PLANNING INGENUITY

STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing buildings, tree removal and the construction of 24 Independent Living Units under SEPP (Housing for Seniors or People with a Disability) 2004.

181 Allambie Road
Allambie Heights

Prepared for: Allambie Heights Village Ltd

REF 0097/17
25 February 2020

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1. Introduction

This Statement of Environmental Effects has been prepared on behalf of the applicant for the proposed development. The report is to accompany a development application to Northern Beaches Council seeking consent for the construction of Independent Living Units under SEPP (Housing for Seniors or People with a Disability) 2004, at No. 181 Allambie Road, Allambie Heights.

The proposal is "integrated development" as it requires the concurrence of the NSW Rural Fire Service (RFS) pursuant to Section 100B of the *Rural Fires Act 1997*, as the proposed Seniors Housing use is categorised as a Special Fire Protection purpose under the Act. The proposal has a Capital Investment Value of $17,920,858 and as such the Northern Beaches Council Local Planning Panel is the determining authority.

A previous proposal for the subject site involved the construction of 24 independent living units (ILU's) arranged in two lineal blocks, bisected by a loop road and providing parking predominantly below natural ground level. The proposal was designed as luxury accommodation with open plan living arrangements, contemporary fixtures and finishes, and sweeping bushland, suburban and city views. The proposal included a communal building which housed recreation spaces for residents, comprising a swimming pool, gymnasium, a private hairdresser, a multi-functional games room, a lounge/library and a large terrace that overlooks embellished landscaping. The proposal also included a 4-hole putting golf course, and landscaped spaces for the use and enjoyment of residents.

On 12 June 2019, the development application went to the Northern Beaches Local Planning Panel for determination and was deferred on the basis that the NSW RFS had not yet granted approval for the proposal and that all necessary environmental reports had not been provided to Council for assessment. Approval was subsequently granted by the NSW RFS, however, the outcome of which was that design changes were needed and the Panel was of the view that the required changes would result in a substantially different design. As such, on 3 September 2019, the Panel refused consent to the proposed development. Since refusal, the proposed design has been amended to relocate the communal building and associated facilities, and the putting golf course has been deleted. The design changes have been presented to the NSW RFS and to Council as part of a pre-DA exercise, during which, general acceptance of the amended proposal was indicated. Importantly, it is noted that the residential portions of the development remain unchanged as this aspect was accepted by Council as part of the previous DA as an appropriate aspect of the development. All necessary environmental reports will be submitted as part of the new DA and are expected to be satisfactory for Council's assessment purposes.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Section 4.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act).

This Statement has been divided into six sections. The remaining sections include a description of relevant background information; an analysis of the site and locality; a description of the proposal; an environmental planning assessment pursuant to s.4.15 of the EP&A Act; and a conclusion.

2. Background

2.1 LOCAL PLANNING PANEL – DA2018/1667

As previously outlined, DA2018/1667 was deferred by the Northern Beaches Local Planning Panel on Wednesday 12 June 2019 and required approval by the NSW RFS for the application to proceed. The built form aspects of the proposal were noted as being satisfactory by the Panel. The DA included partial demolition works and construction of a senior's housing development. Following deferral of the DA, the NSW RFS gave their conditional approval to the proposal, however, due to required design changes, the Panel formed the view that the application would be substantially different and as such, the Panel refused consent to the application on 3 September 2019.

Reasons for refusal and associated responses are detailed below.

Table 2 Local Planning Panel Reasons for Refusal

Reason	Response
1. *The proposed development is unsatisfactory in respect to the Environmental Planning and Assessment Regulation 2000, particularly in relation Schedule 1, as the NSW Rural Fire Service (RFS) General Terms of Approval requires the proposed pool building to be removed or repositioned on the site, which will result in a substantially different proposal to that which was assessed and publicly notified.*	The communal building has been repositioned on the site in accordance with the requirements of the NSW RFS and stipulated Asset Protection Zones. A letter of advice issued by the NSW RFS is attached and states that no objections are made by the RFS in regards to the amended proposal.
2. *The proposed development is unsatisfactory in respect to Section 4.15 of the Environmental Planning and Assessment Act, 1979 (NSW) as the application is found to be inconsistent with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 having regard to:* • *The proposed development is inconsistent with the requirements of Clause 29 in relation to its impact on the natural environment as stipulated in Clause 25 (5) (b) (ii).*	The environmental impacts of the proposal are considered in the various environmental reports lodged with the application and are found to be satisfactory. In particular, it is noted the proposal seeks to utilise an existing APZ that extends 30m into the Manly Dam Reserve land as measured from the western property boundary of No. 3 Martin Luther Place, which adjoins the southern boundary of the subject site.
3. *Pursuant to Section 4.15 (1)(a) of the Environmental Planning and Assessment Act 1979 (NSW) the proposed development is inconsistent with the aims and objectives of the Warringah Local Environmental Plan 2011, in that insufficient information is provided with the application to fully and properly assess the environmental impacts on the site and adjoining lands as a result of the Asset Protection zones required by the RFS's General Terms of Approval.*	As above, these matters have been suitably addressed in this new DA.

Table 2 Local Planning Panel Reasons for Refusal	
4. *Pursuant to Section 4.15 (1)(a) of the Environmental Planning and Assessment Act 1979 (NSW) and Clause 12(1)(a) of the Warringah Development Control Plan 2011, the development is inconsistent with the following Clauses:* • *Clause E2 Prescribed Vegetation;* • *Clause E5 Native Vegetation;* • *Clause E6 Retaining unique environmental features; and* • *Clause E7 Development on land adjoining public open space.*	As above, these matters have been suitably addressed in this new DA. .

3. Site Analysis and Context

3.1 THE SITE

The subject site is located on the western side of Allambie Road, adjacent to a large public reserve. The site comprises one irregular shaped allotment fronting Allambie Road with legal description of Lot 2615 in DP 752038. The site is owned by the Department of Industry – Lands (Crown Land) and leased to Allambie Heights Village. The location of the subject site is shown edged red and shaded yellow in the aerial image provided at **Figure 1**.

Figure 1 Aerial image of the subject site (source: Six Maps)

The site has an irregular eastern frontage to Allambie Road of 102.86m, an irregular southern side boundary of 377.32m, an irregular northern side boundary of 314.965m, and a western rear boundary of 120.70m. The site has a total area of 3.729 hectares (37,290m^2). The site falls approximately 12m from north to south.

Existing on the site is a retirement village known as William Charlton Village, Retirement Village which provides a range of affordable independent living units. The buildings are located adjacent to Allambie Road as evidenced in Figure 1.

The area to be developed is located between existing buildings on the eastern portion of the site, and the more densely vegetated western half of the site. This central area is relatively cleared of trees. Bushland also extends along the northern boundary of the site adjacent to an existing Sydney Water pipeline.

Vehicular access to the site is via Martin Luther Place to the proposed development, and via Allambie Road to existing buildings.

The site affords sweeping views to the south of Manly Dam and the Sydney skyline.

Waste from the existing William Charlton Village, Retirement Village is stored adjacent to the parking area to the north of the existing buildings, and is collected via the access driveway adjacent to the intersection of Allambie Road and Mortain Avenue.

As indicated, the site is bushfire prone and submitted with the application is a Bushfire Assessment Report prepared by Total Earth Care. An existing fire access road connects Martin Luther Place through the site to the bushland to the west.

There are two drainage lines within the site that have been artificially excavated into sandstone bedrock, creating de-facto creeks. The eastern drainage line runs along the western edge of the cleared area of the site. The western drainage line is located in bushland to the west. Both creeks flow in a north-south direction.

The site contains three native NSW Plant Community Types including:

- PCT 1250: Sydney Peppermint – Smooth Barked Apple – Red Bloodwood shrubby open forest on slopes of moist sandstone gullies, eastern Sydney Basin Bioregion
- PCT 1783: Red Bloodwood - Scribbly Gum / Old-man Banksia open forest on sandstone ridges of northern Sydney and the Central Coast
- PCT 1824: Mallee - Banksia - Tea-tree - Hakea heath-woodland of the coastal sandstone plateaus of the Sydney basin

Areas of Urban Exotic/Native vegetation, and Weeds and Exotics are also existing on the site.

Habitat for five threatened fauna species are found on the site, including the Eastern Pygmy-possum, Square-tailed Kite, Little Bentwing-bat, Eastern Bentwing-bat and Grey-headed Flying-fox.

Photographs of the subject site are provided at **Figures 2** to **5**.

Figure 2 Looking north from the south-western section of the cleared area

Figure 3 Looking east at the existing buildings on the eastern portion of the site

Figure 4 Looking west along existing road within site

Figure 5 Looking south-west from northern portion of site

3.2 SURROUNDING DEVELOPMENT

The land use composition on the eastern side of Allambie Road is characterised by low density residential development comprising single and two storey detached dwellings. On the western side of Allambie Road, to the north and to the south of the subject site, are a series of senior's housing developments and health services facilities. The site is bounded on its western side by Manly Dam Reserve. The aerial image provided at Figure 6 identifies the subject site and demonstrates the land use composition of the immediate locality.

Figure 6 Land use composition and nearby key sites / features

Located to the south of the site is Allambie Heights Village, which consists of a residential aged care facility including dementia care, a variety of ILUs and a full range of catering, recreation, transportation and administration facilities. The general location of buildings comprising Allambie Heights Village is also illustrated in Figure 6. Development consent for the substantial redevelopment of part of this site was recently granted [DA2017/0085].

Located to the north of the site is a Sydney Water pipeline which runs parallel to the northern boundary of the subject site and is surrounded by bushland. Further to the north of the pipeline is a retirement village known as Fred Hutley Village, which comprises a range of affordable ILUs and is also identifiable on the aerial image at Figure 6.

The bushland to the west of the site forms part of the Manly Dam catchment and is under the ownership of the Crown. There is legal agreement between Council and the adjacent property owner (No. 3 Martin Luther Place) for the ongoing maintenance and management of the Asset Protection Zone (APZ) that extends westward of the entire western boundary of No. 3 Martin Luther Place for a depth of 30m into the Manly Dam Catchment Reserve. The subject site benefits from the aforementioned APZ.

The adjacent bushland is identified as Heritage Conservation Area (HCA) C9 being Manly Dam and surrounds. The HCA is a landscape based item as distinct from a general HCA.

3.3 SURROUNDING VEGETATION

The subject site is surrounded by significant bushland vegetation to the west and south-west. The northern boundary adjoins a Sydney Water easement which includes two narrow weed infested bushland remnants along the edges of the easement. Adjoining bushland to the west and south-west is contiguous with the Manly Warringah War Memorial Park (MWWMP). The immediately adjoining bushland to the west and south-west forms part of an electrical power

easement. The bushland below and within 10m of the power lines is slashed under a regular maintenance schedule. This easement creates a 25m wide fuel reduced zone between the site and the dominant fire run. For further details see the Bushfire Assessment Report prepared by Total Earth Care submitted with this application.

4. Description of the proposal

The development application proposes substantially the same development originally proposed by DA2018/1997 with the exception of the proposed communal building. The proposal includes the demolition of a number of existing structures and the construction of a Seniors Housing development incorporating 24 independent living units, a communal building including gym, spa and activity spaces, with associated landscaping and drainage works.

The proposed development is depicted on the plans prepared by Jackson Teece Architects included with the development application.

4.1 DEMOLITION

The existing two horseshoe shaped buildings, and hexagonal shaped building, which form part of William Charlton Village, Retirement Village at the eastern end of the site are proposed to be retained. The adjacent buildings, sheds and driveways/paths to the west of these three buildings are proposed to be demolished. Demolition detail is illustrated on the demolition plan provided with the architectural plan set.

4.2 BUILDING ARRANGEMENT AND CONFIGURATION

Architectural plans have been prepared by Jackson Teece Architects and are submitted with this development application.

The proposal seeks to redevelop that part of the site that is largely cleared of vegetation. The proposal incorporates 24 ILUs arranged in two lineal blocks and oriented to the south to optimise views obtained from this part of the site. The blocks are two storey structures, bisected by a 'loop road' with parking for ILUs accessed directly from this road. The parking is proposed below natural ground level thus eliminating visibility of the car parking area from dwellings and adjoining land. Building A is elevated above Building B due to the topographical characteristics of the site and therefore the ILUs in Building A have an outlook over Building B.

