



Statement of Environmental Effects

3 Central Road, Avalon Beach

Demolition of the existing structures and construction of a "Seniors Living" development under the provisions of State Environmental Planning Policy - Housing for seniors or people with a disability 2004.

Avalon Central Pty Ltd





Figure 1 Project Perspective

Client: **Avalon Central Pty Ltd**
 Project: **3 Central Road, Avalon Beach**
 Project No: **19-6969**
 Date: **September 2019**
 Project Contact: **Geoff Gibbons**

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Appendix 1 Pre-DA Lodgement Meeting Minutes

Appendix 2 Clause 4.6 Exemption to Building Height Development Standard

1.0 EXECUTIVE SUMMARY

1.1. Project Overview

This Statement of Environmental Effects has been prepared on behalf of Avalon Central Pty Ltd and seeks approval for the demolition of the existing structures and construction of an 8 unit "Seniors Living" development on land at 3 Central Road, Avalon Beach under the provisions of State Environmental Planning Policy - Housing for seniors or people with a disability 2004. The proposal also addresses the local statutory controls and policies as well as the relevant development control plans for this element of the Northern Beaches locality.

The subject site is contained within one allotment formally described as Lot 27, DP 9151 and has a total area of 1416m². The site is a rectangular corner lot with frontages to Central Road, Patterson Lane and Elba Lane. An existing brick dwelling will be demolished to make way for the new development. The property is zoned R2 Low Density Residential and is subject to the controls set out in the Pittwater Local Environmental Plan 2014 and the Pittwater Development Control Plan 21.

1.2. Proposal

The proposal entails the redevelopment of the site for eight (8) units for Seniors Living over 3 storeys, with the building massing being separated into two distinct components that step down the steeply sloping site. The building appears as two storeys from the primary Road frontage of Central Road, is well setback back from Dunbar Park to the rear, and is set amongst a landscaped setting.

Key statistics of the proposal are as follows:

- 8 x 2 bedroom unit style dwellings and 16 car spaces spread equally across two separate building components three storeys each, inclusive of ground level car parking and separated by a landscaped space;
- All vehicle access is off Patterson Lane;
- Maximum height of 9.91m above defined ground level;
- GFA of 922sqm;
- Floor Space Ratio of 0.653;
- Combined private open space of 557sqm (ie 39.3%);
- Deep soil area of 493sqm (ie 34.8%);
- Landscaped area of 529sqm (ie 37.4%);
- One metre of the frontage to Patterson Lane will be dedicated as road reserve to increase the pedestrian footpath and improve pedestrian access that flows between Dunbar Park and Central Road.

The architectural design of the proposal establishes a building with an individual identity whilst exhibiting a complementary design rationale that will effortlessly co-exist with the surrounding built form context. The proposal presents a density and form which is in line with the intent of the planning controls and does not compromise the amenity of adjoining and adjacent residential properties or the building form of the streetscape.

1.3. Pre - DA Lodgement Meeting

On 1 August 2019 applicant representatives met with Northern Beaches Council town planners Ms Claire Ryan and Mr Tom Prosser to discuss the proposal. Given the relatively unusual site circumstances, including the three street frontages and the adjoining and nearby land uses, two separate siting options were presented and Council was requested to provide comment on a preferred layout.

Council noted that “Siting option 2” was preferred that split the building into two separate components. However Council requested a reduction in FSR and an increase to the southern boundary setback that interfaces with Dunbar Park, amongst other amendments.

The submitted proposal provides a siting layout that is consistent with Siting Option 2, reduces FSR, and substantially increases the setback to Dunbar Park. These aspects and other matters raised in the Council have been further addressed in this report. A copy of the meeting minutes are attached at Appendix 1.

1.4. Legislative Requirements

The site and project are subject to the following legislative controls:

- The Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy No 1—Development standards
 - State Environmental Planning Policy No 55 – Remediation of land
 - State Environmental Planning Policy – Housing for seniors and people with a disability, 2004
 - State Environmental Planning Policy BASIX
 - State Environmental Planning Policy – Infrastructure, 2007
 - Pittwater Local Environmental Plan 2014
- The Environmental Planning and Assessment Regulation 2000

1.5. Non-Legislative Requirements

The site and project are further subject to the non-legislative Pittwater Development Control Plan 21.

