

STATEMENT OF ENVIRONMENTAL EFFECTS

**Seniors Housing
Development (4 dwellings)**

**49 Forest Way, Frenchs
Forest**

RESPONSIBLE FOR THIS REPORT:

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1 Introduction

1.1 Overview

This report accompanies and supports a Development Application (DA) for demolition of existing structures, a Seniors and Disabled Housing development, under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and strata subdivision at 49 Forest Way, Frenchs Forest. The proposal is for *Infill self-care* housing (4 dwellings) for independent living.

Walsh² Architects have responded to the client brief to provide a housing development of excellent design quality which affords high levels of amenity to future occupants and compatibility with the neighbourhood and built form character.

The Northern Beaches is in need of more housing and increased variety of housing, that is designed and located to meet the specific needs of older people and people with a disability. The proposed development will increase the housing choice, in an appropriate accessible location within the Northern Beaches and thereby provide an important social benefit. The proposal also satisfies the planning objectives of providing suitable housing for people to 'age in place', also the provision for additional housing, and increased housing diversity to meet the changing demographic needs of the population.

The site is adjacent to a busy road and local intersection (south eastern corner) and the proposal will enhance the corner's streetscape quality. The location is highly accessible being adjacent to a bus stop and signalised intersection with a range of bus services driving immediately pass the site. The proposal is compatible with the scale and mix of housing and other developments within the locality. The proposal is compatible with the character and amenity of adjoining development. It will not result in any significant or unreasonable physical impacts on the solar access, privacy, visual scale of you sharing available to adjoining land.

The site is ideally located in terms of its accessibility to transport, shops, services, public facilities, recreation, open space, health, and medical services and entirely satisfies the provisions of the Seniors SEPP.

The built form outcome has been developed through detailed site, context, privacy, and shadow analysis to ensure an appropriate contextual and streetscape fit. The building footprint has been designed to reflect the angular and irregular shape of the site creating an interesting, site-specific building design that presents well to each of its boundaries. The proposed development maintains high levels of residential amenity to adjoining properties.

1.2 DA 2019/0811 and Pre-lodgement Meeting

A Pre-DA lodgement meeting was held on 12 February 2020 with Council planning officers to discuss key issues associated with the proposed redevelopment of the site. The meeting was held following the withdrawal of DA 2019/0811 in October 2019.

This application has been prepared in response to the key issues raised by Council in response to DA 2019/0811, as summarised in the Council letter dated 4 October 2019,

and as explained in meetings between the parties. A number of modifications to the design have resulted from the advice provided. In summary, the following changes are noted:

- Balconies to the east side modified and privacy screens added to southern edge
- Number of cars – reduced to 6
- Building bulk – addressed by reduced FSR and through modified architectural design treatments
- Rear setback - significantly increased and structures more than 1 storey removed
- Front setback – minor change
- Excavation extent – decreased
- Waste bin storage area – relocated to south western corner of site and integrated with letterboxes.

Other issues are addressed within this report and the documentation accompanying the proposal.

1.3 Statement of Environmental Effects

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies including State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Development Control Plan – as relevant

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, and is appropriate for the granting of consent.

2 Site Analysis

2.1 Overview

The Site Analysis has been undertaken to ensure that the design and configuration of the proposal is sympathetic and responsive to the existing character of the site and its context,

The Site Analysis responds to the requirements of Clause 30 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (the Seniors SEPP). This Site Analysis forms part of the Statement of Environmental Effects (SEE) supporting the development application.

The Seniors SEPP contains a number of provisions that relate to achieving an appropriate design outcome, responsive to site context. This section of the SEE report reviews and summarises the site's character within its immediate and local contexts.

2.2 The site and location features

The site is located at 49 Forest Way, Frenchs Forest. The site is legally described as, Lot 1A in Deposited Plan 382200. The site has an area of 923.5 m².

2.2.1 *Features of the site, its development, and topography*

The land is a corner allotment that faces Forest Way and Adams Street, Frenchs Forest. As such, the site is adjoined by roadways to its northern and western sides. These increase the property's building separation to adjoining dwellings to the north and west. The allotment is widest at its western / Forest Way frontage (23.775m) and narrowest at its eastern boundary (10.74m).

Key details of the property are noted from the survey by Daw & Walton as follows:

- The land is irregular in shape having the following dimensions:
 - Frontage to Adams Street of 48.205m
 - Frontage to Forest Way of 23.775m
 - A corner splay to Adams Street and Forest Way of 6.335m
 - A southern boundary of 46.95m
 - An eastern boundary of 10.74m
- The property is directly adjoined by only two residential properties at 47 Forest Way (to the south) and 25 Adams Street (to the east).

The key features of the site and its development include:

- The land is developed with a two storey, brick residence with tile roof within a landscaped setting. There is a concrete driveway and garage adjacent to the property's northern, Adams Street boundary.
- The site and the adjoining properties have a west-to-east orientation to Forest Way.

- The property is moderately sloping from the west (Forest Way) to the east, along its frontage to Adams Street, with a slight cross-fall, displaying a level difference of approximately 4m (approximately RL152 to RL 1.48). There are minimal level changes to the adjacent properties to the east and south.
- There are a number of mature trees located within and around the site. An arboricultural report accompanies the application and assesses the status of these.
- The immediate local area (within 100m) precinct is not experiencing a significant character change therefore the existing character is the relevant assessment consideration. It is however notable that the wider precinct is experiencing change resulting from the development of the Northern Beaches Hospital.
- the desirable elements of the location's current character are identified principally as being:
 - 1 to 2 storey dwellings
 - Landscaped settings comprising (mainly) turfed front and rear yards with some plants and vegetation
 - Driveway access for on-site vehicle parking
 - Appropriate setbacks between adjacent dwellings to provide space, solar access and privacy
 - Materials and finishes that provide a suitable level of variety, visual interest, and compatibility

Figures below depict the character of the property and its existing development.

2.2.2 Features of the location

The property is set within an established suburban location within convenient proximity to a range of employment, shops, health services, transport and recreation opportunities notably:

- A pedestrian footpath is located on the eastern and western sides of Forest Way facilitating pedestrian access to the nearby bus stops and local facilities.
 - A bus stop providing access to south bound bus services is adjacent to the south west corner of the site.
 - Forest Way is a classified road that is serviced by several bus routes. The land is adjacent to north and south bound bus stops on either side of Forest Way, serviced by regular Forest Coach Line route numbers:
 - 141 - Manly to Austlink
 - 193 - Warringah Mall to Austlink
 - 260 - Terrey Hills to North Sydney
 - 270, 271, 274 - Terrey Hills, Belrose & Davidson to City via Belrose, Austlink Business Park, Frenchs Forest & Forestville
 - 279, 281, 282, 283, and 284 - Chatswood District to Frenchs Forest via East Roseville, Forestville, Frenchs Forest, Davidson, Belrose & Terrey Hills
- (source: Google Maps and Forest Coach Line website),

- These bus routes connect the site to locations where the necessary range of shops and services needed to support the proposed development are available.
- The neighbourhood character is generally of low-density residential housing comprising landscaped settings intermixed with a variety of low-rise medium density developments including townhouse style, dual occupancy, boarding house, seniors housing, health consulting rooms, veterinary hospitals, places of worship etc.
 - Local examples of low rise medium density style development include: a townhouse style on the opposite corner of the intersection at 31 Adams Street (40 m from the site to the west), a boarding house development currently under construction at 31 Forest Way (170 m from the site to the south) a recently approved seniors housing development at 34 Adams Street (DA2018/1292 approved on 11 February 2019).
 - The area is characterised by old and new style housing with different features and elements. Residential dwellings present a mix of 2 storey dwellings intermixed with single and part 2 storey dwellings.
 - Solid front fences, driveways, outbuildings (sheds, car ports garages, secondary dwellings) car parking hardstands within the streetscape are all evident within the local context.

The broader precinct -

- 250 m south of the site is the Northern Beaches Hospital growth precinct which is foreshadowed by Council for urban renewal. Northern Beaches Council adopted the Northern Beaches Hospital Precinct Structure Plan for this area on 1 August 2017. The Precinct Structure Plan is currently being used as a guide to inform the NSW Government's Frenchs Forest Planned Precinct preparation.
- This area and the broader precinct are undergoing change. Major roadworks are taking place in the vicinity and near the site along Forest Way. This area is identified in the strategic planning documents as an area for change. The site is not within the growth precinct, but it is within reasonable proximity, sufficiently close to potentially experience some change in the local character

2.2.3 Zoning and key environmental considerations

The property is zoned R2 Low Density under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, for example, flooding heritage, biodiversity, bushfire, geotechnical risk.