Building A incorporates 8 ILU's over two storeys (4 per floor). Units are accessible from two lifts located on the parking level. Each unit is provided with either a courtyard or balcony both to the north and to the south. Open plan living, kitchen and dining areas are oriented to the south to take advantage of expansive views over Manly Dam. Each dwelling also incorporates two bedrooms (master with ensuite), a media room and a bathroom. Units are designed as two bedroom dwellings with an additional study/media room. This room could be used as a guest bedroom for grandchildren etc., although it would typically be used as a living space.

Building B incorporates 16 ILU's over two storeys (8 per floor). Ground floor units are accessible directly from the parking level, through private courtyards. First floor units are accessible by two lifts and raised walkways above ground floor courtyards. Ground floor units of Building B are provided with both north and south-facing courtyards. First floor units are provided with a single south-facing balcony. Each unit in Building B incorporates an open-plan living, kitchen and dining area oriented to the south, two bedrooms (master with ensuite) a media room and a bathroom.

The carpark provides 30 resident parking spaces, 2 visitor parking spaces and a loading bay. 25 resident parking spaces are provided with adjacent storage areas. A bin room, communications room and electrical switchboard room are provided on the northern side of the carpark below Building A.

The first floor of Building B is connected with the ground floor of Building A by a landscaped podium above the basement carpark below. Landscaping from the basement below is revealed by voids in the terrace.

Also proposed is a communal building to the west of the site entry, within the western cleared area of the site. The communal building is a single storey structure will contain a communal recreation room, a gym/yoga/fitness room, a steam room and a spa. The communal building also provides a kitchenette, female and male bathrooms, three showers and two accessible toilets, with one of these providing a shower.

4.3 ACCESS AND PARKING

Existing vehicular access to the site is via Martin Luther Place and the existing internal driveway. A new loop road is proposed to extend from this internal driveway to the parking area for ILU's.

Parking for 24 resident spaces is provided between Buildings A and B, recessed slightly into the slope of the site. The configuration of the car park, including carriageway and parking space dimensions, satisfies the requirements of the relevant Australian Standards.

Further visitor parking is provided adjacent to the existing internal driveway. Six visitor spaces are located adjacent to the entry to the site. Nine visitor spaces (2 accessible) are located opposite the proposed driveway. A car wash bay and bin store area are also located opposite the proposed driveway.

A new emergency vehicle alternate exit route is proposed along the northern property boundary and will link with the existing access driveway running through the site. The route will allow for emergency vehicle access and egress directly from Allambie Road. The route will be surfaced with structural grass thereby allowing the emergency vehicles to traffic this whilst maintaining the appearance of a grassed area. General vehicles will be prohibited from using this route. The car park for the existing ILUs at William Charlton Village, Retirement Village located adjacent to the northern side boundary will be partially modified to accommodate this new emergency exit. The modified carpark will also include a bin store structure and a truck turning head.

4.4 DEEP SOIL AND LANDSCAPING

Planting is proposed to offset the loss of trees identified for removal, and to ensure the development harmonises with the landscape character of the locality. The landscape design comprises new tree plantings, turf areas, feature rock outcrops, embellishment of the existing drainage swale, a pond and extensive community activity areas and structures. Landscaped areas are designed to provide an asset protection zone (APZ) on the western side of residential and communal buildings, but also serve as recreational spaces for the residents.

The landscape design concept is detailed in the Landscape Design Package and Statement of Landscape Intent prepared by Arterra Design and submitted with the development application.

4.5 WATER MANAGEMENT

A Concept Stormwater Plan has been prepared by Wood & Grieve Engineers and is submitted with the development application.

The Concept indicates that stormwater runoff from roofs and the podium above the carpark will flow into a 130kL rainwater tank for landscape irrigation, and that stormwater runoff from other parts of the site will flow via surface inlets into a 100m^3 on site detention tank. Both tanks are located below the proposed terrace of the communal building. The OSD tank will discharge into the on-site bio-filtration system via a series of tiered reed beds and ponds. This will ensure that the site does not contribute to downstream flooding, and offers habitat for local fauna such as frogs and lizards.

4.6 BUSHFIRE MANAGEMENT

All bushland within the site will be subject to a bush fire management plan which will maintain fire fuel levels at less than 10t/ha and will burn bushland in a mosaic pattern to encourage ecological diversity. The mosaic burn pattern will also mitigate the potential of a catastrophic fire event burning all bushland within the property, thereby providing fire refuge for native animals, particularly the Eastern Pygmy possum. The shrub and small tree strata will be managed in the asset protection zones to maintain vertical separation of fire fuels.

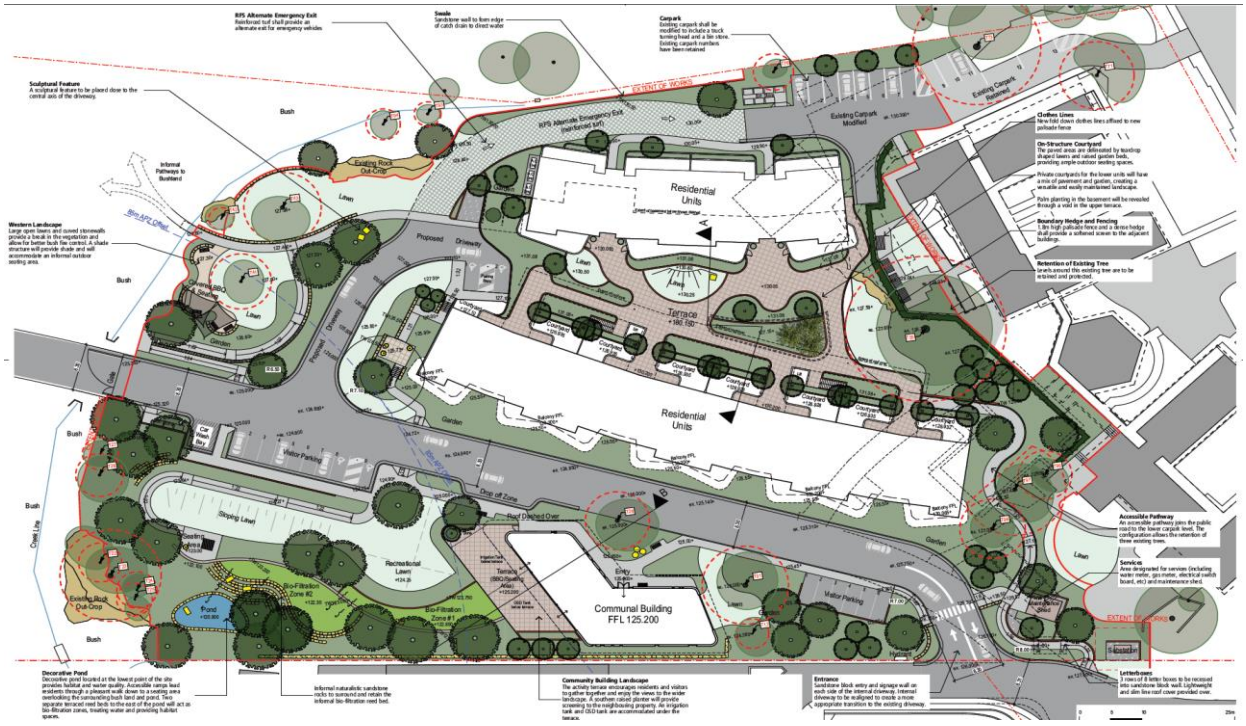

Figure 7 Bushfire Management Overview

Figure 7 indicates the extent of the proposed Asset Protection Zones (APZ's). Buildings A and B, being the section of the development which constitutes residential units, as well as the Communal Building, are located outside of the prescribed APZ.

5. Environmental Planning Assessment

5.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

5.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in Table 2.

Table 1 Section 4.15 Matters for Consideration

Biodiversity Conservation Act 2016	Matters for Consideration	OK	See Comments	N/A
	Biodiversity Conservation Regulations 2017	✓	✓	
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
"	SEPP (Housing for Seniors or People with a Disability) 2004	✓	✓	
"	SEPP No. 65 – Design Quality of Residential Apartment Development	✓	✓	
"	Warringah LEP 2011	✓	✓	
S.4.15(1)(a)(iii)	Warringah DCP 2011	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter: – AS 2601-1991: Demolition of structures.	✓		

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are *SEPP (Housing for Seniors and People with a Disability) 2004*, *SEPP 65 Design Quality of Residential Apartment Development* and *Warringah Local Environmental Plan 2011 (WLEP 2011)*. The primary non-statutory plans relating to the subject site and proposed development are *Warringah Development Control Plan 2011 (WDCP 2011)* and the *Apartment Design Guide*. An assessment of the applicable provisions of these documents and other relevant planning instruments is provided below.

5.2.1 Biodiversity Conservation Act 2016

Parts of the subject site are mapped as having a high biodiversity value by the Biodiversity Conservation Regulations 2017. A Biodiversity Development Assessment Report for the development proposal has been prepared by Total Earth Care in accordance with the *NSW Biodiversity Conservation Act 2016* and is submitted separately with the application.

5.2.2 SEPP No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

A Geotechnical Desktop Study has been undertaken by Assetgeo and is submitted separately with this application. No contamination of the site is identified in the report. It is therefore considered highly unlikely that the site is contaminated and therefore any further assessment under SEPP 55 is unnecessary.

5.2.3 SEPP (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 commenced on 31 March 2004, and repealed the former State Policy relating to seniors living entitled *SEPP No.5 - Housing for Older People or People with a Disability,* which commenced on the 14 February, 1998.

The Seniors Housing SEPP consists of four chapters including Chapter 1 - Preliminary, Chapter 2 - Key Concepts, Chapter 3 – Development for Seniors Housing, and Chapter 4 - Miscellaneous. The intent and requirements of each of these chapters, as they apply to the proposed development, is addressed below.

Chapter 1 - Preliminary

Chapter 1 outlines the aims and objectives of the SEPP which are to increase the supply and diversity of well-designed housing for aged or disabled persons, and to make efficient use of existing infrastructure. This Chapter confirms that the Seniors Housing SEPP prevails over any other environmental planning instrument, to the extent of any inconsistency.

The Policy applies to land within NSW that is zoned primarily for urban purposes where dwelling houses, residential flat buildings, hospitals and special uses are permitted, or the land is being used for the purpose of a registered club. The subject site is within Zone R2 Low Density Residential under Warringah Local Environmental Plan 2011. Dwelling houses are permitted with consent within Zone R2 and therefore the Seniors Housing SEPP applies to the land.

Chapter 2 - Key Concepts

Chapter 2 describes the 'key concepts' of the Seniors Housing SEPP providing detailed definitions to clarify the type of person whom is considered a *senior* and the type of person whom is considered a *person with a disability*. This Chapter also defines the types of housing to which the Policy relates.

The proposed development involves the construction of *self-contained dwellings* only. Self-contained dwellings are defined pursuant to Clause 13 of the Policy as follows:

> *"In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis."*

Chapter 3 - Development for Seniors Housing

Chapter 3 of the Seniors Housing SEPP deals with a number of site and design related requirements which are to be satisfied to ensure that opportunities are created for the development of housing that is located and designed in a manner particularly suited to seniors who are independent, mobile and active as well as those who are frailer, and other people with a disability regardless of their age.

Pursuant to Clause 15, development for the purpose of any form of *seniors housing* is allowed if the proposed development is carried out in accordance with the Policy, despite the provisions of any other environmental planning instrument. The Chapter outlines various matters for consideration including site requirements, design requirements, development standards to be complied with and standards which cannot be used as grounds for refusal.

Assessment of the proposed development against the relevant development criteria is contained within the Compliance Table provided at Annexure A to this Statement. The assessment demonstrates that the proposed development is consistent with the principles, design requirements and guidelines outlined by the Policy, with the exception of the maximum building height requirement.

An Objection under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) has been prepared and is submitted with the development application. Whilst the proposal does not comply with Clause 40(4)(a) of the Seniors Housing SEPP, the design response is considered to address the objectives of the development standard as detailed in the submitted SEPP 1 Objection provided at Annexure B.