1.6. Conclusion

The proposal is consistent with the relevant controls and their underlying objectives, together with the plans and policies at both Local and State levels. The proposed works increase the longevity and usability of the existing residential resource and allow the site to increase its contribution to the existing housing stock within this well-established residential zone in a manner that will not adversely affect the amenity of the streetscape or neighbours.

2.0 SUPPORTING DOCUMENTATION AND PLANS

Description	Author
Pre-Lodgement Notes and Preliminary Review	Urban Strategies
Detail and Contour Survey Plan	Intrax Consulting Group
001 Title page	Cottee Parker JPRA
0201 3D Drawing and Renders - 01	Cottee Parker JPRA
0202 3D Drawing and Renders - 02	Cottee Parker JPRA
1001 Locality Plan	Cottee Parker JPRA
1002 Precinct Area Analysis	Cottee Parker JPRA
1003 Site Survey	Cottee Parker JPRA
1004 Site Analysis: Existing Condition	Cottee Parker JPRA
1005 Site Analysis: Street Photos	Cottee Parker JPRA
1006 Site Analysis: Street and Site Photos	Cottee Parker JPRA
1007 Siting Options	Cottee Parker JPRA
1008 Benchmark Finishes	Cottee Parker JPRA
1009 Site Plan	Cottee Parker JPRA
1201 Demolition Plan	Cottee Parker JPRA
1202 Excavation Diagram	Cottee Parker JPRA
2007 Floor Plan – Basement 01	Cottee Parker JPRA
2008 Floor Plan – Lower Ground	Cottee Parker JPRA
2009 Floor Plan – Ground Floor	Cottee Parker JPRA
2010 Floor Plan – Level 01	Cottee Parker JPRA
2011 Floor Plan – Roof	Cottee Parker JPRA
2801 GFA & FSR Schedule	Cottee Parker JPRA
2802 Landscape. Private Open Space & Deep Soil	Cottee Parker JPRA
2803 Height Plan Analysis	Cottee Parker JPRA
2804 Tree Protection Zone	Cottee Parker JPRA
2805 Shadow Diagrams 1	Cottee Parker JPRA
2806 Shadow Diagrams 2	Cottee Parker JPRA
2807 Solar Access Diagram – View From Sun	Cottee Parker JPRA
2808 Solar Access Diagram – View From Sun	Cottee Parker JPRA

3001 Street Elevations	Cottee Parker JPRA
3002 Street Elevations	Cottee Parker JPRA
3003 Elevations	Cottee Parker JPRA
3101 Sections	Cottee Parker JPRA
3102 Sections	Cottee Parker JPRA
Landscape Plan and Landscape Design Statement	Place Design Group
Arboricultural Impact Assessment Report	Rain Tree Consulting
Traffic and Parking Report	TEF Consulting
Access and Site Compatibility Report	Accessible Building Solutions
Geotechnical Investigation and Assessment Report	JK Geotechnics
Acid Sulphate Soil Assessment	JK Environments
Energy Efficiency Performance Report	Gradwell Consulting
Construction Management Plan	Magio Constructions
Waste Management Plan	As Per Northern Beaches Council ProForma
Integrated Water Cycle Management Report	Sparks + Partners Consulting Engineers

Table 1 – Application Plans and Documents

3.0 SUMMARY DETAILS

Address of Site: 3 Central Road Avalon
Local Government: Northern Beaches Council
Real Property Description: Lot 27, DP 9151
Area of Site: 1416sqm
SEP: State Environmental Planning Policy - Housing for seniors or people with a disability 2004
LEP: Pittwater Local Environmental Plan 2014
DCP: Pittwater Development Control Plan 21
Zone: R2 Low Density Residential
Name of Owner: Avalon Central Pty Ltd
Brief Description / Purpose of Proposal: Demolition of the existing structures and construction of an 8 unit "Seniors Living" development under the provisions of State Environmental Planning Policy - Housing for seniors or people with a disability 2004.
Superseded Planning Scheme Application: No
Applicant Contact Person: Geoff Gibbons



Figure 3: Wider Context Map – the site is within close proximity to a range of community and retail uses

Within the immediate context the site, as shown by Figure 4, has three (3) road frontages; it faces Central Road to the north, Patterson Lane to the east and Elba Lane to the south. Its fourth boundary to the west is shared with a residential flat building.

