control	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> To prevent any reduction in water quality downstream of the development site. 		
Excavation and Landfill DCP Control C7	Excavation and landfill works must not result in any adverse impact on adjoining land.	Excavation will be required to construct the basement level car parking. A geotechnical report has been prepared and concludes that the development has an acceptable level of risk provided the recommendations of the report are adhered to.	Yes
Demolition & Construction DCP Control C8	A demolition and waste management plan must be satisfactorily completed and submitted.	A demolition and waste management plan accompanies the application.	Yes
Waste Management DCP Control C9	<p>Each development must include, or have access to Waste/Recycling Storage Rooms and Areas.</p> <p>a) where the number of dwellings/units is 29 or less, the Waste/Recycling Storage Rooms or Areas must be located at the front of the development within 6.5 metres walking distance to the front boundary adjacent to the roadway. If a Waste/Recycling</p>	The proposal incorporates a dedicated residential enclosed waste storage area to Alexander Street within 6 metres walking distance from the adjacent roadway, compliant with this control.	Yes

Control	Requirement	Proposed	Compliance
	<p>Storage Room or Area is to be provided at another suitable location within the building, a complementary Waste/Recycling Storage Room or Area must be provided within 6.5 metres walking distance to the front boundary adjacent to the roadway; or</p> <p>b) where the number of dwellings/units is 30 or more, the Waste/Recycling Storage Rooms or Areas must be located within 6.5 metres walking distance of the service area.</p>		
Private Open Space DCP Control D2	<p>Multi dwelling housing (not located at ground level) residential flat buildings and shop top housing, to provide 10sqm of private open space with a minimum dimension of 2.5 metres.</p> <p>Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation, and children's play.</p>	<p>As demonstrated on the proposed floorplans prepared by PBD Architects each unit is afforded with a terrace/ balcony in excess of 10 sqm, accessed directly from the living room/dining areas to each individual unit. Each of the terrace areas has been positioned to maximise solar access.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p> <p>Private open space shall not be located in the primary front building setback.</p> <p>Private open space is to be located to maximise solar access.</p>		
<p>Access to Sunlight</p> <p>DCP Control D6</p>	<p>Pursuant to these provisions development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:</p> <ul style="list-style-type: none"> Development should avoid unreasonable overshadowing any public open space. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a 	<p>Shadow diagrams have been prepared by PBD Architects and are submitted with the application documentation. The shadow diagrams demonstrate that there are no significant overshadowing impacts to neighbouring properties as a result of the proposed development.</p> <p>The shadow diagrams also confirm that more than 50% of the proposed units private open space and the private open space of neighbouring residential dwellings will receive a minimum of three hours direct sunlight between 9am and 3pm on June 21.</p>	Yes

Control	Requirement	Proposed	Compliance
	minimum of 3 hours of sunlight between 9am and 3pm on June 21.		
Views DCP Control D7	Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.	The proposed development will not impact upon any established views.	Yes
Privacy DCP Control D8	Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.	The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained to neighbouring residential properties through the design and orientation of the units, the appropriate use and placement of fenestration and integrated privacy attenuation measures.	Yes
Building Bulk DCP Control D9	Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways, and land zoned for public recreation purposes.	The development has been designed through detailed site context analysis to provide through a contextually responsive building form maintaining appropriate amenity to neighbouring properties and a high level of amenity to future occupants.	Yes

Control	Requirement	Proposed	Compliance
		<p>The development has regard to the scale and proportion of existing dwellings in the locality.</p> <p>The highly articulated building form and facade treatments provide visual interest to the streetscape.</p> <p>The scale and footprint of the unit development is entirely compatible with the design themes established by neighbouring development noting that the site is located at a zone boundary interface.</p>	
Building Colours and Materials DCP Control D10	Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	<p>The proposed materials and finishes are indicated on the elevation plans prepared by PBD Architects.</p> <p>The materials and finishes are considered to be sympathetic to the style of the surrounding development and complementary to natural environment.</p>	Yes
Roofs DCP Policy D11	Roofs are to be designed to complement the local skyline.	The development incorporates flat roof elements which are typical of development within the sites visual catchment.	Yes
Glare and Reflection DCP Policy D12	Ensure that development will not result in overspill or glare from artificial	The proposed window glazing and roof finishes will not give rise to any unacceptable glare or reflection.	Yes