Chapter 4 - Miscellaneous

Chapter 4 of the Seniors Housing SEPP provides savings and transitional provisions for development applications for Seniors Housing made before the Policy was introduced. Clause 51 allows the Director-General to prepare a map or maps for the purpose of amending or replacing the bush fire evacuation risk map.

5.2.4 SEPP No. 65 – Design Quality of Residential Apartment Development

Since the proposed development provides a car parking level more than 1.2m above ground level (existing) in parts, and proposes two levels of residential development above this, resulting in a building that is 3 storeys, SEPP 65 applies to the proposal. The Apartment Design Guide is the key document which guides the design of development.

Part 2 of the Policy sets out 'Design Quality Principles' and Clause 30(2) requires the consent authority, in determining a development application, to take into consideration the design quality of the residential apartment development when evaluated in accordance with these design quality principles.

A Design Verification has been submitted with the application and therefore the development application meets the requirements of Clause 50 of the EP&A Regulations.

An Apartment Design Guide Compliance Table is provided at Annexure A demonstrating compliance with the objectives and design criteria. Any non-compliances are suitably justified in the compliance table.

5.2.5 Warringah Local Environmental Plan 2011

The *Warringah Local Environmental Plan 2011* (WLEP 2011) applies to the subject site. Under the LEP the subject site is within Zone *R2 – Low Density Residential,* as indicated on the *Land Zoning Map*. The proposed development is characterised as *seniors housing* which is permissible with consent in Zone R2, pursuant to the Seniors Housing SEPP, as described at Section 5.2.2 of this Statement.

The objectives of Zone R2 are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposed redevelopment will provide for the housing needs of the community, particularly the elderly. The scale of development will complement the low density character of the locality. The landscape concept proposed incorporates

plant species that will harmonise with the natural environment of Warringah. For these reasons, the proposal demonstrably aligns with the zone objectives of Zone R2.

A Compliance Table which considers the proposal against the provisions of WLEP 2011 is provided at Annexure C. The proposed redevelopment works satisfy all relevant provision of WLEP 2011.

5.2.6 Warringah Development Control Plan 2011

The *Warringah Development Control Plan 2011* (WDCP 2011) applies to all land to which the Warringah Local Environmental Plan 2011 applies. A Compliance Table is provided at Annexure D and considers the proposal against the relevant controls of the DCP. The compliance table demonstrates that the proposal is largely consistent with relevant DCP controls. Areas of non-compliance are discussed and justified within the compliance table.

5.3 SECTION 7.12 DEVELOPMENT CONTRIBUTIONS

It is noted that the proposal does not necessitate payment of section 7.12 development contributions, in accordance with the Ministerial Direction below.

The Ministerial Direction is dated 14 September 2007 and states the following:

> *"Pursuant to section 94E of the Act, direct consent authorities that there are not public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consents identified in Schedule A granted to a social housing provider as defined in the SEPP."*

Schedule A of the Ministerial Direction states:

> *"Development consents to carry out development for the purposes of any form of seniors housing as defined in State Environmental Planning Policy (Seniors Living) 2004."*

The proposed development is for the purposes of seniors housing and will be delivered pursuant to the Seniors Housing SEPP. The term social housing provider is defined in the Seniors Housing SEPP and includes a not-for-profit organisation that is a direct provider of rental housing to tenants.

Attached at Annexure F is confirmation that Allambie Heights Village Ltd is registered with the Australian Charities and Not-for-profits commission. On this basis, the applicant is categorised as a not-for-profit organisation whom is a direct provider of rental housing, and the development is exempted from payment of Section 94A Development Contributions under Council's Policy.

5.4 IMPACTS ON NATURAL & BUILT ENVIRONMENT

5.4.1 Topography & Scenic Impacts

Land modification works are limited to the footprint of proposed buildings. There is a degree of excavation proposed to accommodate sunken parking and ground floor units, however excavation will generally be contained within the building footprint and therefore will not be readily apparent. Excavation will not result in any adverse impact to the amenity of neighbouring sites or the structural integrity of nearby buildings. The proposal will not generate any adverse topographical or scenic impacts.

5.4.2 Micro-climate Impacts

The proposed development will have no significant adverse impact on surface or ground water regimes. Therefore no significant impact on local micro-climate is anticipated.

5.4.3 Water & Air Quality Impacts

During construction, appropriate sediment and erosion controls will be installed and maintained to prevent migration of sediment from the site. Once constructed, roof and surface water from the development will be captured within a series of on-site detention and rainwater tanks before being reused for landscape irrigation and bio-filtration on site.

A Stormwater Management Plan prepared by Wood & Grieve Engineers has been submitted with the development application. The SMP details proposed stormwater management concept.

A Waterway Impact Statement has been prepared by Total Earth Care and is submitted separately with this application. The Statement outlines the existing waterways on the site, and assesses the extent of the impact of the proposal. The physical characteristics of waterways on the site are described as follows:

> *Within the study area two drainage lines have been artificially excavated into sandstone bedrock and have created de-facto creeks. These artificial creeks are not mapped by the Office of Water as streams recognised by the Strahler System (i.e. they do not appear as blue lines on a 1:25,000 topographic map as held by the Land Information Centre). The creekline to the west of the site is approximately 80m long and the creekline in the centre of the site is approximately 60m long. Both creeks flow in a north-south direction.*
>
> *The central creekline is mapped as forming part of the upper headwaters of Curl Curl Creek within the Manly Creek sub-catchment (WCMS 2004). Council has determined the beginning of Curl Curl Creek on site to be the culvert below the existing road (see Map 2).*
>
> *The river styles of both of these creeklines is "urban modified", meaning their channels have been modified to the extent that they no longer function as rivers (WCMS 2004). The creeks function as open drainage lines to transport the flow of stormwater (see Figures 1 and 2). They are both ephemeral and only flow after rain events.*
>
> *The vegetation along the creeklines is not distinctly riparian in contrast with the surrounding bushland. An artificial detention basin is located below the eastern creekline and is sparsely vegetated with riparian species.*

Regarding the impacts of the proposed development on channel form, erosion rate and bank stability, the report states:

> *The proposal is not expected to alter the main channels existing form, erosion rate, or bank stability. This channel is on the western edge of the development area and feeds into the creek. It is proposed that the main channel will be broadened and deepened above the access road to create a series of pools and riffles. As with the rest of the creek /drain this will be excavated into solid rock, so channel form will be substantially improved and the bank stability and erosion rates will not be effected.*
>
> *The creation of pools and riffles will detain water and improve ecological function and reduce volume and flow rates to the creek downstream positively impacting on the downstream reaches of the creek.*

Therefore, the proposal will have only positive impacts on the water quality of the locality.

In terms of air quality, the site will be managed during construction to mitigate potential for top soil and the like becoming airborne. During operation, the proposed use is not anticipated to generate any unusual odour or fumes. The proposal is unlikely to have any notable impact on air quality.

5.4.4 Flora & Fauna Impacts

The proposal necessitates the removal of trees and vegetation within the site to cater for proposed development. An Arboricultural Impact Assessment Report has been prepared by Arterra Design and is submitted with this application. This report outlines the aims and methodology of tree retention and removal. Existing vegetation within the western half of the site is to be retained, managed and protected. Of the existing 107 trees within the relatively cleared area of the site, 85 are proposed to be removed. However, of 10 trees identified as high retention value, 9 are proposed to be retained. Therefore, the development has been designed and sited to retain significant trees and vegetation on site. In particular, the largest and most prominent tree on the site, a Sydney Blue Gum (T55), is proposed to be retained and protected.

In addition to the retention of the majority of significant trees, extensive new planting is proposed throughout the site to retain the natural setting surrounding the development. Increased opportunities for native wildlife will be created through the embellishment of the existing drainage swale, and the provision of a pond and reed habitats as part of the bio-filtration system adjacent to the communal building. A Landscape Concept Plan prepared by Arterra Design is submitted with this application.

A Biodiversity Development Assessment Report has been prepared by Total Earth Care and is submitted with this application. This Report provides detailed information on the level of biodiversity found within the site, and outlines measures employed to avoid and minimise impacts of the development.

In terms of the flora identified on the site, the report states:

> *A total of one hundred and twenty-three (123) plant species were recorded during the flora survey. The survey identified ninety-three (93) occurring native species, and thirty (30 introduced species. See Appendix E for the full inventory.*

In terms of the fauna identified on the site, the report states:

> *A total of fifty-four (54) vertebrate fauna species were recorded during the current field survey of which thirty-one (31) were native birds, six (6) were native mammals, ten (10) were microchiropteran bat (microbat) species, three (3) were amphibians, one (1) was a reptile and five (5) were exotic.*

The development is designed to avoid and minimise biodiversity impacts as much as possible as per the report:

> *The proposed plans (Appendix A) have been designed to largely avoid impacts to biodiversity through positioning works solely in the eastern section of the lot, in vegetation zones which are planted, have previously been cleared, or are in poor condition (PCTs 1231 and 661). Some of the planted native trees in this area can be retained in the proposal.*
>
> *A DA was previously lodged with Council which was denied. Since then, the Communal Building has been moved further east, which reduces the impact on the bushland to the west, as the APZ requirements can now be met with reduced clearing of the remnant bushland.*
>
> *The previously cut central drainage line running from north to south has created a boundary between the areas of disturbed lawn and the bushland zones, which remain in good condition. This may be because the drainage line has contained the areas which are accessible to be mown and it has prevented the infiltration of surface run-off from the managed lawns. The footprint of the development is largely bounded by this drainage channel.*

In summary, due to the significant proposed new plantings, and increased habitat opportunities, the development is considered to have a positive impact on flora and fauna within the site and locality.

5.4.5 Bushfire Management

The proposal is mapped as being bushfire prone and as such a Bush Fire Assessment Report is submitted with this application. The report outlines the measures taken to reduce the likelihood of a bushfire significantly impacting the proposed development.

Regarding bushland management, the report outlines:

> *All bushland within the site will be subject to a bush fire management plan which will maintain fire fuel levels at less than 10t/ha and will burn bushland in a mosaic pattern to encourage ecological diversity through multiple age classes of vegetation. The mosaic burn pattern will also mitigate the potential of a catastrophic fire event burning all bushland within the property, thereby providing fire refuge for native animals, particularly the Eastern Pygmy possum.*
>
> *Special care will be taken to encourage the regeneration/growth of species which are the preferred food and refuge species for the Eastern Pygmy Possum. Horticulturally managed native plant species will be used in the landscape / bushland interface, e.g. pruned Banksia ericifolia will form hedges and hollow log nests will be installed within the manually fuel reduced riparian/drainage line interface.*
>
> *The shrub and small tree strata will be managed in the asset protection zones to maintain vertical separation of the fire fuels within the remnant.*
>
> *All areas of exotic vegetation will be cleared of weeds and returned to native grassland (see Map 2 below).*

The proposed Asset Protection Zone (APZ) is 85m wide and is outlined in Figure 7 earlier in this report.

A ring main water reticulation system is proposed to be installed on the bushland side of the access road, with hydrants provided with suitable pressures and volumes in compliance with the relevant Australian Standards.

An 85m APZ has been established in consideration of the multiple mitigating factors as outlined below:

1. *The bushland margin to the east of the creek, (part of the APZ the OPA) has already been substantially cleared and is currently weed infested, this will be replanted as managed native grassland with sparse tree cover, The IPA will be mown grassland and narrow planter beds.*
2. *The site to the west of the creek will be managed under an ecological fire management plan and the shrub layer will be manually managed to reduce fuel connection between the ground and the canopy,*
3. *The neighbouring bushland has a twenty metre APZ along the adjoining boundary which is managed by Northern Beaches Council,*
4. *The bushland within the powerline easement is also managed as a fuel reduce zone,*
5. *Two fire trails which are regularly used as hazard reduction burn containment lines.*
6. *The pre-dominant fire fuel threat is to the west, which is along the contour not up it.*
7. *The pre-dominant fire carrying wind is a westerly wind along a manageable bushland interface on the same contour.*
8. *A south westerly wind which could drive a fire up hill at the property is very rarely a drying wind that significantly increases the FDI.*

To mitigate the potential for and impact of any future bushfire, the Bushfire Assessment Report states:

> *It is proposed that the weedy bushland be cleared of weed and or completely removed which will reduce the overall area of these two bushland components to less than 100 metres long and approximately 0.45 hectares in size. Both the upper and lower sections section will be further reduced in size by the management of a 20 meter wide weed infested wet "soak" that traverses the site near the western end of the bushland.*

The weed clearing proposed in the centre of the site will separate the bushland remnants by approximately 50 metres. The two areas can be considered as two distinct Fire management units. The weedy area will be managed as an exotic turfed area. This will improve access to the remnant bushland areas for fire fuel management and for fire-fighting purposes.