The land immediately opposite to the north across Central Ave contains detached houses and the Maria Regina Catholic Primary School. This side of Central Road sits at a considerably higher plane than the subject site and consequently the 2 to 3 storey houses and the 3 storey school are also set at a substantially greater height than the subject site.

The eastern boundary of the site adjoins Patterson Lane, a formed road reserve that provides vehicle access to the adjacent residential flat buildings that are up to 4 storeys in height and that have minimal setbacks to the laneway, and pedestrian access that connects Dunbar Park to Central Road (refer Fig 5).

To the south the site adjoins a third road reserve known as Elba Lane, an unformed road that has the appearance of being part of Dunbar Park, and Dunbar Park is the main land use; just beyond is the Avalon Beach RSL Club and Avalon Bowlo, a lawn bowls club.

To the west, the sole adjoining building is a 3 storey residential flat building that covers a fair portion of the site, and next to this is the Maria Regina Catholic Church.



Figure 4: Immediate Context Map – the site sits amongst a combination of residential buildings being flats and houses, however a number of institutional buildings also bring a dominating presence to the streetscape. The site rather uniquely has frontages to three road reserves, with the one to the south effectively appearing to be part of Dunbar Park



Figure 5: View looking north east along Patterson Lane towards Central Road. The subject site is to the west (left side of the photo). The eastern side of the laneway contains residential flat buildings and a fire station. Pedestrian access is afforded from Dunbar Park to the south through to Central Road

5.0 PROPOSAL DETAILS

The proposal comprises two separate built form elements, linked via a pedestrian bridge. The design choice to split the form into two components reduces the overall bulk and scale of the development to resemble the form of two larger houses whilst allowing all dwellings to benefit from access to light, breezes and outlook from multiple aspects.

It is noted that in the Pre DA meeting Council confirmed their preference for the proposed siting option, however suggested that the setback to the southern boundary (Elba Lane) be increased. Design changes including a reduction in FSR from 0.71 to 0.653 has allowed a substantial setback to this boundary. Figures 6 and 7 below provides a comparison of the Pre DA plans and the current proposed plans.

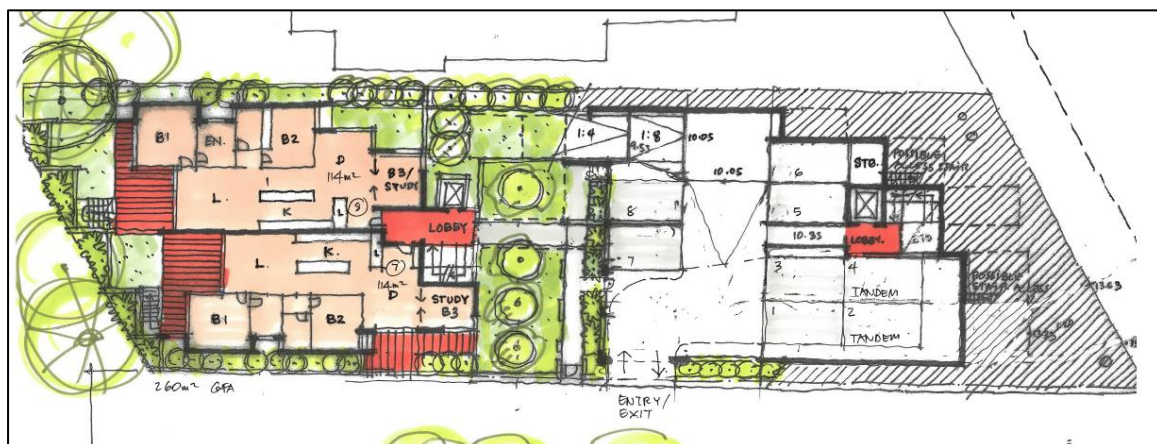


Figure 6: Pre DA Lower Ground Floor Plan. From the southern boundary, setbacks to the building line are in the order of 2m and 7m to the terraces 3m to 9m to the B1 rooms. Landscaping opportunities facing towards Dunbar Park are relatively limited.