Control	Requirement	Proposed	Compliance
	illumination or sun reflection.		
Accessibility DCP Policy D18	<p>To ensure convenient, comfortable, and safe access for all people including older people, people with prams and strollers and people with a disability.</p>	<p>The proposed development has been designed to ensure a convenient, comfortable, and safe access for all people including wheelchair accessibility.</p>	Yes
Safety and Security DCP Policy D20	<p>Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</p> <p>2. Service areas and access ways are to be either secured or designed to allow casual surveillance.</p> <p>3. There is to be adequate lighting of entrances and pedestrian areas.</p> <p>4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>5. Entrances to buildings are to be from public streets wherever possible.</p> <p>6. For larger developments, a site management plan and</p>	<p>The design of the development enables casual observation (from inside the apartments) of the street frontages. The residential lobby at the ground level and apartment entries are well located, so that they are easily identifiable, providing a sense of address to each unit and passive surveillance.</p> <p>The basement car parking area and common circulation spaces will be appropriately lit at night with no objection raised to the imposition of a condition in this regard.</p>	Yes

Control	Requirement	Proposed	Compliance
	formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).		
Private Property Tree Management DCP Policy E1	Development is to be situated and designed to minimise the impact on remnant native vegetation including canopy trees and understorey vegetation on remnant native ground cover species.	An arboricultural impact assessment has been prepared and accompanies this application. This report considers the trees required for removal.	Yes
Landslip Risk DCP Policy E10	The site is identified as falling within Landslip Risk Area A.	Please refer to the geotechnical report provided.	Yes

Control	Requirement	Proposed	Compliance
	<p>The applicant must demonstrate that:</p> <ul style="list-style-type: none"> • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice. 		

4.4 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 sites are currently being used for residential purposes. Further,

- 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 seniors housing development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

4.5 STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics to improve the design quality of residential flat building in the State.

SEPP 65 applies to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The proposed development is for the erection of a part 2/part 3 storey building, as defined, containing 5 dwellings. As per the definition of a 'Residential Flat Building' and the provisions of Clause 4 outlining the application of the Policy, the provisions of SEPP 65 are applicable to the proposed development.

Clause 28(2)(b) SEPP 65 requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 1. The proposal's compliance with the design quality principles is detailed in the accompanying Architect Design Verification Statement.

Pursuant to clause 28(2)(c) of SEPP 65 in determining a development application for consent to carry out residential flat development the consent authority is required to take into consideration the Apartment Design Guide. In this regard an Apartment Design Guide compliance table is attached to the accompanying Architect Design Verification Statement.

4.6 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX Assessment accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy, and thermal efficiency targets.

4.7 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 102 of the policy applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers it likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,
- (b) place of public worship,
- (c) a hospital,
- (d) an educational establishment or child care centre.

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building — 35 dBA at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) — 40 dBA at any time.

The development site is acoustically screened from traffic noise associated with Pittwater Road by the shop top housing development and cinema located to the east of the site and to that extent compliance with the applicable noise criteria is able to be dealt with by way of a suitably worded condition of development consent requiring certification prior to issue of a Construction Certificate.

4.8 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site is identified on the SEPP Coastal Management map as being within the Coastal Use Area Map, as shown in Figure 11 below.