The current management regime for the site includes the conduction of a hazard reduction burn of all remnants on site in Spring 2018.

The regenerating bushland will be managed in a fashion to remove the shrub and small tree layer to ensure that there is no connectivity between fire fuels in the Grass layer and the canopy layer.

Overall, the proposal reduces the likelihood of a future bushfire occurring by managing the fuel loads of vegetation and establishing an Asset Protection Zone around the proposed development. The Bushfire Assessment Report demonstrates that the proposal is acceptable from a bushfire management perspective.

5.4.6 External Appearance & Design

The proposed development will present as series of contemporary two storey structures, connected by the central landscaped podium. The proposed built form of the residential components is identical to refused DA2018/1667 as this aspect of the proposal (despite it being refused) was considered to hold substantial merit by council assessment staff. In addition, the Local Planning Panel in its June 2019 deferral decision noted that the built form of the now refused development is considered to be suitable.

The bulk and scale of the development is consistent with that of existing development at William Charlton Village within the subject site, as well as development on adjoining properties and is considered to be compatible with desired built form and character. In terms of built form, the proposed development is physically and visually disconnected from this streetscape and will therefore have no adverse impact on streetscape continuity.

The development displays a high degree of articulation along each elevation to ameliorate visual bulk and break the form into modules. In particular, the rounded balcony edges and articulated roof forms achieve a suitable degree of modulation. Ground floor balconies are located at street level giving the development a human scale. In addition to physical articulation and openings, material combinations serve to create visual interest and ameliorate perceived visual bulk. Varied roof forms create visual interest.

External materials and finishes have been selected to reflect the use of the building, complement building form and articulation and provide a high quality and visually pleasing aesthetic. Materials comprise sandstone wall cladding, substantial areas of appropriately positioned glazing, glass balustrading and non-reflective metal roof sheeting. In addition, vertical aluminium spandrels will be installed external to the building and will serve multiple functions including sun protection, privacy and visual interest. The proposal will present as a contemporary architectural form that will have a timeless aesthetic and will sit proudly on the site.

Perspectives of the proposed development are provided at Figure 8 and Figure 9.

Figure 8 Perspective of the development viewed from internal driveway, looking north-west

Figure 9 Perspective of the podium level terrace, looking east

5.4.7 Heritage

The site is adjacent to land identified as Heritage Conservation Area (HCA) C9 being Manly Dam and surrounds. The HCA is a landscape based item as distinct from a general HCA. The Manly Dam structure is a separately listed item (I84) however is located quite some distance from the subject site and will not be impacted by the proposed development.

The proposed development will have no substantive visual or environmental impact on the HCA and therefore does not compromise the features from which this land derives its significance.

5.4.8 Solar Access

As demonstrated by the solar access diagrams prepared by Jackson Teece Architects, the proposed development achieves the minimum of 2 hours of solar access to living areas of each apartment within the development required by the Apartment Design Guide. Specifically, solar access is achieved to the media room oriented to the north of units.

The proposal is sufficiently setback from all side boundaries to ensure it will have no overshadowing impacts on adjoining development. This is confirmed by the shadow diagrams submitted with the application. The proposal therefore achieves solar access requirements and has no shadow impacts on adjoining development.

5.4.9 Views

The proposal is oriented to the south to take advantage of views over Manly Dam and the Sydney City skyline. The proposed buildings are located to the south of Fred Hutley Village. However, the sites are bisected by a Sydney Water pipeline, which is vegetated on both its northern and southern sides. Since the units of Fred Hutley Village are single storey directly to the north of the proposed buildings (two storey buildings are located further to the west on that site and would maintain existing outlook), some dwellings may experience a degree of view loss across the subject site, however, these views would be obscured be vegetation and the Sydney Water pipeline.

Therefore the proposal will have no adverse impact in regards to loss of views or outlook from adjoining properties.

5.4.10 Aural & Visual Privacy

Rooms within the proposed development are, for the most part, oriented outward, towards open spaces and circulation areas within the site. Siting and orientation of buildings ensures there is limited potential for overlooking of neighbouring premises. In any case, proposed building setbacks are generous and ensure that separation distances between new buildings and buildings on adjoining properties are such that cross views between habitable spaces are limited and will not compromise visual privacy.

Spaces that have potential to generate noise such as the communal building and common open space areas are suitably located to ensure noise transmission from the site to noise sensitive uses on adjoining properties will not adversely impact acoustic amenity. Plant and equipment will primarily be located within the basement level and maintenance shed, which can be acoustically treated to prevent noise transmission.

It is anticipated that the consent authority will impose a condition of consent requiring that an acoustic assessment is undertaken prior to the issue of an occupation certificate to demonstrate that the acoustic performance of the development satisfies the DCP requirement.

5.5 ECONOMIC & SOCIAL IMPACTS

The proposal will have no adverse economic impacts. Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.

The proposal is considered to have strong positive social impacts. Detached dwellings are the predominant housing form within the area which are generally unsuitable when aging in place where level living and community interaction is often needed by residents as they age. The aim of the Housing for Seniors SEPP is to overcome a lack of suitable housing and to provide high quality accommodation for seniors, whilst maintaining the predominant scale and character of development in the locality.

The broader area has an aging population with a generally higher proportion of aged persons relative to the Sydney Metropolitan Area as a whole, and therefore has a higher demand for seniors housing.

The proposed development will provide an appropriate style of seniors housing that will provide a high standard of independent living units. A number of new jobs will be created as a result of the proposed facility thus increasing employment opportunities for local residents.

5.6 THE SUITABILITY OF THE SITE

5.6.1 Access to Services

The subject site is located within 400m of various bus stops on Allambie Road and these stops are accessible by means of a suitable access pathway, being a concrete footpath. The bus stops are serviced by routes 280 and 142 to Chatswood and Manly, respectively. There are various bus stops within these centres located within 400m of a range of services and facilities, including shops, banks, community and recreational services and medical services. The available bus services and proximity to facilities satisfies the requirements of Clause 26 of the SEPP.

As the site is within an established area, electricity, telephone, gas, water and sewerage is readily available to the subject site.

5.6.2 Car parking

Parking requirements for seniors housing developments are prescribed within the Seniors Housing SEPP, and have been identified within the Compliance Table at Annexure A. The development provides for a total of 30 resident car parking spaces within the basement, which exceeds the parking requirement for the development when calculated pursuant to the rates prescribed in the Seniors Housing SEPP.

5.6.3 Hazards

The subject site is bush fire prone land. A Bushfire Assessment Report has been prepared by Total Earth Care and demonstrates that the development complies, or is capable of complying, with the relevant requirements of *Planning for Bush Fire Protection 2006*, subject to incorporating the recommendations of the Report.

The site is not in an area recognised by Council as being subject to landslip or flooding constraints. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

5.7 THE PUBLIC INTEREST

The proposed development will increase the supply of seniors housing in a form that meets the housing needs of the scale and character of development in the locality, and is suitable in terms of being an expansion to an existing facility, thereby complementing existing infrastructure.

The proposed development has also been designed to protect the amenity of adjoining development, as well as to provide a high degree of amenity for residents within the proposed development.

The site is located in close proximity to public transport services which allow convenient access to services and facilities and satisfies the site requirements of the Seniors Housing SEPP. The proposed development will generally have positive environmental impacts and acceptable impacts on the amenity of neighbouring properties. The proposed development is therefore considered to be in the public interest.

6. Conclusion

This Statement accompanies a development application for the construction of an independent living unit development at 181 Allambie Road, Allambie Heights. The proposed development has been assessed in light of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and Council's planning Guidelines and Policies.

The proposal is permissible with consent pursuant to *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and satisfies the relevant requirements of this instrument, with the exception of building height. A written request to support the departure from this standard pursuant to *State Environmental Planning Policy No. 1 – Development Standards* is included at Annexure C.

The siting, design and external appearance of the proposed development is compatible with the character of the locality and will not result in any unreasonable amenity impacts to adjoining or nearby properties. Importantly, the development will allow for the provision of additional independent living units to support the needs to the elderly population.

Since the previously refused DA, the proposal has been appropriately modified to comply with Councils comments and to satisfy the requirements of the NSW RFS in order to achieve approval.

The site is suitable for the proposed development and satisfies the intent of Zone R2. The development will positively contribute to the quality and service levels of the existing seniors housing development and will have manageable impacts on both the environment and the amenity of the locality. Accordingly the proposal is considered to be in the public interest and worthy of the Northern Beaches Council Local Planning Panel's support.

ANNEXURE A

SEPP (Seniors Housing) –
Compliance Table

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
Clause / Control	Requirement	Proposal	Complies?
Part 2 Site related requirements			
25 Application for site compatibility certificate	(5) The Director-General must not issue a site compatibility certificate unless the Director-General: (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:		
	(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,	The proposal is compatible with the existing uses on and surrounding the site, being seniors housing, and is compatible with the natural environment, as described throughout this Statement.	✓
	(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,	The services and infrastructure available within and in proximity to the site are sufficient to meet the demands of the development, having regard to the location and access to facilities requirements of clause 26 (discussed below).	✓
	(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,	The proposed redevelopment has a modest two storey form. Its bulk and scale is considered to be compatible with that of existing buildings within the site as well as development in the locality.	✓
26 Location and access to facilities	(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner.	Residents will have access to each of the facilities and services identified in subclause (1), as described below.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
	(2) Access complies with this clause if: (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development: (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and (iii) that is available both to and from the proposed development 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), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or	The Northern Beaches Local Government Area is within the Sydney Statistical Division. The subject site includes the existing William Charlton Village which is located directly adjacent to Allambie Road and bus stops. The bus stops are serviced by routes 280 and 142 to Chatswood and Manly, respectively. There are various bus stops within these centres located within 400m of the facilities and services referred to in subclause (1). The bus routes servicing bus stops proximate to the site operate as per the frequency nominated by this clause.	✓
27 Bushfire prone land	(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.	The subject site is bush fire prone land. A Bushfire Assessment Report has been prepared by Total Earth Care and demonstrates that the development complies, or is capable of complying, with the relevant requirements of *Planning for Bush Fire Protection,* subject to incorporating the recommendations of the Report.	✓
28 Water and sewer	(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be	The development will be connected to Sydney Water's reticulated sewer system as shown on the Sydney Water sewer diagram submitted separately with this application.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
	connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.		
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).	Refer to discussion against clause 25, provided earlier in this Compliance Table.	✓
Part 3 Design requirements			
30 Site analysis	(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A site analysis plan is included with the architectural plan set submitted with this development application. Section 3 of this Statement describes the site and its characteristics and the characteristics of the locality, and is considered to constitute the written statement required by subclause (2).	✓
31 Design of in-fill self-care housing	In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	This design document is outdated and no longer relevant to the proposal. The design of the proposal is modern and has been predicated on the controls found in the Apartment Design Guide subject to SEPP 65.	✓
32 Design of residential development	A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	The design principles set out in Division 2 are addressed within this Compliance Table. Assessment demonstrates that the development satisfies relevant design principles.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
33 Neighbourhood amenity and streetscape	The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	The proposed development recognises the desirable elements of the site and locality and has therefore been designed to maintain the natural characteristics of the site. Of the 10 trees identified as having a high retention value, only one is proposed to be removed as a result of development. The visual appearance and aesthetic qualities of the development are discussed in more detail at Section 5.3.5 of this Statement.	✓
	(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	The site is adjacent to land identified as Heritage Conservation Area (HCA) C9 being Manly Dam and surrounds. The HCA is a landscape based item as distinct from a general HCA. The Manly Dam structure is a separately listed item (I84) however is located quite some distance from the subject site and will not be impacted by the proposed development. The proposed development of the relatively cleared area of the site will have no detrimental impact on the landscape conservation area, since it is in character and of a similar nature to other seniors' housing development which also adjoins the conservation area. The proposed development is sensitively designed to maintain and integrate key natural features of the site so as not to compromise the features from which the landscape conservation area derives its significance.	✓
	(c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	The development maintains a high degree of neighbourhood amenity and appropriate residential character through thoughtful contemporary design which seeks to integrate seamlessly with existing structures. The proposed buildings are located at different levels to respond to the topography of the site. Car parking is sunken at lower ground level to seamlessly integrate into development. The building height is not significantly greater than existing structures and remains modest to suit the character and built form of the locality. At the street frontage of the internal road the building will	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
		present as well-articulated two storey structure, compatible with development in the locality.	
	(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	Due to the location of the proposal, there is no existing building line. The proposed communal building is setback sufficiently from the southern site boundary so as to have no impact on the adjoining seniors housing development to the south.	✓
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Plant species have been chosen to harmonise with existing planting on the site and within the locality. Plant species and landscape concept is detailed in the Landscape Design Package prepared by Arterra Design and submitted with this development application.	✓
	(f) retain, wherever reasonable, major existing trees, and	Trees nominated for removal are identified on concept plans contained within the Landscape Design Package. For the most part, major existing trees of high retention value across the site will remain.	✓
	(g) be designed so that no building is constructed in a riparian zone.	A creek line runs along the western edge of the cleared portion of the site. Proposed development is setback sufficiently from this creek line.	✓
34 Visual and acoustic privacy	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	The proposed buildings are setback significantly from the neighbouring senior's housing development to the south, and should therefore pose no visual or acoustic privacy issues. No windows are proposed along the eastern elevations of either ILU block, ensuring privacy to existing ILU's on site are maintained.	✓
	(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Bedrooms are situated an appropriate distance from driveways and parking areas to ensure the acoustic privacy of residents is not compromised.	✓
35 Solar access and design for climate	The proposed development should:	Shadow diagrams submitted with the development application demonstrate that there will be very minimal shadow impacts on neighbouring development, and also demonstrate that common open space areas will receive substantial direct sunlight.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
	(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	Adequate daylight is provided to living areas of all units, providing floor to ceiling glazing along the southern elevation of both ILU blocks.	
	(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	Due to the slope and outlook of the site to the south, it would be impractical and unfeasible to fully orient development to the north. However, all dwellings are cross-ventilated, and floor-to-ceiling glazing on southern elevations ensures that adequate natural daylight is provided to units.	✓
36 Stormwater	The proposed development should: (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	Substantial landscaped area is provided to allow for infiltration of rainwater. Paving, driveways and other hardstand surfaces are minimised as far as possible. Stormwater will be retained within an on-site detention tank to minimise adverse impacts associated with the quantity and velocity of stormwater leaving the site.	✓
	(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	The Concept Stormwater Plan indicates that stormwater runoff from roofs and the podium above the carpark will flow into a 130kL rainwater tank for landscape irrigation, and that stormwater runoff from other parts of the site will flow via surface inlets into a 100m^3 on-site detention tank. Both tanks are located below the proposed terrace of the communal building. The OSD tank will discharge into the on-site bio-filtration system via a series of tiered reed beds and ponds. This will ensure that the site does not contribute to downstream flooding.	✓
37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	The southern block of ILUS's overlooks the approach to the site, providing passive surveillance.	✓