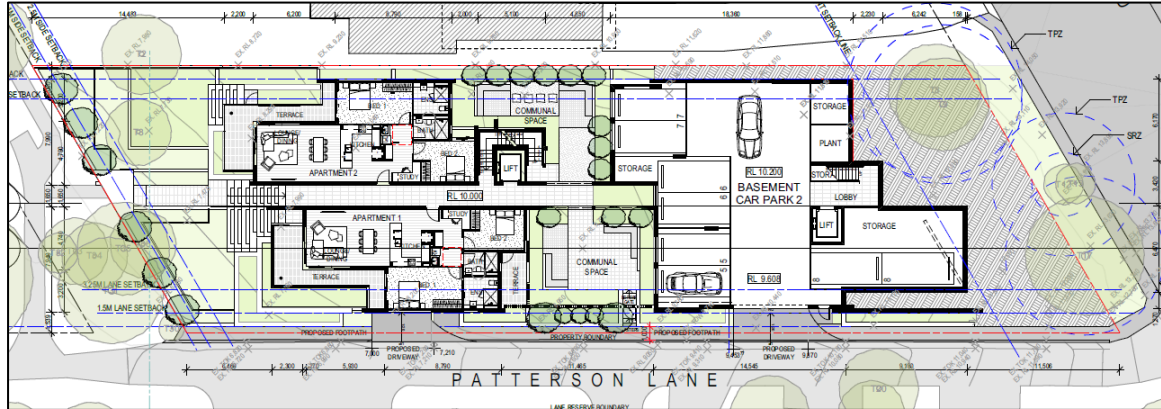


Figure 7: Proposed Lower Ground Floor Plan. Setbacks to the southern boundary have been substantially increased and are now approximately 8m to 12.2m to the terraces and 11.2m and 13.5m to the closet point of the internal walls, resulting in a more appropriate built form transition to Dunbar Park. Landscaping / open space proximate to Dunbar Park have similarly increased.

The proposal presents a contemporary design outcome complementary to the wider locality. The site-specific design steps with the topography of the land and uses this topography as a benefit allowing for efficient car parking provision within a semi basement configuration, accessed from the lower order road, whilst also affording additional outlook to upper level units.

Key aspects of the proposal are as follows:

Dwelling Mix

The development provides a total of 8 x two bedroom units spread over the lower ground, ground floor and level 1. Two units are available on the lower ground floor, four on the Ground floor and two on Level 1.

Building Height

The development proposes a varied building height that responds to the topography and site context. At the highest point the maximum building height is 9.91m above defined ground level. Although the development creates a building height that is greater than prescribed, it is still in keeping with the surrounding area, which has building heights that exceed 3 storeys. A detailed explanation of the proposed building height can be found in Section 6.1.1 of this report.

Floor Space Ratio

The State Environmental Planning Policy prescribes a maximum Floor Space Ratio of 0.5:1. The development proposes a Floor Space Ratio of 0.65:1, which is a 30% increase on the prescribed maximum. Justification of the proposed FSR is set out in Section 6.1.2 of this report.

Car Parking

The development provides 16 car parking spaces (2 for each unit) that are located above each respective unit for easy pedestrian connectivity.

Open Space, Landscaping, and Deep Soil Area

The development offers substantial areas for private and communal open space, landscaping and deep planting spread throughout the site. The areas provided are as follows:

Private Open Space	
Apartment No	Area (sqm)
1	135
2	159
3	25
4	19
5	75
6	95
7	27
8	22
Total	557 sqm (39.3%)

Landscaped Area	
Component	Area (sqm)
Common Garden	52
Common Lawn	177
Private Garden	80
Private Lawn	196
Private Planter	22
Total	529sqm (37.3%)

Further, 493m² or 34.8% of the area is provided as a deep soil area.

Land Dedication

The proposal will dedicate a 1.0m wide strip of land along the Patterson Lane site frontage to provide for a widening of the current road verge to improve the pedestrian footpath which is currently only 600mm wide.