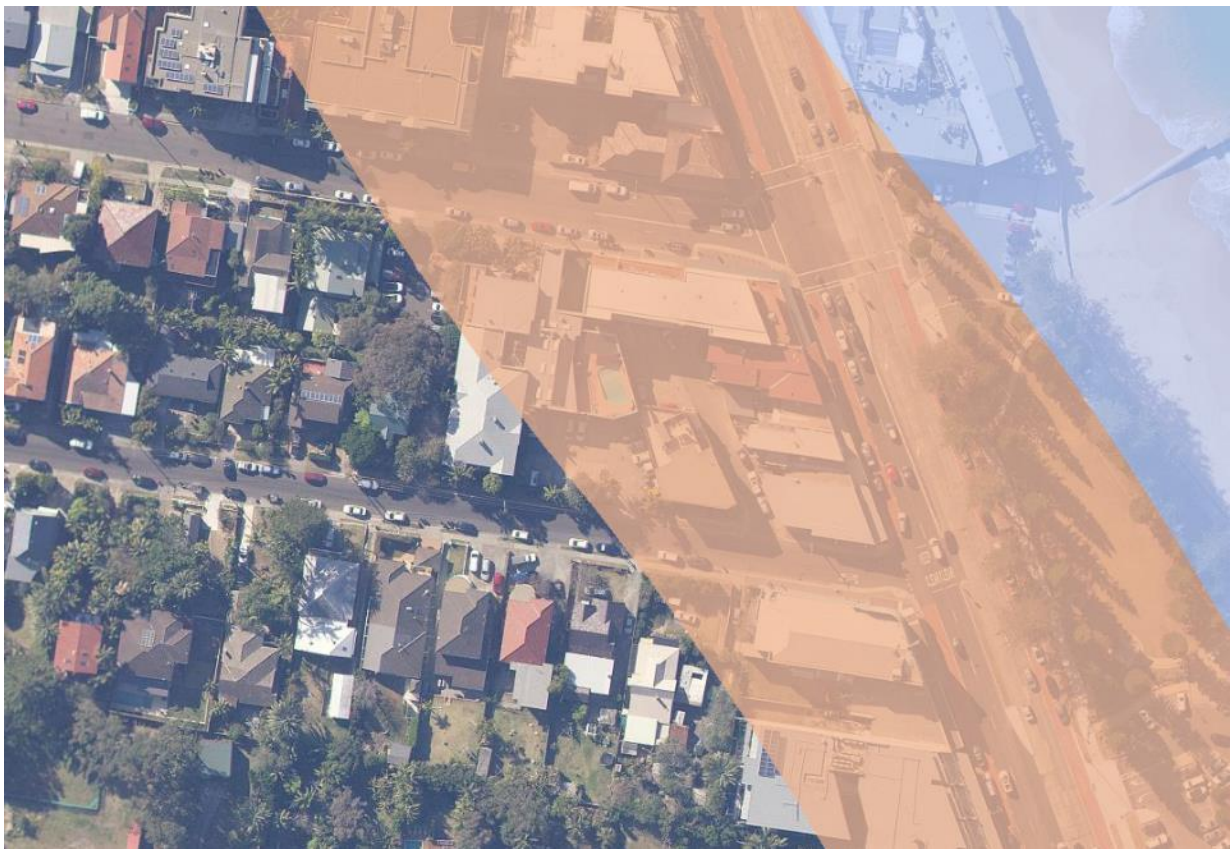


Figure 11 - Coastal Environment Area and Coastal Use Area Map

Clause 14 (1) of the SEPP, Coastal Use Area, states the following:

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

(iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

(iv) *Aboriginal cultural heritage, practices and places,*

(v) *cultural and built environment heritage, and*

(b) *is satisfied that:*

(i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

(ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposed development is consistent with the bulk and scale of development along this section of Alexander Street with the site significantly screened as viewed from the foreshore by development along Pittwater Road to the east of the subject property. Accordingly, the proposal will not result in any adverse amenity impacts in terms of visual impact or scenic quality. The proposal will have no impact on the coastal environment and its processes.