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	(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	The nature of the facility requires a shared entry to the ILU's. Passive surveillance from proposed units will ensure the safety of residents and the development as a whole.	✓
	(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	To be confirmed at CC stage.	-
38 Accessibility	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	The subject site has accessible pedestrian links to the bus stops on Allambie Road, via concreate footpaths, as referred to previously within this Compliance Table.	✓
	(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Proposed parking for residents is recessed into a lower ground level, while visitor parking is proposed along the internal driveway and within the carpark. An Accessibility Report is submitted with the development application and demonstrates that the proposed redevelopment will provide for safe and convenient access for residents, and will comply with relevant standards.	✓
39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposal provides 4 recycling bins each of 240L size, to be collected once per week. For details refer to the Operational Waste Management Plan prepared by Elephants Foot and submitted separately with this application.	✓
Part 4 Development standards to be complied with			
40 Development standards - minimum sizes and building height	(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.	The proposed development complies with each of the standards specified in this clause, as described below.	✓
	(2) Site size The size of the site must be at least 1,000 square metres.	The site is 37,290m^2.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
	(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.	The site frontage is greater than 20 metres wide measured at the building line.	✓
	(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and	The building height of the proposed development exceeds 8m at various locations, as illustrated on sections provided with the architectural plan set. A SEPP No. 1 variation statement to vary the development standard is submitted in relation to this breach.	Refer to SEPP No. 1 variation statement at Annexure B
	(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and	Buildings adjacent to the boundary of the site are not in excess of 2 storeys.	✓
	(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	No buildings are proposed within the rear 25% area of the site.	✓
Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability			
41 Standards for hostels and self-contained dwellings	(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development. (2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.	Refer to Access Report prepared by ABE Consulting.	✓
Part 7 Development standards that cannot be used as grounds to refuse consent			

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
50 Standards that cannot be used to refuse development consent for self-contained dwellings	A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds: (a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),	The building height of the proposed development insignificantly exceeds 8m at various locations, as illustrated on sections provided with the architectural plan set. A Clause 4.6 variation statement to vary the development standard is submitted in relation to this breach.	Refer to SEPP No. 1 variation statement request at Annexure B
	(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,	Proposed FSR 0.17:1.	✓
	(c) landscaped area: if: (i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,	1,925m^2 required, 7,578m^2 proposed.	✓
	(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). 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,	5,594m^2 required, 14,680m^2 proposed.	✓
	(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	A minimum of 3 hours of solar access is achieved to 84% of living rooms of units (media room). A minimum of 3 hours of solar access is achieved to 58% of private open space areas of units. This non-compliance is due to the design	✓ On Merit

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
		of ground floor units of Building B, which only have a private open space area oriented to the south. The ADG acknowledges that solar access controls are not always achievable and may in fact not be desirable due to the slope of a site or views gained in a southerly aspect. The ground floor units of Building B are afforded sweeping views over Manly Dam and the Sydney skyline in the distance, and achieve solar access requirements to their media room.	
	(f) private open space for in-fill self-care housing: if: (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,	All ground floor and first floor dwellings comply with private open space area and dimensional requirements.	✓
	(h) parking: if 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 a social housing provider, or (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	Based on the parking requirements prescribed in the Seniors Housing SEPP, the proposed development requires parking as follows: - 24 self-contained dwellings = 5 spaces The total parking requirement for the facility is 5 spaces. 30 resident spaces are provided thus satisfying the parking requirements prescribed by the Seniors Housing SEPP. In addition, a space for ambulance parking is provided within the resident carpark.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings			
Part 1 Standards applying to hostels and self-contained dwellings			
2 Siting standards	(1) Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road. (2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.	Refer to Access Report prepared by ABE Consulting.	✓
3 Security	Pathway lighting: (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.	Refer to Access Report prepared by ABE Consulting.	✓
4 Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.	Refer to Access Report prepared by ABE Consulting.	✓
5 Private car accommodation	If car parking (not being car parking for employees) is provided: (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and	Refer to Access Report prepared by ABE Consulting.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
	(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.		
6 Accessible entry	Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Refer to Access Report prepared by ABE Consulting.	✓
7 Interior: general	(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1. (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres. (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.	Refer to Access Report prepared by ABE Consulting.	✓
8 Bedroom	At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel—a single-size bed, (ii) in the case of a self-contained dwelling—a queen-size bed, and (b) a clear area for the bed of at least: (i) 1,200 millimetres wide at the foot of the bed, and (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and	Refer to Access Report prepared by ABE Consulting.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
	(f) wiring to allow a potential illumination level of at least 300 lux.		
9 Bathroom	(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1: (a) a slip-resistant floor surface, (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1, (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future: (i) a grab rail, (ii) portable shower head, (iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, (e) a double general power outlet beside the mirror. (2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.	Refer to Access Report prepared by ABE Consulting.	✓
10 Toilet	A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.	Refer to Access Report prepared by ABE Consulting.	✓
11 Surface finishes	Balconies and external paved areas must have slip-resistant surfaces.	Refer to Access Report prepared by ABE Consulting.	✓
12 Door hardware	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.	Refer to Access Report prepared by ABE Consulting.	✓
13 Ancillary items	Switches and power points must be provided in accordance with AS 4299.	Refer to Access Report prepared by ABE Consulting.	✓
Part 2 Additional standards for self-contained dwellings			

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
15 Living room and dining room	(1) A living room in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telephone adjacent to a general power outlet. (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.	Refer to Access Report prepared by ABE Consulting.	✓
16 Kitchen	A kitchen in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a circulation space at door approaches that complies with AS 1428.1, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and (e) general power outlets: (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.	Refer to Access Report prepared by ABE Consulting.	✓
17 Access to kitchen, main bedroom, bathroom and toilet	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Refer to Access Report prepared by ABE Consulting.	✓

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 – COMPLIANCE TABLE			
18 Lifts in multi-storey buildings	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	Refer to Access Report prepared by ABE Consulting.	✓
19 Laundry	A self-contained dwelling must have a laundry that has: (a) a circulation space at door approaches that complies with AS 1428.1, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling.	Refer to Access Report prepared by ABE Consulting.	✓
20 Storage for linen	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	Refer to Access Report prepared by ABE Consulting.	✓
21 Garbage	A garbage storage area must be provided in an accessible location.	Refer to Access Report prepared by ABE Consulting.	✓

Annexure B

Apartment Design Guide -
Compliance Table

<table>
<tr><th colspan="4">Table 2 SEPP 65 Apartment Design Guide (Design Criteria) Compliance Table</th></tr>
<tr><th>Clause / Control</th><th>Requirement</th><th>Proposal</th><th>Complies?</th></tr>
<tr><td colspan="4">Part 3 Siting the Development</td></tr>
<tr><td rowspan="2">3D Communal Open Space</td><td>1. Communal open space has a minimum area equal to 25% of the site (site area = 37,290m^2). Minimum required = 9,322.5m^2</td><td>The significant western portion of the site remains as bushland and will include informal walking paths. The developed area will include large communal open space areas including a communal activity building. The proposal significantly exceeds the 25% area requirement.</td><td>Yes</td></tr>
<tr><td>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</td><td>Direct sunlight is achieved to north-western section of communal open space at all times of the day.</td><td>Yes</td></tr>
<tr><td>3E Deep Soil Zones</td><td>1. Deep soil zones are to meet the following minimum requirements:
<table>
<tr><th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone</th></tr>
<tr><td>Less than 650m^2</td><td>-</td><td rowspan="3">7% of the site area</td></tr>
<tr><td>650m^2 to 1,500m^2</td><td>3m</td></tr>
<tr><td>Above 1,500m^2</td><td>6m</td></tr>
</table></td><td>59.69% (22,258m^2) of the site is provided as deep soil area.</td><td>Yes</td></tr>
<tr><td>3F Visual Privacy</td><td>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:
<table>
<tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr>
</table></td><td><u>Up to 4 storeys – Ground Floor to Level 1</u>
Side separation – Minimum 9.2m setback to first floor balconies.
Rear separation – Setback to rear boundary in excess of 150m.</td><td>Yes</td></tr>
</table>

Table 2 SEPP 65 Apartment Design Guide (Design Criteria) Compliance Table			
	<table><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> No building separation is necessary where building types incorporate blank party walls. Typically, this occurs along a main street or at podium levels within centres.		
3J Bicycle and Car Parking	1. For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments (GTTGD), or the car parking requirement prescribed by the relevant council, whichever is less.	Parking provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 override ADG parking requirements.	-
Part 4 Designing the Building			
4A Solar Access and Daylight	1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	A minimum of 3 hours of solar access is achieved to 84% of living rooms of units (media room). A minimum of 3 hours of solar access is achieved to 58% of private open space areas of units. This non-compliance is due to the design of ground floor units of Building B, which only have a private open space area oriented to the south. The ADG acknowledges that solar access controls are not always achievable and may in fact not be desirable due to the slope of a site or views gained in a southerly aspect. The ground floor	Yes On Merit

<table>
<tr><th colspan="4">Table 2 SEPP 65 Apartment Design Guide (Design Criteria) Compliance Table</th></tr>
<tr><td></td><td>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</td><td>units of Building B are afforded sweeping views over Manly Dam and the Sydney skyline in the distance, and achieve solar access requirements to their media room.