Building Form

A breakdown of each building level of the proposal, along with architectural plan extracts, is as follows:

Building 1 - Basement

This area contains parking for eight (8) separate vehicles, two (2) storage areas and utility areas, including a lift well. Manoeuvring for vehicles to enter and exit the site via Patterson Lane is provided. Car parking bays within this basement level are allocated to the dwellings located directly above, providing for ease of pedestrian connectivity and access to units above.

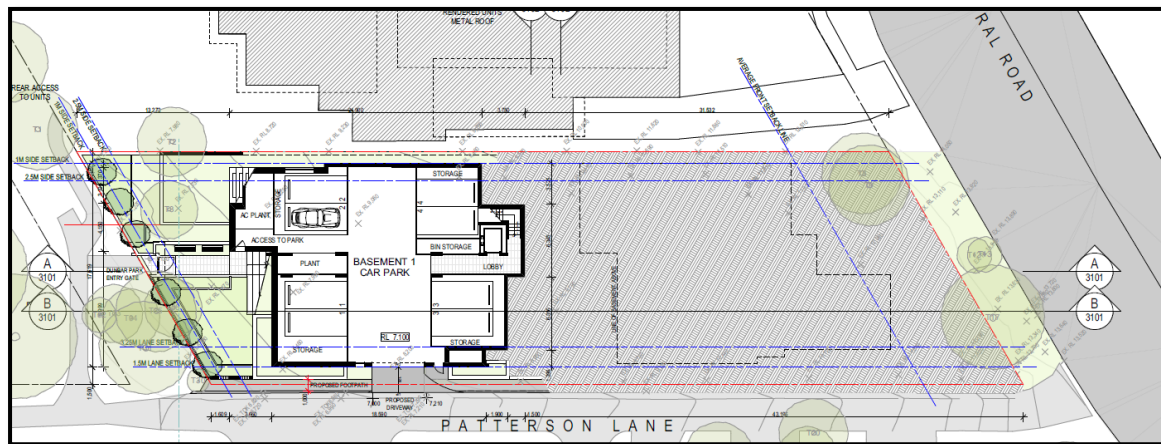


Figure 8: Basement 1

Building 2 - Basement

This area also contains parking for eight (8) separate vehicles, four (4) storage areas and utility areas, including a lift well. Manoeuvring for vehicles to enter and exit the site via Patterson Lane is provided. Car parking bays within this basement level are also allocated to the dwellings located directly above, again providing for ease of pedestrian connectivity and access to the units above.

This level also provides for direct access to Dunbar Park via Elba Lane.

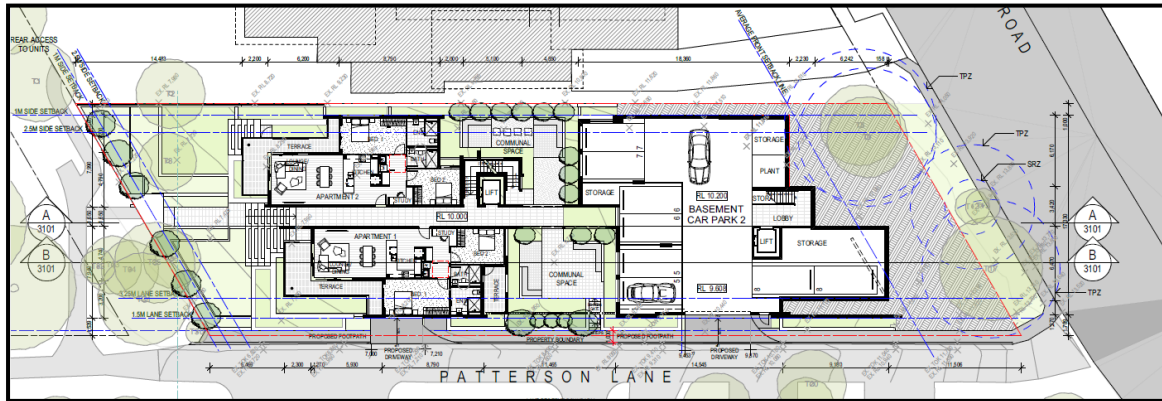


Figure 9: Ground Floor 1 & Basement 2

Building 1 and 2 – Ground Floor and First Floor

Both forms contain two (2) separate units on each floor (total of eight (8) units) with a pedestrian bridge linking the forms. Details of the interiors are provided within the “Typical Building Plans” on the accompanying plans. Both buildings contain lifts and stairways for access throughout.