The property is affected by acid sulfate soils and sloping land. These issues are addressed within Section 5 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

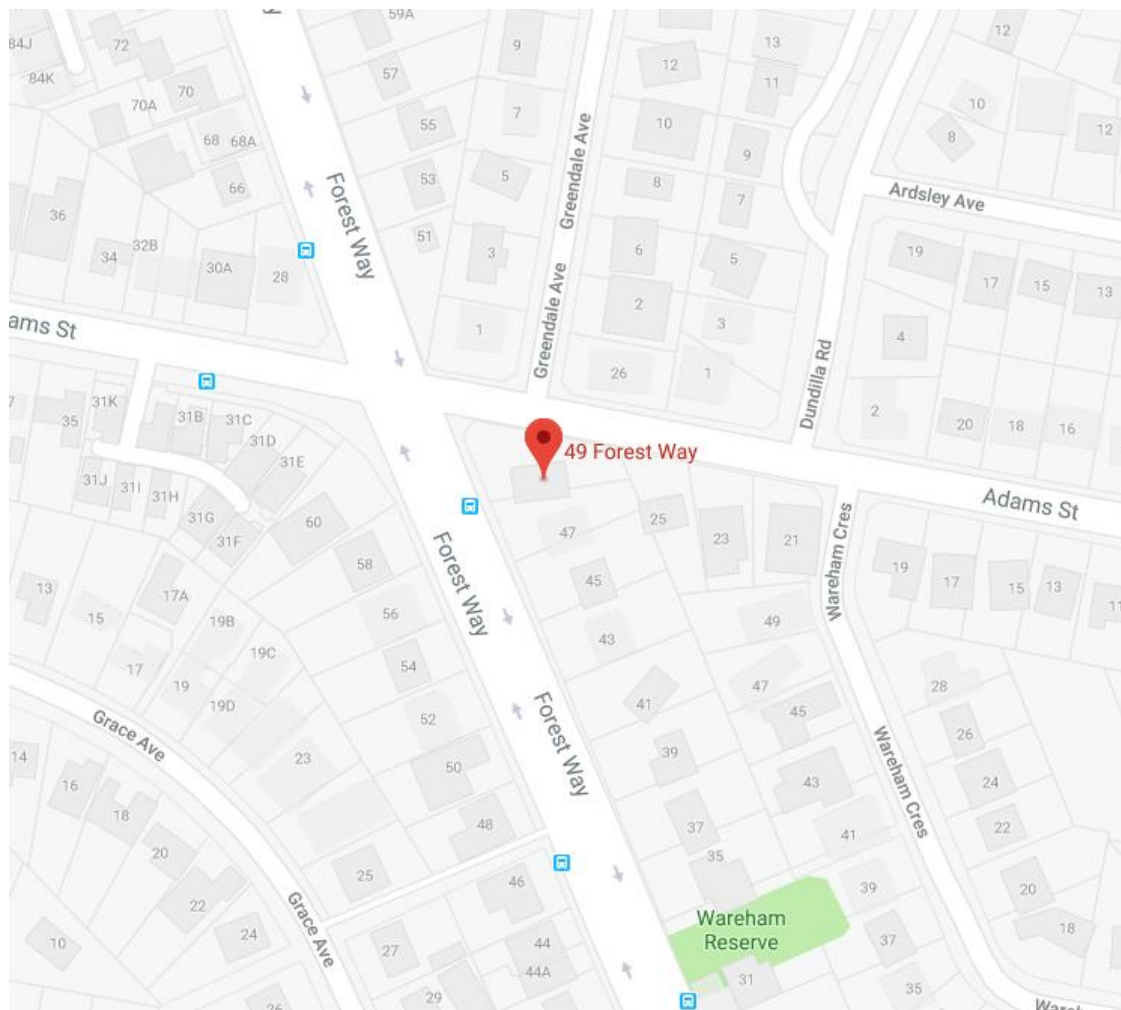


Figure 1 – Location of the site within its wider context (courtesy Google Maps)



Figure 2 – The site and surrounding properties (courtesy Northern Beaches Council)



Figure 3 - existing dwelling as viewed from the rear



Figure 4 –existing vehicle access point and secondary street frontage character (Adams Street)



Figure 5 –eastern (rear) façade of existing dwelling



Figure 6 – existing rear yard character of the subject site



Figure 7 – the site's existing vehicle access and presentation to Adams Street



Figure 8 – cars queuing at the adjacent signalised intersection



Figure 9 - Existing front yard character of the property

STREETSCAPE DEVELOPMENT CHARACTER



Figure 10 – southern boundary interface with the property at 47 Forest Way



Figure 11 – bus stop adjacent to the site providing access to southbound bus services

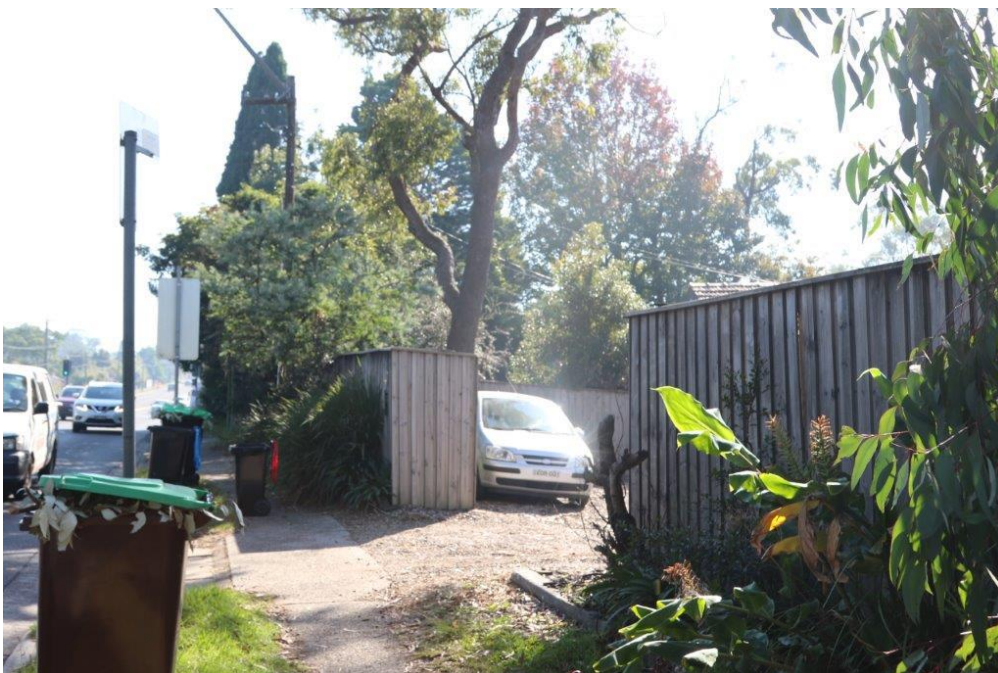


Figure 12 - streetscape character to the south of the site on Forest Way



Figure 13 – eastern boundary interface with the property at 25 Adams Street

STREETSCAPE VISTAS



Figure 14 – street character looking north opposite the subject site



Figure 15 - street character looking north east from the subject site



Figure 16– the site's existing car parking and presentation to Adams Street



2.2.4 Services

Being within an established urban area the proposed development is able to be serviced by key service utilities such as water, sewer, energy, and telecommunications.

2.2.5 Existing vegetation

In terms of the assessment of existing trees and vegetation within the site the application is accompanied by an arboriculture report that has assessed the condition and significance of a number of trees on and adjacent the property. The report assesses the impact of a proposed development on sixteen (16) trees in accordance with AS4970 Protection of trees on development sites (2009). These matters are further documented within section 6 of this report.

Existing Vegetation



Figure 18– existing street tree to be retained



Figure 19 – existing exotic trees to be removed

2.2.6 Microclimate

Being a corner allotment with east/west orientation and having roadways adjoining the northern and western boundaries of the site, the site offers excellent solar access opportunities to the future dwellings. Due regard has been given to the locality's microclimate, maximising opportunities for passive solar design, and reducing the energy consumption of dwellings. This includes orientating living area and private open spaces of dwellings to maximise available solar access.