There are no apartments in the proposal that receive no direct sunlight.</td><td>Yes</td></tr>
<tr><td>4B Natural Ventilation</td><td>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</td><td>100% of apartments are cross-ventilated.</td><td>Yes</td></tr>
<tr><td></td><td>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td><td>Depth of cross-over apartments are a maximum of 13m.</td><td>Yes</td></tr>
<tr><td>4C Ceiling Height</td><td>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:<table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable rooms</td><td>2.4m</td></tr></table></td><td>Ceiling heights measure 2.8m.</td><td>Yes</td></tr>
</table>

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<table>
<tr><th colspan="4">Table 2 SEPP 65 Apartment Design Guide (Design Criteria) Compliance Table</th></tr>
<tr><td rowspan="6">4D Apartment Layout</td><td>1. Apartments are required to have the following minimum internal areas:
<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 Bedroom</td><td>70m^2</td></tr><tr><td>3 Bedroom</td><td>90m^2</td></tr></table>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.</td><td>All apartments are 2 bedroom/media and measure 128m^2.</td><td>Yes</td></tr>
<tr><td>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</td><td>Each habitable room has sufficiently sized windows for solar access and natural ventilation.</td><td>Yes</td></tr>
<tr><td>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</td><td>Dimensions provided on the submitted plan set demonstrate that rooms are appropriately proportioned to comply with the numeric requirements of the ADG and to permit entry of sunlight and natural ventilation throughout internal spaces.</td><td>Yes</td></tr>
<tr><td>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td><td>The maximum habitable room depth is approximately 8.2m. This minor variation will have no substantial impact on the environmental performance of the apartment, which is the objective of this control. Open-plan layouts provide a high level of amenity to residents, providing an outlook over Manly Dam for a large portion of the units.</td><td>On Merit</td></tr>
<tr><td>1. Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)</td><td>Refer to plan set which demonstrates that each bedroom is sized to comply with the numeric requirements of the ADG.</td><td>Yes</td></tr>
<tr><td>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td><td>Each bedroom has a minimum dimension of 3m.</td><td>Yes</td></tr>
</table>

<table>
<tr><th colspan="4">Table 2 SEPP 65 Apartment Design Guide (Design Criteria) Compliance Table</th></tr>
<tr><td></td><td>3. Living rooms or combined living/dining rooms have a minimum width of:
• 3.6m for studio and 1 bedroom apartments
• 4m for 2 and 3 bedroom apartments</td><td>Each living room has a minimum dimension which accords with the ADG.</td><td>Yes</td></tr>
<tr><td></td><td>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</td><td>Minimum width 10.5m.</td><td>Yes</td></tr>
<tr><td>4E Open Space</td><td>All apartments are required to have primary balconies as follows:
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4m^2</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr><tr><td>2 Bedroom</td><td>10m^2</td><td>2m</td></tr><tr><td>3 Bedroom +</td><td>12m^2</td><td>2.4m</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>Each apartment is provided with an area of private open space in the form of a terrace or balcony that is directly accessible from a primary living area and complies with the minimum area and depth requirements of the ADG.</td><td>Yes</td></tr>
<tr><td></td><td>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m</td><td>Each ground level apartment has a private open space terrace with an area of at least 15m^2 and a minimum depth of 3m.</td><td>Yes</td></tr>
<tr><td>4F Common Circulation Space</td><td>1. The maximum number of apartments off a circulation core on a single level is 8.</td><td>Building B provides two lifts servicing 8 units.</td><td>Yes</td></tr>
<tr><td></td><td>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</td><td>The development is less than 10 storeys in height.</td><td>Yes</td></tr>
</table>

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<table>
<tr><th colspan="4">Table 2 SEPP 65 Apartment Design Guide (Design Criteria) Compliance Table</th></tr>
<tr>
<td>4G Storage</td>
<td>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:
<table>
<tr><th>Dwelling type</th><th>Storage volume</th></tr>
<tr><td>Studio</td><td>4m^3</td></tr>
<tr><td>1 bedroom</td><td>6m^3</td></tr>
<tr><td>2 Bedroom</td><td>8m^3</td></tr>
<tr><td>3+ Bedroom</td><td>10m^3</td></tr>
</table>
At least 50% of the required storage is to be located within the apartment.</td>
<td>Each unit has 2 bedrooms and therefore requires 8m^3 of storage.

Unit layout Type A provides 10.03m^3 of storage within the apartment and 4.2m^3 within the carpark, totalling 14.2m^3.

Unit layout Type B provides 6.28m^3 of storage within the apartment and 4.2m^3 within the carpark, totalling 10.48m^3.</td>
<td>Yes</td>
</tr>
</table>

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ANNEXURE C

Clause 4.6 / SEPP No. 1 Variation Request –
Building Height

Clause 4.6 / SEPP No. 1 Variation Request Maximum Building Height

SITE ADDRESS: 181 Allambie Road, Allambie Heights

PROPOSAL: Construction of a self-contained unit development, associated landscaping and drainage works

Name of the applicable planning instrument which specifies the development standard;

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

The number of the relevant clause therein

Clause 40(4)(a)

Specify the nature of the Development Standard sought to be varied and details of variation:

Clause 40(4)(a) of the SEPP relates, to maximum building heights in circumstances where residential flat buildings are not permissible on the land. The relevant parts of the clause are stated inter alia:

> *"(4) **Height in zones where residential flat buildings are not permitted***
> *If the development is proposed in a residential zone where residential flat buildings are not permitted:*
>
> *(a) the height of all buildings in the proposed development must be 8 metres or less, and*
>
> ***Note.** Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a)."*

Clause 40(4) above relates only to sites where residential flat buildings are not permitted. The site of the proposed development is within *Zone R2 – Low Density Residential* under the provisions of the *Warringah Local Environmental Plan 2011* (WLEP 2011). Under WLEP 2011, residential flat buildings are not permitted in Zone R2. Accordingly, Clause 40(4) is applicable to the site.

The building height definition in the Seniors Housing SEPP differs to that of the Standard Instrument LEP, and is provided as follows:

> ***"height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point."*

Ground level is defined as follows:

> *"**ground level** means the level of the site before development is carried out pursuant to this Policy."*

The proposal has a maximum height of 8.65 metres, exceeding the maximum 8 metre height limit in Clause 40(4)(a) by 0.65m. The extent of the building height breach varies considerably due to the sloping topography of the site, and this is illustrated in the height blanket diagram provided at Figure 10. The roof has been removed from the model to demonstrate maximum ceiling height, as per the height definition.

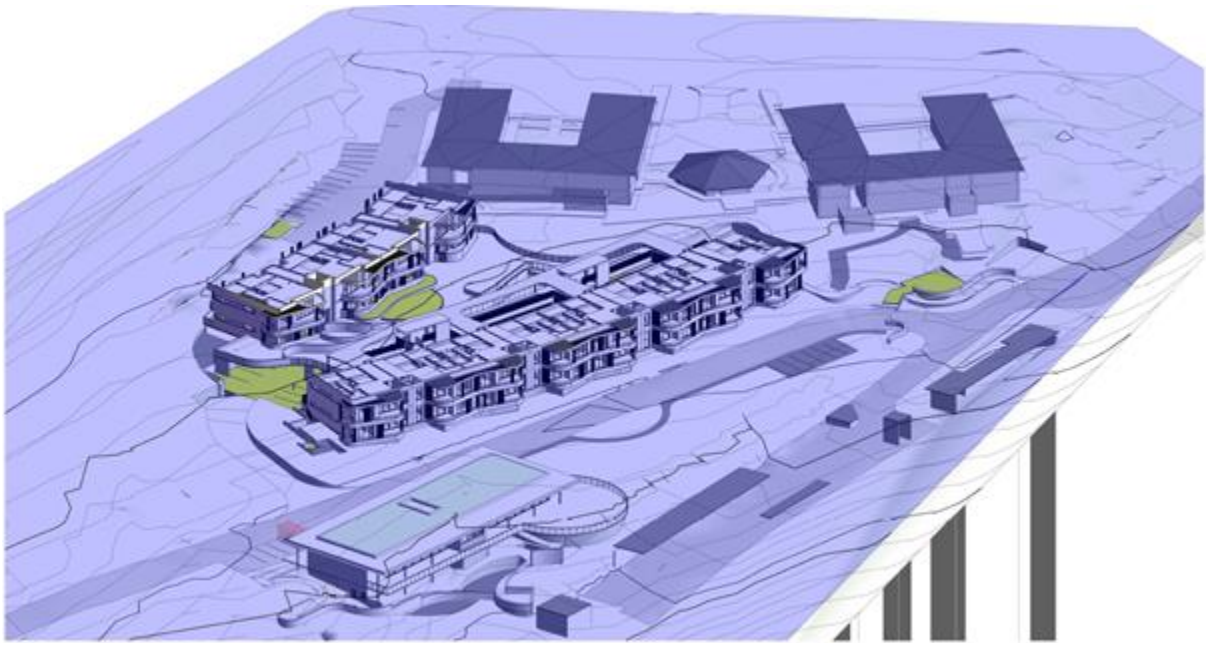

Figure 10 Height blanket diagram indicating variation in maximum building height

Justification for varying the development standard

In the case of *Winten Property Group Limited v North Sydney Council [2001] 130 LGERA 79*, Lloyd J established an 'underlying object test' to determine the reasonableness of a SEPP No. 1 Objection. In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ reformulated the *Winten* tests and that judgement is utilised to inform the assessment of the proposed variation.

1. Is the planning control in question a development standard?

Clause 40(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* relates to building height and is expressed in the SEPP as a development standard as defined under Section 4(1) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

2. State the objective of the standard to be varied as it relates specifically to the subject site and proposal:

There are no specific objectives within the SEPP that relate to the control of building height. Notwithstanding, the Land and Environment Court in the case of *Winten Group Architects Pty Ltd v Kuring-gai Council [2005] NSWLEC 546* has identified those objectives as being:

> *"To control impacts upon neighbours and to ensure that the proposed development is not overbearing in terms of bulk, scale and height and also in terms of overshadowing impacts and privacy concerns."*

It is considered that these are the appropriate objectives of the development standards and are therefore adopted for the purposes of this objection.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in Sections 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979?

Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case given that the proposed development complies with the objectives of the standard, as outlined below.

- In terms of bulk and scale, the proposed development has a two storey form which is visually compatible with the existing two storey built form on the site located to the east at William Charlton Village, which will be retained. The two storey form is also compatible with the built form and scale of buildings on adjoining allotments, including the site to the south which is also a Seniors Housing development.

- The development displays a high degree of articulation along each elevation to ameliorate visual bulk and break the structure into modules. In particular, the balconies of proposed units create articulation, and are broken up by light wells into bedrooms. The roof form is also well-articulated, providing clerestory windows to allow natural light penetration. External materials and finishes have been selected to complement building form and articulation and provide a high quality and visually pleasing aesthetic. The proposed landscape concept proposes dense planting at the perimeter of buildings and street edges, which serve to soften the appearance of the development.

- Rooms within the proposed independent living unit development are, for the most part, oriented outward, towards open spaces and circulation areas within the site. The orientation of development towards the south-west ensures there is limited potential for overlooking of neighbouring premises. In any case, proposed building setbacks are generous and ensure that separation distances between new buildings and buildings on adjoining properties are such that cross views between habitable spaces are limited and will not compromise visual privacy.

- Shadow diagrams demonstrating the extent of overshadowing associated with the proposed development have been prepared and are submitted with the development application. These diagrams indicate shadow cast at 9am, 12 noon and 3pm on the winter solstice (21st June). The diagrams confirm that the development will have no significant overshadowing impacts. Shadows cast by new development generally fall within or marginally beyond the boundaries of the site. However, these shadows only fall onto landscaped areas and ancillary buildings, and will have no impacts on dwellings.

- The building height breach can be attributed in part to site topography which slope significantly from north to south. The development has been designed to respond to topography by ‘terracing’ building mass, however height breaches occur and are largely unavoidable without incorporating level changes throughout the development, which is not desirable in a development housing the elderly, where level graded access is necessary.

Accordingly, notwithstanding the breach of the height standards, the proposal satisfies the intent of the standard. In the circumstances of the particular case, the SEPP No. 1 Objection for the building height non-compliance is considered to be well founded and is consistent with the objectives of the development standard.