Clause 15 of the SEPP states:

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The consent authority can be satisfied that proposed works will not risk coastal hazards on the site or in the local area. This application is accompanied by a geotechnical report which states the risk associated with the development is acceptable.

4.9 MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(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 4.15 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 Planning and Environment. The relevant issues are:

(i) The provision of any Planning Instrument

This report clearly and comprehensively addresses the statutory regime applicable to the application pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

The draft Housing SEPP has been publicly exhibited and to that extent is a relevant matter for consideration. We note the draft instrument precludes this form of housing from within the R2 Low Density Residential zone.

That said, the discussion paper recently prepared by Northern Beaches Council in relation to its consolidated LEP indicates that seniors housing is likely to be permissible with consent in the R2 Low Density Residential Zone on sites located within 400 metres accessible path of travel to a Local Centre or B-Line bus service.

The subject property would satisfy this criteria and to that extent would not defeat the intent of the draft Housing SEPP which seeks to enable Councils to identify land appropriate for seniors housing within their relevant LEP.

(iii) Any development control plan

Warringah DCP applies with these provisions having been assessed within this report.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) 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 in 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 addressed within this report.

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 with regard to the SEPP.

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. The development provides adequate carparking facilities in conformity with the standards of the policy.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This has been addressed within this report.

Flora and Fauna

An arborist report and landscape plan detail the proposed works in regard to landscaping.

Waste Collection

Normal domestic waste collection applies.

Natural hazards

The site is located within a land slip risk area A. No substantial excavation works are proposed. It is considered that the proposed development will not affect the stability of the land or neighbouring properties.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations 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 desired future character and built form controls of the SEPP.

- 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 in the accompanying report prepared by BCA Logic. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

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.

(c) The suitability of the site for the development

Does the proposal fit in the locality

Are the constraints posed by adjacent development 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

Are the site attributes conducive to 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.

The development responds to the topography of the site, is of adequate area, and has no special physical or engineering constraints is suitable for the proposed development

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

It is considered that the development is sensitive both to the natural and built environments and is consistent with the provisions of the SEPP.

5 CONCLUSION

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use provides for an outcome that is consistent with the aims and objectives of the applicable SEPP. The development is permissible and complies with the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The architect has responded to the client brief to provide for a residential development of exceptional design quality which responds appropriately to the constraints and opportunities identified through detailed site and context analysis whilst maintaining appropriate levels of amenity to the adjoining residential properties. Consideration has also been given to maintaining an appropriate spatial relationship with the adjoining heritage listed cinema with the proposal having a neutral impact on the item and its setting.

Having regard to the detail of the application we have formed the considered opinion that the development will not give rise to any unacceptable environmental, streetscape, heritage conservation or residential amenity impacts. The development will however provide for additional housing for seniors or people with a disability in an area ideally suited to this form of housing being located within immediate proximity to the Collaroy Beach Local Centre and the B-Line bus service.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the relevant planning controls applicable to the site and the proposed development.
- The proposed development is consistent with the desired future character of the locality.
- The proposed development will not have an unreasonable impact on the environmental quality of the land and the amenity of surrounding properties.
- The proposal will have a positive impact on the significance of the adjacent heritage listed property.
- The accompanying clause 4.6 variation requests demonstrates that compliance with the clause 40(3) SEPP HSPD site frontage standard and clause 40(4)(b) storeys standard is unnecessary given the developments consistency, notwithstanding the variation, with the objectives of the standard and the objectives of the zone with sufficient environmental planning grounds to justify the variation. The clause 4.6 variation requests are well-founded.

- The site is assessed as suitable for the proposal, having regard to the relevant considerations pursuant to the SEPP (Housing for Seniors or People with a Disability) 2004.

Yours faithfully

Boston Blyth Fleming Town Planners



Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director

Attachment 1 Clause 4.6 variation request – Clause 40(3) SEPP HSPD

Attachment 2 Clause 4.6 variation request – Clause 40(4)(b) SEPP HSPD