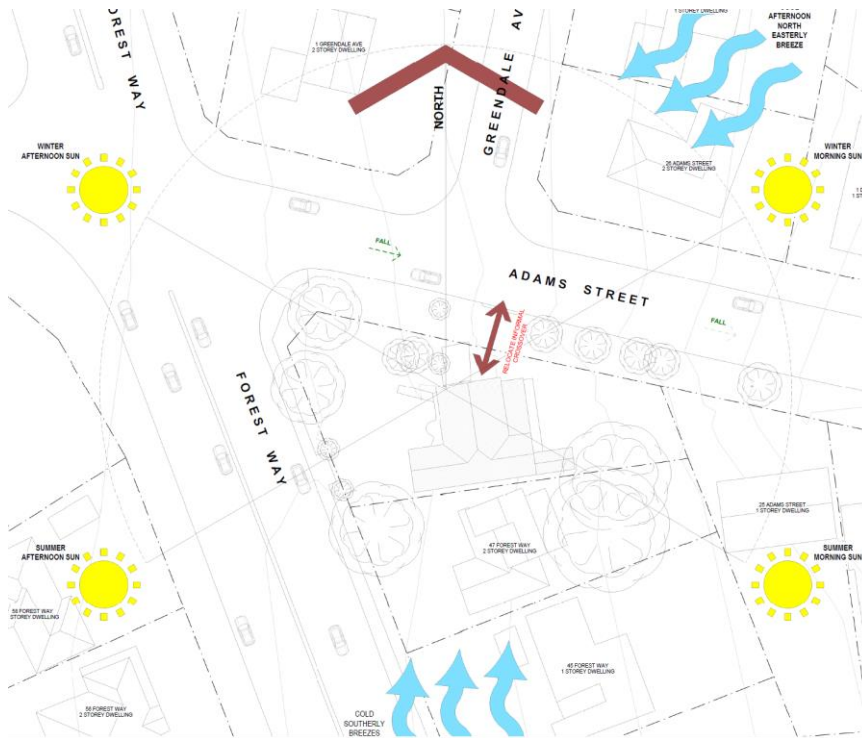


Figure 20 – site analysis plan (Walsh² Architects)

2.2.7 Views to and from the site

Views to and from the site have been considered. Views are mostly limited to immediate views from neighbouring properties and the site's street frontage. Overall it is assessed that the proposed redevelopment will significantly improve the visual appearance of the site and be compatible with the established and desired built form character of the location.

2.2.8 Land conditions

The site is not characterised by any significant contaminated soils, filled areas, land slip, acid sulfate soils or water table issues. A Geotechnical Report confirming the stability of the site accompanies the application.

2.3 Analysis of the site surrounds and location

2.3.1 Neighbouring buildings and land

In terms of the surrounding land and development:

- The site is adjoined to the east and south by residential dwellings. Roadways adjoin the northern and western boundaries.
- 2 residential properties directly adjoin the eastern and southern boundaries of the property. The southern neighbour is at 47 Forest Way. It contains a 2 storey dwelling; there are no window openings within its northern elevation which faces the subject site.
- The eastern adjoining property at 25 Adams Street is slightly downslope of the subject site and is not impacted by shadows from the property.
- The area comprises a mix of single residential dwellings, a medium density development is at the opposite corner of the adjoining intersection) within an irregular subdivision pattern.
- The adjoining roadways effectively increase the separation to the residential development to the south.
- High solid front fences are a common streetscape feature in the location.

2.3.2 Street frontage features

In terms of Street frontage features front setbacks of nearby properties are characterised by a mix of established hardstand car parking areas, some high, solid front fences, garden areas, and established street trees (figures above).

A bus stop providing access to south bound bus services is adjacent to the south west corner of the site.

Otherwise the street frontages are generally quite flat with minimal level changes and cross falls. Trees within the road verges have been surveyed and assessed in the relevant plans and reports that accompany the application (see section 1.4 for reference).

2.3.3 Other considerations

There are no walls built to the site's boundary.

Aside from Forest Way, there are no significant noise sources that impact on the site.

2.4 Local Facilities and Services - clause 30 and 26 of the Seniors SEPP

In response to clause 30 and 26 of the Seniors SEPP, consideration has been given to the provision and location of Local Facilities and Services that are available to support the proposed seniors housing development. The following provides a summary of the key findings.

The site is located approximately:

- 440m from the Forest Way shopping and services centre to the south – on Forest Way.
- 1.5km from the Glenrose shopping and services centre to the north west.

- 1.4km from various services, businesses and employment opportunities within the Cromer business / industrial precinct to the north east of the site.
- 1.65 km from B7 zoned Business Park to the south east of the site.
- 2.6km from the Dee Why major shopping and services centre to the south east of the site.
- 4km from Brookvale and the Warringah Mall (Westfield) shopping complex which is to the south east of the site
- 11km from the major centre of Chatswood

The above centres contain varying levels of retail, commercial, health, recreation, and community facilities within convenient distance from the site. The appropriate provision of supermarkets, specialty stores along with other health and community services are available across these locations.

Public Transport: The land is adjacent to east and west bound bus stops on either side of Forest Way, serviced by regular Forest Coach Line and STA route numbers 141, 193, 260, 270, 271, 274, 279, 281, 282, 283, and 284 ; source: Google Maps). These bus services provide transport connections between the property and the Sydney CBD, Brookvale Manly, and Chatswood. These bus routes link the site to key shopping and support services available at places like Forest Way Shopping Centre, Glenrose Shopping Centre, Warringah Mall Westfield, Forestville Shopping Centre and Chatswood. It also links to the main rail network providing connections to Chatswood, Macquarie Park, and beyond.

Hospitals: The new Northern Beaches Hospital is located 4.5km to the south east of the site. There are also a range of doctors and specialists located within the centres at Dee Why and Chatswood that are connected by bus services to the site/location. NSW Ambulance station on the corner of Forest Way and Weardon Road.

Public open space and playing fields: situated to the east of the site. Various facilities including – Lionel Watt sports field (1,000m), Frenchs Forest Showground, various bushland reserves and pocket parks community centre (1,050m).

Places of Public Worship are located within the locality on the corner of Forest Way and Naree Road (Forest Alliance Church) and Northgate Church on the corner of Forest Way and Weardon Road.

Accordingly, the site is accessible to all of the key services and social infrastructure needed to support and sustain the essential and specific lifestyle needs of future residents including: retail and commercial; medical; pharmacies; aged care support services; libraries; parks and open spaces; sporting facilities, recreation and tourist related facilities, educational establishments; social clubs; RSL clubs and churches.

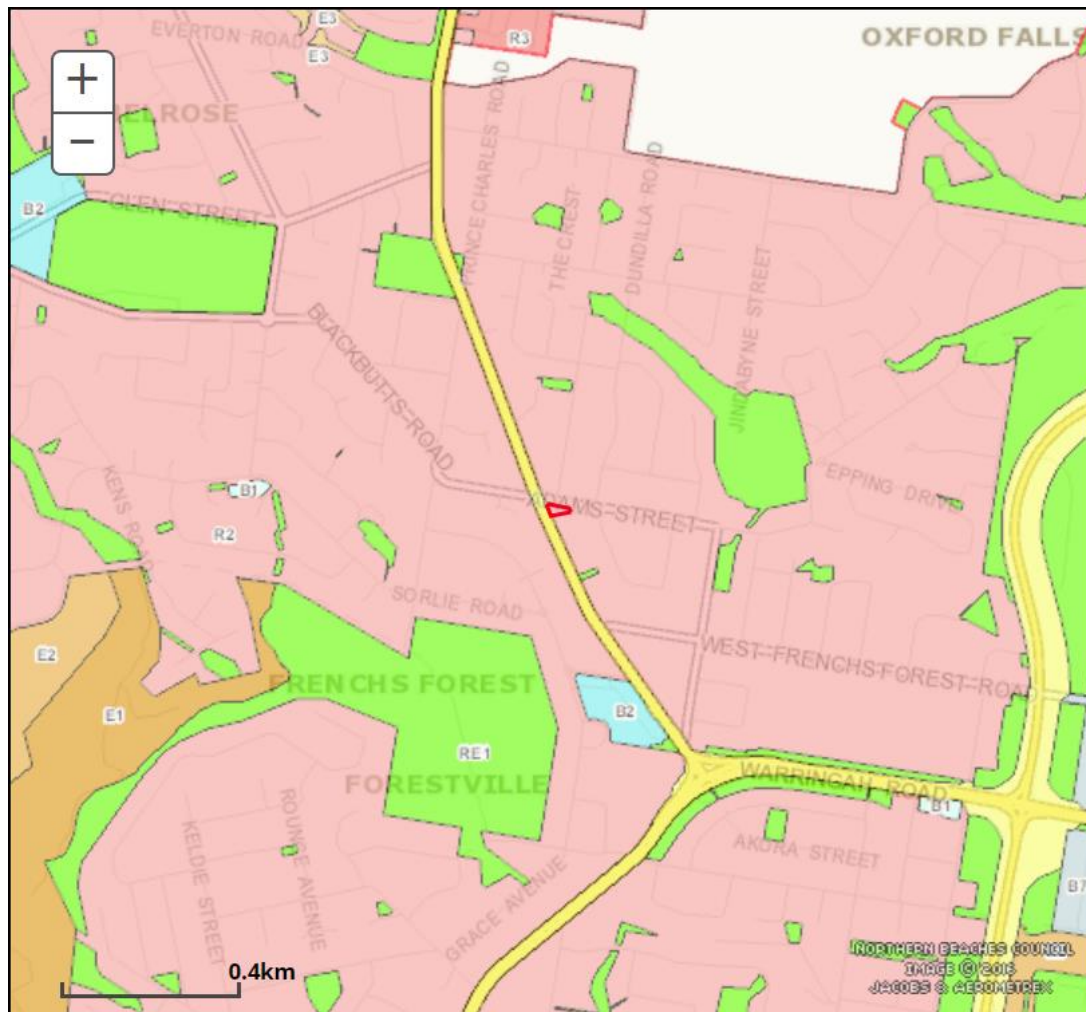


Figure 21 – land use context of the site as reflected by the Warringah LEP zoning map