4. Is compliance with the standard unreasonable and unnecessary in the circumstances of the case?

In the circumstances of the case, compliance with the SEPP’s development standard for building height is considered to be both unreasonable and unnecessary given the design of the proposal and its relationship to neighbouring properties. The proposal will provide a well-designed and appropriate independent living development which will not create a significant impact on adjoining properties, in terms of bulk and scale, and will not result in any significant adverse impact on surrounding properties in terms of overshadowing or loss of privacy.

Use of the site for seniors housing is existing and it continues to be a permissible form of development by virtue of the SEPP (Housing for Seniors or People with a Disability) 2004. The proposal will contribute to a larger facility that will provide a much needed housing choice for the elderly, as encouraged by the aims of the Seniors Housing SEPP. Notwithstanding the building height non-compliance, the proposed built form outcome does not contravene the R2 zoning objectives.

Strict compliance with the standard would unnecessarily complicate orderly and economic development of the land as previously discussed. Accordingly strict compliance, if sought, would be antipathetic to the objectives of the Standard, the objectives of the Act and is therefore considered to be unreasonable and unnecessary in the circumstances of the case.

5. Is the objection well founded?

In *Wehbe V Pittwater Council (2007) NSW LEC 827* Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

> *"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."*

The judgement goes on to state that:

> *"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

For an objection to be well-founded it is only necessary for an applicant to demonstrate that any one of these five different ways is applicable. In the present case, it is the first method that is relied upon, namely that the objectives of the standard are achieved notwithstanding non-compliance with the standard, as outlined in this SEPP 1 Objection.

For the reasons outlined in this Objection, variation to the development standard is reasonable as it will allow for the attainment of the objects of the EP&A Act and the underlying objectives of Clause 40(4) of *SEPP (Housing for Seniors or People with a Disability) 2004*, despite the numerical non-compliance.

Comment on clause 4.6 of Warringah LEP 2011

It is understood that there is a degree of uncertainty in relation to whether or not SEPP No.1 or clause 4.6 of Warringah LEP 2011 is the correct mechanism for varying a development standard contained in SEPP (Housing for Seniors or People with a Disability) 2004. For the sake of completeness, the following discussion is provided in relation to clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

On "planning grounds" and in order to satisfy that the proposal meets objective 1(b) of clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve "*a better outcome for and from development*", it is considered that:

- The proposed development will present as a series of contemporary two storey structures, connected by a central podium terrace. The bulk and scale of the development is consistent with that of existing development within the subject site, as well as development on adjoining properties and is considered to be compatible with desired built form and character. The site is physically and visually disconnected from the streetscape and will therefore have no adverse impact on streetscape continuity.

- The proposed floor to ceiling heights of the development enhance the internal amenity of living spaces and rooms and allow for large windows and bright spaces, which is an important factor in providing a high quality and pleasant living environment for the occupants. The increased floor to ceiling heights are seen to offer significant amenity benefits to the residents and this will not be to the detriment of an adjoining property. Lowering the ceiling heights would reduce the internal amenity of the facility with no material benefit for an adjoining property.

- From a practical point of view, the floor to ceiling heights are necessary to allow for services plant and equipment and, while it may ordinarily be possible to alter floor levels where services, plant and equipment are not required, this is not feasible in a development where changes in level are undesirable or erratic. In fact, the floor levels proposed have been adopted to avoid transitions in level and enhance access to and throughout the facility in accordance with the relevant Australia Standards.

- The building height breach relates in part to site topography which falls significantly from north to south. The development has been designed to respond to topography by 'terracing' building mass, however height breaches occur and are largely unavoidable without incorporating level changes throughout the development that would stifle residential amenity and would be counter-intuitive.

- The points of greatest non-compliance are associated with architectural roof forms which allow increased natural light to enter dwellings. This achieves a better amenity outcome than a complying development; therefore it is considered that strict compliance would result in an inferior planning outcome.

For the reasons listed above, it is considered that there are sufficient environmental planning grounds to support a variation to the building height development standard.

ANNEXURE D

Warringah LEP 2011 -
Compliance Table

WARRINGAH LEP 2011 – COMPLIANCE TABLE			
Clause / Control	Requirement	Proposal	Complies?
Part 2 Permitted or prohibited development			
2.2 Zone objectives and Land Use Table	Zone R2 Low Density Residential • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.	The proposed development will provide for the housing needs of the community, specifically aged and senior citizens. The scale of the development is considered to complement the low density character of the locality. The Landscape Design Package submitted with the development application demonstrates that the landscape concept proposed incorporates plant species that will harmonise with the natural environment of Warringah. The proposal ensures the landscaped setting of the site is maintained, by retaining the majority of significant trees on the site.	✓
Part 4 Principal development standards			
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The Seniors Housing SEPP prescribes maximum building height standards. This Policy prevails over any other environmental planning instrument to the extent of any inconsistency. As such, the building height requirements of the LEP are not applicable to this development application.	N/A
Part 5 Miscellaneous provisions			
5.9 Preservation of trees or vegetation	(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent, or (b) a permit granted by the Council.	The redevelopment works will necessitate the removal of a number of trees which have been identified on the Landscape Concept Plans. An Arboricultural Assessment has been prepared and considers proposed tree removal, and makes recommendations for tree protection where trees are to be retained in proximity to proposed works. Compensatory planting will be provided as per Landscape Concept.	✓
5.10 Heritage conservation	(5) Heritage assessment The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or	The site is adjacent to land identified as Heritage Conservation Area (HCA) C9 being Manly Dam and surrounds. The HCA is a landscape based item as distinct from a general HCA.	✓

WARRINGAH LEP 2011 – COMPLIANCE TABLE			
	(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 Manly Dam structure is a separately listed item (I84) however is located quite some distance from the subject site and will not be impacted by the proposed development. The proposed development of the relatively cleared area of the site will have no detrimental impact on the landscape conservation area, since it is in character and of a similar nature to other seniors' housing development which also adjoins the conservation area. The proposed development is sensitively designed to maintain and integrate key natural features of the site so as not to compromise the features from which the landscape conservation area derives its significance.	
Part 6 Local Provisions			
6.2 Earthworks	(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	Land modification works are proposed to recess the carparking area into a lower ground level. This will allow parking and the development as a whole to integrate more seamlessly into the surrounding landscape. The extent of land modification works proposed is illustrated on the sections provided with the architectural plan set and submitted with the development application. The Stormwater Concept Plan demonstrates that, despite proposed land modification works, stormwater can be appropriately managed on site without adversely impacting on drainage patterns. The land modification works facilitate the development works which will allow for the use of the site as a seniors housing development. The site will be used as such for the foreseeable future. Excavated material will be reused on-site as fill with surplus material disposed of at a licenced waste management facility. There is no reason to suspect that excavated material will be contaminated or hazardous. Land modification works are generally contained with the footprint of the proposed buildings and will be located an appropriate distance from site boundaries. No amenity impacts on adjoining properties are anticipated.	✓

WARRINGAH LEP 2011 – COMPLIANCE TABLE			
		The potential for limited land modification works to disturb relics is considered highly unlikely, however should any relics be identified during site preparation and excavation, work will stop immediately and applicable authorities will be notified. The development works are a sufficient distance from watercourses and environmentally sensitive areas, and will have no adverse impacts on such features. Sediment and erosion controls will be installed and managed to prevent migration of sediment from the site.	
6.4 Development on sloping land	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and (c) the development will not impact on or affect the existing subsurface flow conditions.	The site is identified on the Area A on the Landslip Risk Map. A Geotechnical Desktop Study prepared by Assetgeo is submitted with this application. This study does not identify any risk of landslides on the site. The proposed OSD tanks will capture and retain stormwater, improving stormwater discharge from the site. The development will have no impact on the existing subsurface flow conditions of the site.	✓

ANNEXURE E

Warringah DCP 2011 -
Compliance Table

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
Clause / Control	Requirement	Proposal	Complies?
Part B Built form controls			
B7 Front Boundary Setbacks	1. Development is to maintain a minimum setback to road frontages.	Existing buildings along road frontage of site are to be retained.	✓
	2. The front boundary setback area is to be landscaped and generally free of any structures, basements, car parking or site facilities other than driveways, letter boxes, garbage storage areas and fences.	No changes proposed to front boundary setback.	✓
	3. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.	No changes proposed to front boundary setback.	✓
Part C Siting Factors			
C2 Traffic, Access and Safety	1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.	Proposed vehicular access from Martin Luther Place into the existing internal road will have no impact on public road movements or parking, and therefore meets the objectives.	✓
	2. Vehicle access is to be obtained from minor streets and lanes where available and practical.	Existing vehicular access from Martin Luther Place will continue to be utilised.	✓
	6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: - appropriate to the size and nature of the development; - screened from public view; and - designed so that vehicles may enter and leave in a forward direction.	A loading bay is provided adjacent to residential parking spaces in the basement parking area. This bay is appropriate for the loading and unloading of delivery vehicles, as well as ambulance parking. The parking space and turning facility are appropriately configured and permit the forward entry and exit of emergency vehicles. The ambulance parking space will not be visible from public places.	✓
C4 Stormwater	1. Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater	A Concept Stormwater Plan has been prepared by Wood & Grieve Engineers and is submitted with the development application.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	infrastructure, watercourse, stream, lagoon, lake and waterway or the like.	The Concept indicates that stormwater runoff from roofs and podium above carpark will flow into a 130kL rainwater tank for landscape irrigation, and that stormwater runoff from other parts of the site will flow via surface inlets into a 100m^3 on site detention tank. Both tanks are located below the proposed communal building terrace. The OSD tank will discharge into the on-site bio-filtration system. This will ensure that the site does not contribute to downstream flooding.	
	2. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.	Refer to Stormwater Management Plan prepared by Wood & Grieve Engineers.	✓
C5 Erosion and Sedimentation	1. All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.	Erosion and sediment controls will be installed as per the Sedimentation and Erosion Control Plan and associated Details Plan prepared by Wood & Grieve Engineers.	✓
	2. Any erosion and sedimentation is to be managed at the source.	Erosion and sedimentation will be managed on site via a series of sediment fences, sediment traps, field inlets, sandbags and the like.	✓
	3. Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.	Refer to Sedimentation & Erosion plans prepared by Wood & Grieve Engineers.	✓
	4. An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m2 of land.	Refer to Sedimentation & Erosion Control Plan prepared by Wood & Grieve Engineers.	✓
	5. Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m2 of land.	Refer to Sedimentation & Erosion Control Plan prepared by Wood & Grieve Engineers.	✓
C7 Excavation and Landfill	1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	Excavated material will be used as fill on the site with surplus fill appropriately disposed of at a licenced waste management facility.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	2. Excavation and landfill works must not result in any adverse impact on adjoining land.	Land modification works are generally contained within the footprint of the proposed buildings and are sufficient distances from the edges of the site. As such, land modification works will have no impact on adjoining land.	✓
	3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	Project engineers will specify the construction requirements of retaining structures and compaction requirements of area in fill, based on the geological conditions of the site. These details will be developed at construction certificate stage.	✓
	4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	Sediment and erosion control measures will be installed and maintained for the duration of the construction and rehabilitation phase as per the Sediment and Erosion Control Plan submitted with the development application.	✓
	5. Rehabilitation and revegetation techniques shall be applied to the fill.	Disturbed areas will be rehabilitated as per the Landscape Concept Plan submitted with the development application.	✓
	6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.	Land modification works include a degree of fill, as illustrated in the sections provided with the architectural plan set. As demonstrated in the sections, the new buildings are somewhat recessed into the slope of the site, requiring cut and fill to level the areas on which buildings are proposed. However, these areas, since they are occupied by buildings, will not appear visually to have unreasonable levels of cut and fill. As such, the extent of fill is minimal and will have no effect on the visual or natural environment.	✓
C8 Demolition and Construction	1. All development works that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant development applications must be accompanied by a Waste Management Plan.	A condition of consent is anticipated in this regard.	✓
C9 Waste Management	1. All development works that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste	Operational waste management, including the location and design of waste storage areas, anticipated waste generation volumes and	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	Management Guidelines and all relevant development applications must be accompanied by a Waste Management Plan.	frequency and means of collection is detailed in the Waste Management Plan submitted with the development application.	
Part D Design			
D1 Landscaped Open Space and Bushland Setting	1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space: a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation; b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation; c) Landscaped open space must be at ground level (finished); and d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.	The site is identified as requiring 50%. 59.69% (22,258m^2) of the site (excluding the existing William Charlton Village) is landscaped open space or bushland setting.	✓
D3 Noise	1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	The proposed location of plant and equipment is nominated on the floor plans. Plant and equipment will primarily be located within the basement level, and within the maintenance shed adjacent to the entrance to the site. Plant and equipment selections have not been confirmed, nor have the specific locations of equipment within the nominated plant rooms. These details will influence acoustic performance and therefore any acoustic assessment carried out at this stage will be arbitrary. It is anticipated that the consent authority will impose a condition of consent requiring that an acoustic assessment is undertaken prior to the issue of an occupation certificate to demonstrate that the acoustic performance of the development satisfies the DCP requirement.	-