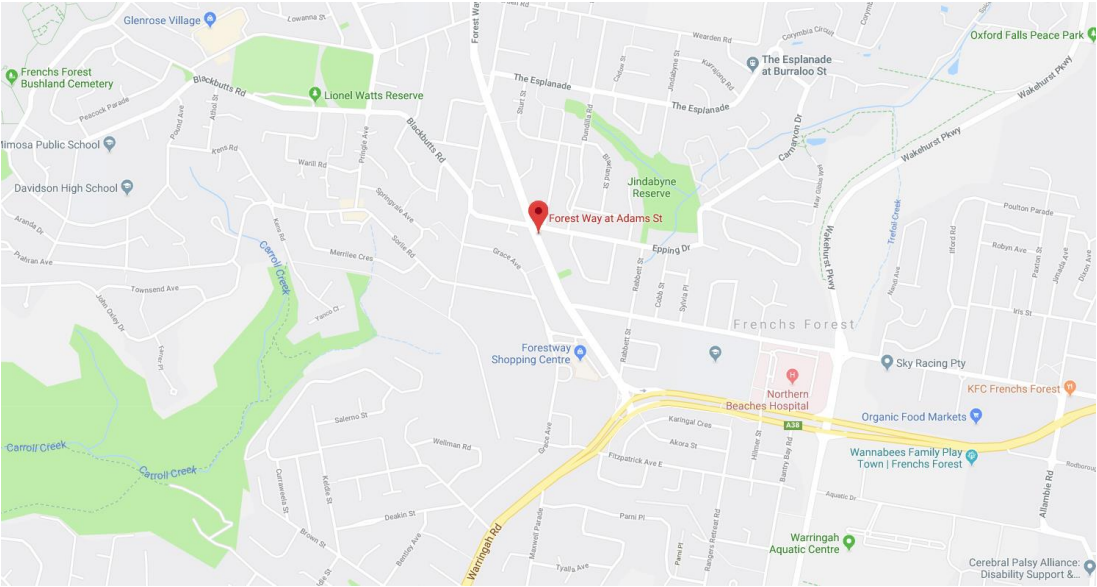


Figure 22 – the land use context of the site showing some of the local facilities

3 Description of Proposed Development

3.1 Overview

The Development Application seeks development consent for demolition of existing structures and development of 4 '*in-fill self-care housing*' dwellings and associated landscaping, vehicle access, car parking and strata subdivision to the property at 49 Forest Way, Frenchs Forest.

The application is made under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal is for *Infill self-care* housing for independent living as defined by clause 13(2) of the Seniors SEPP.

The proposal is depicted in the accompanying architectural plans by Walsh² Architects. A breakdown of the key aspects of the proposal are noted as follows:

- The demolition of the existing dwelling and structures
- Excavation for a single level of basement carparking
- 4 dwellings, with 2 bedrooms plus a study in each, within a low-rise housing style form;
- A lift connects all 3 levels of the development. Balconies and/or courtyards/ garden areas directly connect to the main living areas
- 6 car spaces within the basement level
- Pedestrian entry and letterbox structure adjoining the south western corner of the site
- Landscaping to the site as shown on the accompanying plans
- Construction of a short new section of foot path between the site and its western frontage to Forest Way as shown on the plans
- A waste store and bin holding area located at the south western entry to the property which is accessible from the front of the dwellings
- Proposed landscaping works are depicted in the accompanying landscape plans by Plot Design Group. Landscaping works include (but not limited to) tree removal, excavation, retaining walls adjacent to the western and southern boundaries, various plantings
- The application proposes the removal of a number of trees as identified in the accompanying Arborist Report, with the removal of species appropriately compensated for through the implementation of an integrated site landscape regime as depicted on the landscape plan
- All stormwater disposal has been designed to meet the relevant standards and council policy as detailed in the accompanying plans and documentation prepared by Stellen Consulting Engineers

3.2 Profile of the proposal

A breakdown of the key aspects of the proposal are noted as follows:

Demolition and site works

- Demolition of existing structures
- Excavation

Basement - Garage

- Pedestrian egress stair – north side
- Car parking for 6 vehicles and 2 bicycle parking spaces
- Pedestrian lift

Ground level

2 apartments, each generally comprising:

- Combined Open plan Kitchen / living / dining rooms
- Courtyards to south and west edges
- Study
- 2 bedrooms
- 2 bathrooms
- Balcony / Outdoor Living space orientated to the north

Upper level

2 apartments, each generally comprising:

- Combined Open plan Kitchen / living / dining rooms
- Study
- 2 bedrooms
- 2 bathrooms
- Balcony / outdoor Living space orientated to the north

Landscaping and site works

The proposed Landscaping is depicted in the accompanying architectural plans by Plot Landscape Architects. Key aspects are noted as follows:

- Vegetation planting as addressed by the landscape plan
- Pedestrian pathways
- Masonry walls and fencing
- Water tanks

- Garden and turfed areas
- Tree removal as addressed by arboriculture report



Figure 23 – Adams Street streetscape perspective



Figure 24 – Adams Street streetscape perspective

4 Environmental Assessment

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Other State Environmental Planning Policies – as relevant
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 10 of this report, and the town planning justifications are discussed below.

5 Section 4.15 (1)(i) the provisions of any environmental planning instrument

5.1 Warringah Local Environmental Plan 2011

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (LEP).

Dwelling-houses are a permissible land use with development consent in the zone. As such, the proposed dwelling is permissible with development consent under clause 4 of the Seniors SEPP (addressed in section 6.2 below). This report demonstrates that the development is permissible with consent and consistent with the zone objectives.



Figure 25 - Zoning Map Extract from State Planning Portal

Clause 2.3 of the LEP requires the consent authority to have regard to the objectives of the zone in the assessment and determination of the development application. The objectives of the zone are as follows:

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

The proposed development meets the relevant zone objectives by providing accommodation that meets the needs of the community within a low-density residential setting and to provide housing choice in a manner that is compatible with the local area's context.

The development has been designed through detailed site and streetscape analysis to ensure that it is of a low intensity and scale and compatible with surrounding building form and development character.

Accordingly, Council can be satisfied that the proposed development is permissible with consent and consistent with the zone objectives. There is no statutory impediment to the granting of consent.

5.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size	NA	NA
LEP Clause 4.3 – Height of Buildings	The proposal is under 8.5m in maximum building height as scaled from the architectural plans and complies with this standard.	Yes
LEP Clause 4.4 – Floor space ratio	No FSR standard is applicable under the LEP. An FSR standard is applicable under the Seniors SEPP which is addressed within section 6 below.	NA
LEP Clause 4.6 – Exceptions to development standards	1 clause 4.6 submission accompanies the application in relation to the Development Standards under the Seniors SEPP (minimum lot size).	Yes
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	Modest excavation is proposed below the existing site levels and which is above AHD RL 5.00 (being at approx. AHD RL 92)	Yes
LEP Clause 6.2 Earthworks	Excavation is proposed below the existing site levels to approximately RL 148.00. A geotechnical report	Yes

LEP Provision	Response	Complies
	accompanies the application and satisfies this LEP provision.	
LEP Clause 6.3 Flood planning	NA	NA
LEP Clause 6.4 Development on sloping land	A geotechnical report accompanies the application and satisfies this LEP provision.	NA

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

5.3.1 Introduction

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is applicable to the land because dwelling houses are permitted by the R2 zone (clause 4). The policy is the principal planning instrument for consideration in the assessment of the proposal noting that the Warringah LEP 2011 does not permit this form of housing in the zone. The proposed development is made under to the provisions of the Seniors SEPP. This section of the Statement provides an assessment of the development against the applicable provisions within the Seniors SEPP.

5.3.2 Overview of relevant provisions

Given the specific housing needs of older people or people with a disability, the Seniors SEPP contains a detailed range of planning provisions which the development is required to consider and comply with. The following table details the provisions of the Seniors SEPP as relevant to the proposal.

Table 2 – Seniors SEPP – Overview of relevant provisions

Clause	Compliance
Clause 4 (& Schedule 1) – application of the Policy	YES
Clause 13 - “In-fill self-care housing”	YES
Clause 18 - Restrictions on occupation of seniors housing	YES
Clause 21 - Subdivision	YES
Clause 26 - Location and access to facilities	YES

SECTION 4.15 (1)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Clause	Compliance
Clause 28 - Water and Sewer	YES
Clause 30 - Site Analysis A full Site Analysis is provided in section 2 of this report satisfying this requirement.	YES
Clause 33 - Neighbourhood amenity and streetscape	YES
Clause 34 - Visual and acoustic	YES
Clause 35 - Solar access and design for climate	YES
Clause 36 - Stormwater	YES
Clause 37 - Crime prevention	YES
Clause 38 - Accessibility	YES
Clause 39 - Waste management	YES
Clause 40 - Development standards - minimum sizes and building height (exceedance of some aspects which are addressed within section 6.3.16 below) 40(2) site size - 1,000m ² 40(3) site frontage - 20m 40(4) (a) height - 8m 40 (4) (c) rear 25% area of the site not exceeding 1 storey	NO- 4.6 submission attached YES YES YES
Clause 41 - Standards for hostels and self-contained dwellings	YES
Clause 46 - Inter-relationship of Part with design principles in Part 3	YES
Clause 47 - Heritage	YES
Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings	YES

Clause	Compliance
Schedule 1 - Environmentally sensitive land	YES
Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings (Clause 41 (1)) Part 1 Standards applying to hostels and self-contained dwellings	YES

The following sections make consideration of relevant planning provisions under the SEPP.

5.3.3 Clause 2 – Aims of the SEPP

The aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are copied below, with attention drawn to clause 2(2)(a) relating to how the aims will be achieved (our emphasis):

2 Aims of Policy

(1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 (b) *make efficient use of existing infrastructure and services, and*
 (c) *be of good design.*

(2) *These aims will be achieved by:*
 (a) ***setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and***
 (b) *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*

The ‘local planning controls that would prevent the development of housing for seniors or people with a disability’ are principally those built form controls relating to dwelling houses within the R2 Low Density zone. They are inconsistent with the SEPP’s controls which are for a form of low-rise medium density housing. If Council was to apply the DCP’s built form controls relating to dwelling houses within the R2 Low Density zone, it would have the effect of defeating the aims of this State environmental planning instrument.

5.3.4 Clause 4 – Application of the policy

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is applicable to the land because dwelling houses are permitted by the R2 zone (clause 4) which applies to the site.

5.3.5 Clause 13 - Self contained dwellings

The proposal is for in-fill self-care housing. This form of housing is defined as follows:

*In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

The proposed housing satisfies this definition, in that it is proposed on urban zoned land comprises 4 dwellings and will not provide any of the above referenced services on site. The proposal satisfies clause 13 of the Seniors SEPP.

None of these services are proposed to be provided by the development. Public transport connects the site to these services.

5.3.6 Clause 18 Restrictions on occupation of seniors housing

Compliance with Clause 18 can reasonably be achieved by Council including a condition of development consent to restrict the occupation of the development in accordance with the provisions of clause 18.

5.3.7 Clause 21 Subdivision

This clause provides that:

Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.

Subdivision of the completed development is proposed as part of this application as permitted by clause 21.

5.3.8 Clause 26 – Location and access to facilities

The proposal is for Self-contained dwellings. Self-contained dwellings, are defined by clause 13 as:

*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.*

Furthermore, in accordance with clause 13(2), approval will be sought for “in-fill self-care housing” defined by the policy as:

seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

Location and access requirements

The land satisfies the important location and access requirements of clause 26 of the Seniors SEPP as described below.

The site is adjacent bus routes (as noted below). These bus routes provide transport to the required local facilities and services that are available to support the proposed seniors housing development.

The following aspects are noted:

In terms of the required local facilities and services - as previously referenced within section 2.4 of this report are accessible via the necessary fleet of bus routes that travel past and stop adjacent to the site (south bound bus services) and via pedestrian pathways to the north bound bus stop on the western side of Forest Way 115 m to the north of the site.

The land is adjacent to east and west bound bus stops on either side of Forest Way, serviced by regular Forest Coach Line STA route numbers 141, 193, 260, 270, 271, 274, 279, 281, 282, 283, and 284 ; source: Google Maps). These bus services provide transport connections between the property and the Sydney CBD via Dee Why, Brookvale and Manly Vale. It also links to the main bus routes along Pittwater Road providing connections to Chatswood, Macquarie Park, and beyond.

In terms of the available pedestrian access to these services:

- A bus stop providing access to south bound bus services is adjacent to the south west corner of the site. A short, 1-2m footpath connecting the site to the bus-stop is proposed by the application (see architectural plans).
- As confirmed within the accompanying access report, the appropriate grade and quality of footpath is available on the eastern and western side of Forest Way; there is an existing signalised crossing and kerb ramps are available for pedestrians.
- A footpath is available along the western side of Forest Way and is accessible via a signalised pedestrian crossing at the intersection adjacent to the site.
- A safe pedestrian crossing point for 'seniors' residents is available to the eastern side of Forest Way (to access to west bound bus stop).

Based on the above, the proposal has satisfactorily addressed the provisions of clause 26. Matters relating to clause 26 have also been assessed within the Access report by Ergon Consulting that accompanies the application. The proposal satisfies these provisions of the Seniors SEPP.

5.3.9 Clause 28 – Water and sewer

The proposal has satisfactorily addressed the provisions of clause 28. There is current water and sewer system capacity to service the development. A servicing certificate will be obtained from Sydney once development consent is obtained.

5.3.10 Clause 30 – Site analysis

Matters relating to clause 30 have been considered and addressed in Section 2 of this report. The proposal entirely satisfies these provisions of the Seniors SEPP.

5.3.11 Clause 31 – Design of in-fill self-care housing

In accordance with clause 31 of the Seniors SEPP, the consent authority is to have regard to the Urban Design Guideline for Infill Development in its consideration of the application.

Appropriate regard has been given to the guideline in the design of the proposal as evident by the high level of compliance achieved with the various standards, controls, and amenity considerations

The proposal entirely satisfies these provisions of the Seniors SEPP.

5.3.12 Clause 33 – Neighbourhood amenity and streetscape

In accordance with clause 33 of the Seniors SEPP, appropriate consideration has been given in the design of the proposal to the with regards to neighbourhood amenity and streetscape.

In summary, the proposed development has appropriately responded to the established local character. It will have minimal physical impacts on the surrounding development and is capable of existing in harmony with the land use and built form character of the local area.

The provisions relating to clause 33 are copied and responded to in the table below. A more detailed response to the local character considerations is provided below the table.

Requirement	Response
The proposed development should:	
<i>(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</i>	<p>The desirable elements of the location's current character are identified below.</p> <p>The proposed building will positively contribute to the quality and identity of the area by:</p> <ul style="list-style-type: none"> - a building with increased side setbacks - a building that presents to both its primary and secondary frontages - a renewed landscape regime - concealed car parking within a basement level
<i>(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</i>	The property is not within a heritage conservation area.
<i>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting that relates to the site's land form, and</i> <i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i> <i>(iv) considering, where buildings are located</i>	<p>These matters are further expanded upon below the table. In brief:</p> <ul style="list-style-type: none"> i. No excessive overshadowing is proposed ii. The proposed development is responsive to the topography which displays a 4m level change from west to east; the building is proposed to be excavated into the western portion of the site with vehicle access to the basement provide at grade from the north east and incorporating

Requirement	Response
<i>on the boundary, the impact of the boundary walls on neighbours, and</i>	<p>generous southern and eastern setbacks</p> <p>iii. The proposed building is excavated into the western section of the site. The proposed building height is compliant with the SEPP and LEP. The street frontage height is a modest 2 storeys and compatible with (lower) than the permitted dwelling heights in this location</p> <p>iv. The site is significantly setback from all of its boundary's. The adjacent roadways provide significant separation to the north and west. A 3m setback is proposed to the southern boundary and 15.2 to 17.4m (approximate) setbacks are proposed to the eastern boundary. These setbacks provide generous building separation to adjoining dwellings. The proposed setbacks assist in achieving a compatible relationship with the neighbouring properties ensuring existing dwellings retain a high privacy and amenity levels.</p> <p>v. The physical impacts of the proposal, including, overlooking, overshadowing, its side setbacks, building height, massing and scale have been considered. It is assessed that the proposal will not unreasonably impact upon the existing amenity or physically constrain the future development potential of the surrounding land.</p>
<i>(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</i>	The proposed development appropriately complies with the front building line in the street. The streetscape is characterised by high solid front fences as a common feature. The proposal will provide an enhanced and more open landscaped setting and streetscape presentation to each of its street frontages.
<i>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i>	A new and enhanced landscaping regime is proposed for the site as documented within the accompanying landscape plan.
<i>(f) retain, wherever reasonable, major existing trees, and</i>	<p>The proposal is accompanied by an arborist report which confirms that the quality of vegetation within the site is insignificant.</p> <p>The proposal maintains some mature sized trees which are a which will contribute to the amenity of the location and streetscape.</p>
<i>(g) be designed so that no building is constructed in a riparian zone.</i>	NA

Further to the responses in the table above, the proposal has made consideration of the court's planning principle relating to the proposal's compatibility with surrounding development, 'Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 at 22-31' in relation to the proposal's compatibility with the neighbourhood amenity, streetscape, and local development character below:

The key features of the development character within the local context are noted within Section 2 of this report. These characteristics have been taken into account in assessing the proposal's compatibility with the character of the local area.