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.	The site is sufficiently removed from Allambie Road so as to require no noise mitigation.	✓
	3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.	Council may impose a suitable condition of consent.	✓
	4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.	No significant noise sources.	N/A
	5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	Unit layout co-locates bedrooms and living areas adjacent to one another.	✓
D6 Access to Sunlight	1. Development should avoid unreasonable overshadowing any public open space.	The shadow diagrams submitted with the development application demonstrate that the proposed development will not unreasonably overshadow any adjacent public open space. Some shadows are cast from the communal building onto adjacent bushland to the south-west, however this will have no impact on the public land and is therefore considered to be entirely reasonable.	✓
	2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	Shadow diagrams indicate that the proposed development will cast minimal shadow over neighbouring properties, and none over adjoining private open space. The majority of private open spaces of units receive 3 hours of solar access to at least 50% of their area. These include POS of all units in Building A, and ground floor units of Building B. Lower ground floor units of Building B receive 50% solar access to POS from 10:30am-12:30pm. This is due to the orientation of units, and Building A and the podium terrace to the north creating self-shadow onto Building B. However, communal landscaped areas receive significant solar access throughout the day, therefore residents have opportunities to receive solar access within the development notwithstanding limited solar access to their own private open space.	On Merit

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
D7 Views	1. Development shall provide for the reasonable sharing of views.	Refer to comments provided at Section 5.4.8 of this report.	✓
D8 Privacy	1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	Buildings A and B are located a sufficient distance from adjoining development so as to pose no privacy issues. All dwellings are oriented to the south, providing no windows to the east or west. Dwellings within Building A to the north will have an outlook over Building B. No significant privacy issues are expected, since ground floor units are obscured by the central podium terrace, and first floor north-facing rooms of Building B are low intensity bedroom and media rooms.	✓
	2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	Rooms are oriented towards the internal driveway to limit overlooking and encourage passive surveillance.	✓
	3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	Orientation ensures privacy issues are adequately addressed, therefore screening is not required.	✓
	4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.	Proposed dwellings are setback significantly from adjoining development, posing no visual privacy issues. The closest views between Buildings A and B are 18m.	✓
	5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.	Vertical screens are proposed to lower ground floor courtyards to prevent overlooking.	✓
D9 Building Bulk	1. Side and rear setbacks are to be progressively increased as wall height increases.	Generous side and rear setbacks are proposed to ensure that the visual bulk and scale of the building is not excessive when viewed from adjoining properties or public places.	✓
	2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	Each elevation of the proposed development displays a high degree of articulation thus avoiding continuous and unrelieved wall planes.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular: - The amount of fill is not to exceed one metre in depth. - Fill is not to spread beyond the footprint of the building. - Excavation of the landform is to be minimised.	The proposed development is stepped in line with the slope of the site to reduce the need for cut and fill. The maximum fill is 1m. Land modification works are generally contained within the footprint of the building.	✓
	4. Building height and scale needs to relate to topography and site conditions.	The building has a relatively modest two storey form and relates to site topography by stepping down the site.	✓
	5. Orientate development to address the street.	The location of the development within the cleared area of the site does not provide any opportunities to orientate development towards Allambie Road, since the existing William Charlton Village is oriented to this street. However, the development is oriented towards the existing internal driveway which is accessed from Martin Luther Place.	✓
	6. Use colour, materials and surface treatment to reduce building bulk.	External materials comprise a combination of glazing, light weight cladding, spandrels and pergolas which are arranged with the intention of ameliorating the visual bulk of the building. A schedule of materials and finishes is submitted with the development application.	✓
	7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Landscaping is proposed throughout the new development as per the Landscape Concept Plan submitted with the development application. Species have been selected and arranged with the intention of ameliorating the visual bulk of the development, while ensuring a bushfire asset protection zone is provided.	✓
	8. Articulate walls to reduce building mass.	Recesses are provided at regular intervals along each elevation of the building. In combination with arrangement of external materials, building articulation effectively serves to reduce building mass.	✓
D10 Building Colours and Materials	1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized	Material combinations and landscape arrangement has been designed with the intention of providing a contemporary self-contained residential development with a high degree of aesthetic quality. The	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	through the use of appropriate colours and materials and landscaping.	development will have a positive impact in terms of the visual quality of the Martin Luther Place streetscape.	
	2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.	The development will be generally obscured from adjoining properties by landscaping throughout the site. External colours and materials are such that they will blend and not compete with the bushland character of the locality.	✓
	3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	No alterations or additions to existing structures are proposed.	N/A
D11 Roofs	1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.	Lift overruns are generally concealed within the roof space and will not detract from the appearance of the roof. Where lift overruns project beyond the roof plane, they are visually integrated.	✓
	2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	Proposed flat roofs are necessary to ensure views are shared equitably, and are consistent with existing development at William Charlton Village.	✓
	3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.	Roof is articulated by way of skylights, pitch, lifts and balconies.	✓
	4. Roofs shall incorporate eaves for shading.	Roofs incorporate eaves for shading.	✓
	5. Roofing materials should not cause excessive glare and reflection.	Metal roof sheeting is proposed and can be treated to avoid glare and reflection.	✓
	6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc. as possible into the building.	Plant and equipment is integrated within the building at basement level and within roof spaces. Lift overruns are generally concealed within the roof form.	✓
D14 Site facilities	1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient	Garbage storage facilities will be situated within the basement and adjoining parking areas, and will not be visible from public spaces.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	for users and services and are to have minimal visual impact from public places.	The bin storage area is located to enable convenient access for collection.	
D18 Accessibility	1. The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.	An Access Report has been prepared and makes recommendations in relation to accessibility requirements.	✓
	2. There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.	All aspects of the buildings and landscaped areas are barrier-free and accessible.	✓
	3. Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.	New pathways comply with accessibility requirements in terms of width and gradient, and will be finished with a suitable slip-resistant surface.	✓
	5. There is to be effective signage and sufficient illumination for people with a disability.	The proposed redevelopment will be highly accessible and legible. Appropriate directional signage will be provided, as will external lighting for illumination of footpaths and parking areas.	✓
	6. Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.	Tactile ground surface indicators will be provided at thresholds and crossing in accordance with the relevant requirements of the relevant Australian Standard, as recommended in the Access Report.	✓
D21 Provision and Location of Utility Services	1. If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.	The subject site has available connections to the necessary services.	✓
	2. Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.	Plant and equipment will generally be located at basement level, and within the proposed maintenance shed, which is screened by vegetation. A substation is proposed adjacent to the main entrance however this location is dictated by the requirements of the service provider.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are: a) A reduction in the number of trenches required; b) An accurate location of services for maintenance; c) Minimising the conflict between services; d) Minimising land required and cost;	To be confirmed at CC stage.	-
	4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.	Utility provision will have no substantive impact on natural features.	✓
	6. Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.	The proposed electricity substation can be appropriately screened in accordance with the service provider specifications and requirements.	✓
	7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.	Reticulated sewer is available.	✓
D22 Conservation of Energy and Water	1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.	Due to the slope of the site, and significant views to the south, the proposal is oriented to the south. However, all dwellings are cross-ventilated, and receive adequate daylight through the provision of floor-to-ceiling glazing on southern elevations.	✓
	2. Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.	Shadow diagrams demonstrate that the proposed works will not have any overshadow adding impacts on adjoining properties. The roof form and design allows for installation of solar panels and water heating devices however none are proposed at this stage.	✓
	3. Buildings are to be designed to minimize energy and water consumption.	All dwellings are cross-ventilated, and receive adequate daylight through the provision of floor-to-ceiling glazing on southern elevations.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	4. Landscape design is to assist in the conservation of energy and water.	Landscaping will assist in providing shading during the summer months.	✓
	5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.	130kL rainwater tank located underneath the communal building terrace is proposed for landscape irrigation.	-
E6 Retaining unique environmental features	1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.	The site has a bushland character and therefore a series of distinctive natural features are present. The redevelopment works are proposed to occur within the generally cleared central portion of the site, retaining the existing bushland within the western half of the site. Rocky outcrops are proposed to be retained and exposed to provide a feature within the site. The existing drainage swale and creek line is proposed to be embellished with naturalistic character.	✓
	2. Development should respond to these features through location of structures, outlook, design and materials.	The development is designed to retain significant existing natural features, including an existing mature Sydney Blue Gum of high retention value.	✓
E7 Development on land adjoining public open space	1. Development on land adjoining public open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.	Proposed species selection and arrangement is compatible with the landscape character of the locality, and the adjacent public reserve.	✓
	2. Public access to public open space is to be maximised.	The proposed development does not alter public access to public open space and is contained wholly within private property that is leased from the Crown for its proposed use.	-
	4. Development is to provide a visual transition between open space, bushland reserves or other public spaces and buildings, including avoiding abutting public open space with back fences.	Proposed embellishment of existing creek line, and associated landscaping will provide a suitable visual transition from adjacent bushland to the proposed development.	✓
	5. Development is to protect views to and from public open space	The development will not unreasonably obscure views of the public reserve to the south-west of the site.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	6. Development is to provide buffers for bushfire protection on private land, not on public land.	An asset protection zone is proposed as outlined within the Bushfire Assessment Report prepared by Total Earth Care.	✓
	7. If the adjoining parks, bushland reserves or public open space contain bushland, development is not to threaten the protection or preservation of the bushland.	Development does not threaten the protection and preservation of the bushland. All works are contained within the site.	✓
	8. Development should be designed to maximise opportunities for casual surveillance of the public open space.	The proposed communal building and associated landscaping has outlook over adjoining public open space.	✓
	9. Development is to utilise landscaping or existing landscape elements to screen development.	Landscaping is proposed throughout the portion of the site to be developed. Species have been selected and arranged with the intention of ameliorating the bulk of the development.	✓
E8 Waterways and Riparian Lands	1. The applicant shall submit a Waterway Impact Statement.	A Waterway Impact Statement has been prepared by Total Earth Care and is submitted with this application.	✓
	2. Developments shall comply with the requirements of Council's Protection of Waterway and Riparian Land Policy and Water Management Policy.	Refer to Waterway Impact Statement prepared by Total Earth Care.	✓
	3. Infrastructure such as roads, drainage, stormwater structures, services, etc. should be located outside land identified as Waterways and Riparian Land.	The existing drainage swale, which is proposed to be embellished with naturalistic character, will be free of structures.	✓
	4. The Asset Protection Zone must not extend into land identified as Waterways and Riparian Land. Refer to NSW Rural Fire Service for site assessment methodology.	Refer to Bush Fire Assessment Report prepared by Total Earth Care.	✓
E10 Landslip Risk	1. The applicant must demonstrate that: • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice.	Refer to the Geotechnical Desktop Study prepared by Assetgeo and submitted separately with this application.	✓

WARRINGAH DCP 2011 – COMPLIANCE TABLE			
	2. Development must not cause detrimental impacts because of stormwater discharge from the land.	Stormwater is proposed to be stored within Rainwater Tank and OSD tank below the proposed communal building terrace. Rainwater tank water will be reused for landscape irrigation, while water from the OSD tank will be discharged to the on-site bio-filtration system.	✓
	3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.	As above.	✓
	4. To address Requirements 1 to 3: i) For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.	A geotechnical desktop study has been undertaken by Assetgeo, and is submitted with this application.	✓

Annexure F

Allambie Heights Village Ltd ABN Details