A proposed development does not need to be the same in its appearance as adjoining development to be compatible with the character of the local area. The design has appropriately responded to the established local character. Key aspects of the proposal which seek to achieve a harmonious building appearance that is responsive to the essential elements of the local character include:

- simple, low profile skillion roof plane
- use of brick and lighter weight panels as facade elements
- contrasting colours
- the varied weight/arrangement of materials (bricks at base with lightweight materials above).
- 'breaking-up' the facade with colour and tone variations
- modulated building form – using recesses within the floor plan marked by material changes

In addition to the above design characteristics, the proposal is capable of *existing in harmony* with the character of the local area noting the design's response to the site conditions and the principal built-form controls applicable under both the Seniors SEPP and the local planning controls, notably:

- The design provides compliant front and side setbacks, height, side boundary envelope, carparking, landscaped area and deep soil planting.
- A landscape plan shows that planting is proposed to key site areas and boundary interfaces.

Overall, the 3-dimensional form and massing of the development reflects that of the 2-storey development within the local area and what can be reasonably be expected within the R2 zone under the Warringah LEP and the Seniors SEPP. It is therefore assessed that the proposal is a form of development anticipated in the streetscape context.

The visual impact of the building is ameliorated to a large extent through the modulated and articulated building form and the extent and quality of the intervening landscape spaces proposed. It is assessed that the proposed design:

- is of high quality and has appropriately responded to the established local character
- is appropriate in addressing its street frontages and will enhance the streetscape presentation of this corner / intersection.
- The building height of the proposal is compliant with the LEP and presents a design responsive to the site's topography.
- The design provides a significant area of landscaping to its two street frontages.

- The design provides a landscape setting complemented by a landscaping plan that will enhance the amenity of the site to the benefit of future occupants and the surrounding amenity.
- The design provides generous side boundary setbacks ranging between which are significantly more than the 900mm required.
- Based on the high level of compliance with the applicable range of built form controls, it is assessed that the proposed development does not depart significantly or inappropriately from the *density, scale or appearance* of adjoining and nearby development.

In concluding the consideration of the proposal's physical and visual impact:

- Consistent with the conclusions reached by Senior Commissioner Roseth in his judgement, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the streetscape. Nor would most observers find the proposed built form uncharacteristic with other development throughout the immediate locality.
- The physical impacts of the proposal, including, overlooking, overshadowing, its side setbacks, building height, massing and scale have been considered. It is assessed that the proposal will not unreasonably impact upon the existing amenity or physically constrain the future development potential of the surrounding land.

The proposed development has appropriately responded to the established local character and is capable of existing in harmony with the land use and built form character of the local area. The proposal's physical impacts on the surrounding development are assessed as acceptable. It is assessed that the proposal satisfies the principles of compatibility and clause 33 of the Seniors SEPP.

5.3.13 Clause 34 – Visual and acoustic privacy

In response to Seniors SEPP Clause 34 Visual and Acoustic privacy:

- The design will ensure that the proposal will not adversely impact visual and acoustic privacy to neighbouring land.
- The continued residential use of the site, for seniors housing is compatible with the adjoining character of land uses and built form.
- The site is significantly setback from all of its boundary's. The adjacent roadways provide significant separation to the north and west. A 3m setback is proposed to the southern boundary and 15.2 to 17.4m setbacks are proposed to the eastern boundary. These setbacks provide generous building separation to adjoining dwellings. The proposed setbacks assist in achieving a compatible relationship with the neighbouring properties ensuring existing dwellings retain a high privacy and amenity levels. The proposed setbacks will ensure visual and acoustic privacy to existing and future residents.
- Window, door openings and first-floor balconies within the side elevations have been designed to provide high levels of privacy. A modest extent of glazing is proposed within the side elevations. In relation to the upper levels these windows are principally associated with bedrooms bathrooms or laundries.

- The location and design of principal living areas, particularly with respect to the location of windows and balconies of the proposed development is such that direct lines of sight have been minimised or avoided.
- Private open spaces are appropriately located with respect to neighbouring development, appropriately setback from boundaries, will be largely screened by dividing fencing and the amenity enhanced by a new landscaping regime for the property

The potential for acoustic impacts has been considered in the design and the following aspects are noted:

- Internal vehicle noise from the basement/driveway is not anticipated to be significant, noting that:
 - the basement level has been designed for a maximum capacity of 6 cars;
 - the basement level is below ground and enclosed except for its entry way
 - the basement level is well setback from property boundaries
- Given the modest size of the proposed basement level, a relatively small mechanical ventilation system will be provided to the carpark. Compliance with AS1668 (for ventilation) and relevant acoustic standards can reasonably form conditions of consent to the development.
- Based on the above, the proposal is assessed as satisfactory in addressing potential acoustic impact considerations.

In summary the proposed setbacks, levels, and orientation of living spaces to the northern side of the proposed development achieve a compatible relationship with adjoining residences. These characteristics ensure that acoustic and visual privacy is maintained for existing and future residents. It is assessed that the proposal entirely satisfies these provisions of the Seniors SEPP.

5.3.14 Clause 35 – Solar access and design for climate

Solar access to the proposed dwellings

The proposal effectively responds to the provisions of Seniors SEPP Clause 35 - Solar access and design for climate. Detailed site planning has provided a site layout and supporting residential built form that will facilitate solar access, passive solar design and reduced energy consumption of the dwellings. Key features include:

- The location of the building and configuration and dwelling designs maximise the number of dwellings with a northern orientation to their valued living zone spaces. 100% of the dwellings will receive at least 3 hours sunlight at mid-winter.
- Each dwelling has been designed by orientating primary indoor and outdoor living spaces to the north, maximising available levels of solar access.

It is assessed that the proposal entirely satisfies these provisions of the Seniors SEPP.

Solar access and shadowing to adjoining land

Solar access and shadowing of adjoining land has been considered in the proposed design and satisfies the relevant objectives.

The design comprises a 2-storey building form, that is appropriately setback from adjoining residential properties: to the south 3m, and east, 15.2 to 17.4m.

It is notable that the site is adjoined by roadways to its northern and western boundaries. These increase the property's building separation to adjoining dwellings and facilitate reducing shading impact on the neighbouring land.

The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading. The following characteristics are noted:

Shade will be cast over the adjoining land at 47 Forest Way. During the morning period this will mainly effect the properties frontage to Forest Way and during the afternoon periods this will affect the rear private open space area of the property. The following characteristics of the property and proposed shading outcome are noted below:

- The proposed building is excavated into the western section of the site. The 3m south side setback of the proposed building form minimises overshadowing to the one adjacent dwelling that receives shade from the property during the designated hours of 9am to 3pm on 22 June.
- It is noted (figure 10) that no side boundary facing windows are present within the façade of the dwelling.
- The proposed 9am shadow is marginally increased but only impacting upon the front yard (Forest Way) frontage to the property.
- The proposed 12pm shadow and area of additional shadow falls upon the rear of the dwelling and property but the large majority of the rear facade and rear private open space area (approximately 70% is not affected by the proposal).
- Between 1pm and 3pm the rear private open space area will experience shading from the proposal, however during this timeframe the front yard area and dwelling façade is not overshadowed by the proposal and receives sunlight.
- The extent of sunlight available to the rear facade and rear private open space area satisfies the provision of the DCP control between 9am and 12pm.

It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the consideration of solar access to adjoining land is satisfied by the proposal.

5.3.15 Clause 36 – Stormwater

The proposal has satisfactorily addressed the provisions of clause 36. Stellen Consulting Engineers have prepared a Stormwater Management plan to support the proposal and these details accompany the Development Application. The proposed Stormwater Management design provides a suitable solution and a basis for the detailed design and development of the proposal. The design ensures that the objectives for stormwater management and site discharge are reached. Based on the above the proposal is assessed as entirely satisfactory in addressing stormwater drainage considerations and satisfies this provision of the Seniors SEPP.

5.3.16 Clause 37 – Crime Prevention

The proposal effectively responds to the provisions of Seniors SEPP Clause 37 Crime prevention. Resident's safety is a fundamental underlying principle in the design. Also,

given that the development is to accommodate older persons, the perceived level of safety for future residents is inherent in the achievement of a successful community. Key features of the proposal include:

- Maximising passive observation of streets through orienting doors and windows to the street and providing a highly accessible street network to promote walking;
- Minimising the appearance of blank walls to the street;
- Providing front building setbacks that facilitate direct line of sight for persons entering the property;
- Balconies are orientated to the north for solar access and for outlook towards the public domain / adjacent streets and to avoid privacy impacts upon the southern neighbouring private open space.
- Provision of glazing within front facades and entry doors to dwellings;

In these ways the provisions of clause 37 are assessed as being satisfied.

5.3.17 Clause 38 – Accessibility

The proposal satisfies the provisions of Clause 38 Accessibility of the Seniors SEPP. A design statement by the project architect supports and accompanies the proposal. A central element in the overall design has been to ensure high accessibility to and within the site for future residents. Key features include:

- Accessible pedestrian gradients are achieved from the front boundary to the entry into a foyer with lift access to the three levels within the proposed development.
- In terms of the siting standards in Schedule 3 of the Seniors SEPP, the site area will have wheelchair access by a continuous accessible path of travel.
- Each dwelling has been designed to comply with the access requirements under the Seniors SEPP. This is detailed in the Architectural plans which accompany and support the application.
- Each dwelling has been designed to ensure access between each level, by mechanical means, and between each dwelling and the street. This ensures access will be facilitated between self-contained dwellings, private open space areas, and circulation areas within the site.
- The pedestrian pathways along Forest Way will facilitate pedestrian access to the local bus stop (for both east and west bound buses).

The plans demonstrate accessibility across the site is appropriate for future residents. It is assessed that the proposal entirely satisfies these provisions of the Seniors SEPP.

5.3.18 Clause 39 – Waste management

The proposal has satisfactorily addressed the provisions of clause 39. Waste management is provided for by the proposed development as shown on the architectural plans. The following key aspects of the proposal's waste management provisions are noted:

- A garbage bin and bulky waste store storage area is proposed adjacent to the south western entry to the site.

- The bin storage and collection area is accessible from both the property's Forest Way Street frontage and from within the dwellings of the proposed development. Each individual self-care apartment will have access to this area via accessible pathways.
- The storage area is suitably located and appropriately treated to avoid impacts on the amenity of surrounding land or the streetscape.

The SEPP provisions relating to waste management are satisfied by the proposal.

5.3.19 Clause 40 – Development standards – minimum sizes and building height

The relevant provisions of clause 40

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.

(2) Site size - The size of the site must be at least 1,000 square metres.

(3) Site frontage - The site frontage must be at least 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

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).

(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

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

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

The proposal addresses the provisions of clause 40 in the following ways:

- The site is less than 1,000 square metres in area (being 923.5m²). A clause 4.6 exception submission accompanies the application and addresses this matter. Being 923.5m² the site area demonstrates a 7.7% exception to the lot size standard. A clause 4.6 exception submission accompanies the application and addresses this matter.
- The site frontage is approximately 28 metres wide measured at the building line, in this case, assessed to be the site's frontage to Forest Way, satisfying clause 40(3) of the SEPP.

- The rear 25% area of the site is marked on the architectural plans. A modest section of the basement level (1 storey in height) projects, to a minor extent, into the rear 25% area of the site in compliance with the control.

Accordingly, 1 exception is sought in relation to the site size and one clause 4.6 exception submission accompanies the application.

5.3.20 Clause 41 – Standards for hostels and self-contained dwellings

Self-care housing must comply with the standards specified in schedule 3 of the Seniors SEPP. The proposal has been designed to meet the detailed requirements of the schedule and an assessment of this is provided in the Access Report, prepared by Ergon Consulting which accompanies and supports the proposed development.

Notably, 100% of the dwellings within the proposed design will be accessible in accordance with the 'Siting standards' in clause 2 of Schedule 3 of the Seniors SEPP.

In relation to Schedule 3, Part 2 'Additional standards for self-contained dwellings', clause 17 'Access to kitchen, main bedroom, bathroom and toilet' states: in a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.

In this instance mechanical lifts are provided within each proposed dwelling as there is insufficient space within the ground floor level to accommodate the main bedroom. The provision of a mechanical lift accessing all levels within each proposed unit is assessed as satisfying the intent of the provision. This aspect of the proposal is supported and addressed by an Accessibility assessment – performance solution by Architecture and Access consultants.

Based on the above, it is assessed that the proposal entirely satisfies these provisions of the Seniors SEPP.

5.3.21 Clause 46 – Inter-relationship of Part with design principles in Part 3

The proposal demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 3 (clauses 30 to 39) of the Seniors SEPP. As demonstrated by the responses to Clauses 30 to 39 the proposal entirely satisfies the design principles of the Seniors SEPP.

5.3.22 Clause 47 – Heritage

There are no European heritage features or architectural items of identified significance on or near the site. The proposal satisfies this provision of the SEPP.

5.3.23 Clause 50 – Standards in relation to self-contained dwellings

The following are standards that cannot be used to refuse development consent for self-contained dwellings if the proposal complies with these standards. As such exceptions to these standards are not subject to a clause 4.6 exception.

A table demonstrating compliance with these provisions is detailed as follows. Where a numerical non-compliance is identified, the objectives of the control and the merits of the proposal are addressed separately below the table.

Clause	Provision	Response	Compliance
Building height	8 metres.	Complies - as shown on the accompanying architectural plans.	YES
Density and scale	Floor space ratio (FSR) is 0.5:1 or less.	FSR: 0.5 to 1	YES
Landscaped area	30% of the site area.	Approximately 43.3% / 400m ² of the site.	YES
Deep Soil Zone	15% of the site area – 150.45m ² 66% (99.3m ²) of which should be located at the rear of the site.	Approximately 36.1% / 333.4m ² of the site is provided as deep soil. Approximately 104m ² of the deep soil area is provided at the rear of the site.	YES
Private open space	Not less than 10m ² with minimum dimension of 2m, accessible from living room.	All dwellings will achieve (and exceed) compliance having living rooms with private open space connected to these rooms.	YES
Solar access	70% of the dwellings living rooms and private open spaces receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	All dwellings will achieve a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter as shown on the architectural plans.	YES
Car Parking	Car Parking - Residents: 0.5 car spaces for each bedroom.	The proposal generates the need for 4 resident car parking spaces, based on the provision of 8 bedrooms @ 0.5 spaces per bedroom. The proposal provides 6 car spaces.	YES

5.3.24 Schedule 1 - Environmentally sensitive land

The land on which the development is proposed is not identified in the Warringah LEP 2011 as having particular environmental sensitivity, to a level or significance that would preclude the lands use or development for urban purposes and as envisaged by the zoning provisions. The LEP does not recognise the land as having any significant sensitivities in relation to matters such as coastal protection, conservation, critical

habitat, environmental protection, escarpment, floodway, or high flooding hazard. The Seniors SEPP is applicable to the land.

5.3.25 SCHEDULE 3 – Standards concerning accessibility and useability for hostels and self-contained dwellings

The proposal has satisfactorily addressed the provisions of Schedule 3. Matters relating to Schedule 3 have been assessed within the accompanying design statement by the project architect. Based on its findings, the proposal satisfies these provisions of the Seniors SEPP.

5.4 Other SEPPS

5.4.1 State Environmental Planning Policy - BASIX

The proposed dwellings are BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

5.4.2 State Environmental Planning Policy No. 55 – Remediation of Land

Council shall not consent to the carrying out of any development on land unless it has considered the provisions of SEPP No. 55 – Remediation of Land (“SEPP 55”). In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

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

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

6 Development Control Plan

6.1 Applicability of the DCP

The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is the principal consideration in assessing the suitability of the proposed built form. Most provisions of the DCP that relate to the proposed development and its subsequent building form are not relevant to the proposal.

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

The aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are copied below, with attention drawn to clause 2(2)(a) relating to how the aims will be achieved (our emphasis):

2 Aims of Policy

(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:
(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
(b) make efficient use of existing infrastructure and services, and
(c) be of good design.

(2) These aims will be achieved by:
(a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and
(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and

Notwithstanding the aims of the SEPP, the provisions of the Warringah DCP have been considered below to assist in the assessment of the proposal's compatibility with the local development character.

The proposal achieves a high level of compliance with the DCP's key numerical built form controls and entirely satisfies the objectives of these controls, further demonstrating that the proposed built form outcome is suitable for the site.

In this regard it is relevant to note that:

- The proposals' building form is a type of low scale medium density housing being 2 storeys in height, with compliant boundary setbacks and landscaped area provision
- The Warringah LEP does not permit this form of housing in the R2 zone
- The built form controls relating to the R2 zone and the subject site do not relate to this type, form, and density of housing

6.2 Overview

The proposal:

- is compatible with the architectural form and style of the established and likely future development character and will complement the site's appearance when viewed from the street and public spaces;
- will be located within a landscaped setting and will be appropriately treated in terms of its materials and finishes to blend with the character of the property and the locality.
- constitutes an example of low-rise form of medium density development in an accessible location.

6.3 Principal Built Form Controls

Clause	Requirement	Proposed	Complies?
B2 Wall height	7.2m	Some variation proposed.	Satisfies the objectives of the control
B3 Side Boundary Envelope	4m at 45 degrees	Complies - as shown on the accompanying architectural plans	Yes
B5 Side Setback	900mm	South side - 3m East side - between 15.2 to 17.4m	Yes Yes
B7 Front Setback	Primary frontage: 6.5m (or average of neighbouring properties) Secondary frontage: 3.5m	6.560m 3.5m	Yes Yes
B9 Rear Setback	6m	Corner site - NA	NA
D1 Landscaped Area	40%	Some variation proposed.	Yes

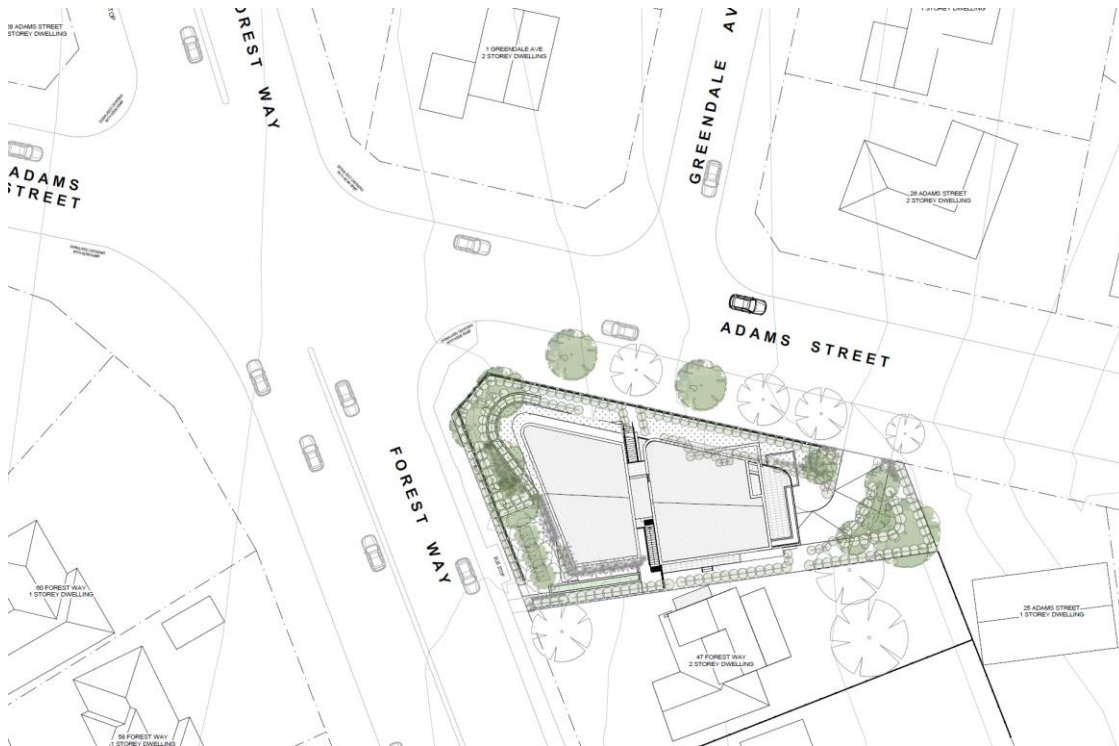


Figure 26 – the spatial context of the site and the proposed development. The proposal is well separated from surrounding development and provides a generous 4.2m side setback to its southern boundary.

6.3.1 B2 Maximum wall height

Building Height, being a development standard under Clause 50 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, is an assessment ground that the consent authority cannot use to refuse the development application if it complies with that standard. As previously addressed within Section 5.3.23 of this report, the proposal complies with the Building Height standard as shown on the accompanying architectural plans. In this instance, the assessment of Building Height is satisfied under the SEPP and no further assessment under the DCP is warranted.

6.3.2 D1 Landscaped Area

Landscaped Area, being a development standard under Clause 50 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, is an assessment ground that the consent authority cannot use to refuse the development application if it complies with that standard. As previously addressed within Section 5.3.23 of this report, the proposal complies with the Landscaped Area standard as shown on the accompanying architectural plans. In this instance, the assessment of Landscaped Area is satisfied under the SEPP and no further assessment under the DCP is warranted.

6.4 Broader DCP Compliance Assessment

Clause	Compliance with Requirement	Consistent with aims and objectives
Part B - Built Form Controls – addressed above		
Part C - Siting Factors		
C1 Subdivision	Previously addressed	Yes
C2 Traffic, Access and Safety Vehicle access to the site is established and proposed to be maintained from the existing north western corner of the site and vehicle parking is proposed within a single basement level. The proposed vehicle and access arrangement is assessed by a traffic and parking assessment that supports the proposed development. Based on its conclusions the proposal is assessed as satisfactory in addressing vehicle and access considerations.	Yes	Yes
C3 Parking Facilities The proposed parking arrangement is assessed by a traffic and parking assessment that supports the proposed development. Based on its conclusions the proposal is satisfactory in addressing vehicle access and car parking considerations.	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	NA	NA
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D - Design		
D1 Landscaped Open Space and Bushland Setting	Previously addressed	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
D4 Electromagnetic Radiation	Yes	Yes
D6 Access to Sunlight	Previously addressed	Yes
D7 Views	Yes	Yes
D8 Privacy	Previously addressed	Yes
D9 Building Bulk	Previously addressed	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D16 Swimming Pools and Spa Pools	NA	NA
D22 Conservation of Energy and Water	Yes	Yes
Part E - The Natural Environment		
<p>E1 Private Property Tree Management</p> <p>Pursuant to Clause E1 of the DCP, the application proposes building within proximity to established trees located on/near the property.</p> <p>The application is accompanied and supported by an arboricultural assessment report by 'Hugh the Arborist' consulting arborists. The report assesses the impact of a proposed development on existing trees in accordance with AS4970 Protection of trees on development sites (2009).</p> <p>The assessment report makes recommendations for the trees and appropriate site management arrangements. The proposal is also accompanied and supported by a landscape plan which proposes a range of high quality, indigenous planting. The provisions of this clause are assessed as being satisfied by the proposal.</p>	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E8 Waterways and Riparian Lands	NA	NA
E10 Landslip Risk – report accompanying	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
E11 Flood Prone Land – NA	Yes	Yes

7 Section 4.15 the Environmental Planning and Assessment Act 1979 - Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social benefits arising from the addition of 4 accessible dwellings, being housing designed specifically for seniors and people with disabilities in an appropriate location.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal also satisfies the relevant provisions of the council's DCP.
- It is compatible with the current and evolving character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.

- The public interest is best served through the approval of the application. In support of this view we make the following submission:

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposed development will increase the stock of housing within the Northern Beaches LGA and thereby provide an important social benefit. The development will also provide an alternative to detached, multi dwelling and residential apartment style housing in a location which has good access to public transport and access to a range of shops, services and outdoor recreational areas. The development improves housing choice and therefore responds positively to the housing needs of the local community.

8 Conclusion

The proposed Seniors and Disabled Housing development, under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, at 49 Forest Way, Frenchs Forest represents an appropriate development of the land.

The proposed development is for demolition of existing structures and seniors housing for 4 *in-fill self-care housing* dwellings and associated landscaping, vehicle access, car parking and strata subdivision to the property at 49 Forest Way, Frenchs Forest.

The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is assessed as acceptable and should be approved because:

- The proposed development is permissible with consent under the Seniors SEPP and satisfies the various objectives, numeric criteria, and detailed design requirements for this specific housing form.
- The design of the proposal is based on a thorough and comprehensive understanding of the local character, its key natural, physical and built form characteristics. As such the proposal responds to the design objectives and detailed planning provisions contained in the Seniors SEPP.
- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposal will result in various environmental benefits, on both the natural and built environments.
- The site is suitable for the proposed development, having regard to access to services
- The proposal will result in various positive social and economic impacts in the locality.
- The proposal includes various public benefits, and on this basis, it is assessed that the proposal is consistent with the broader public interest.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

BBF Town Planners



Michael Haynes
Director