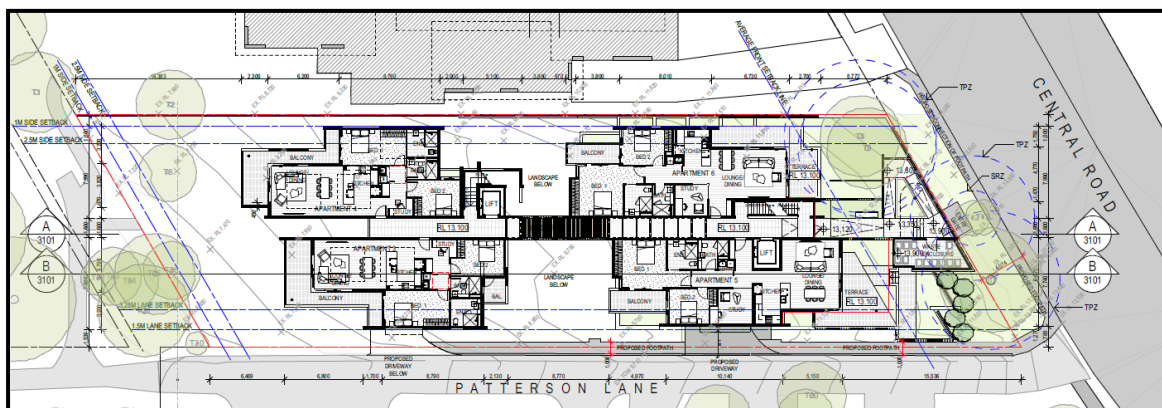


Figure 10: First Floor 1 & Ground Floor 2

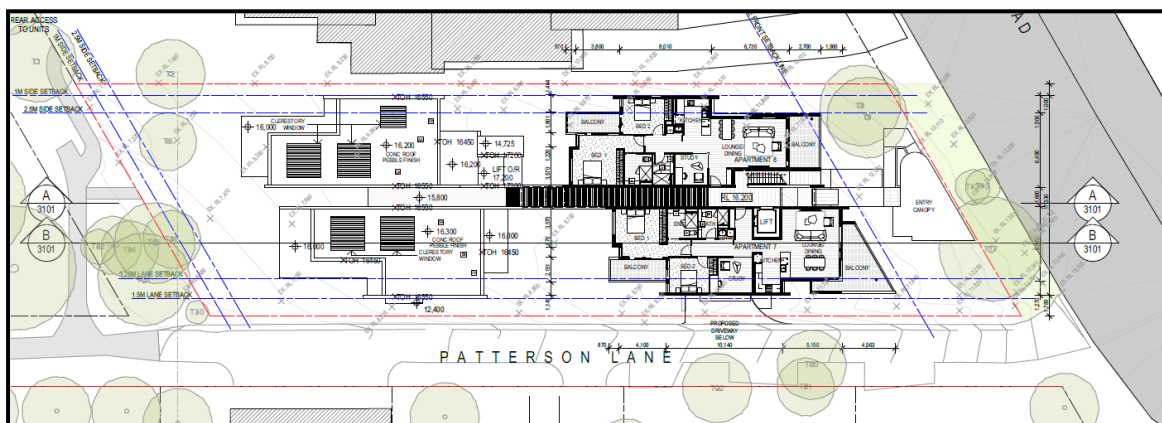


Figure 11: Roof 1 & First Floor 2

Roof

Concrete roof slabs are provided on both buildings and allow for the provision of solar panels under the BASIX scheme to provide for alternative power supply. Clerestory windows have been provided to the top floor of building 2 to direct northern light to living areas and capture breezes. These windows will also provide light to bathrooms and internal spaces.

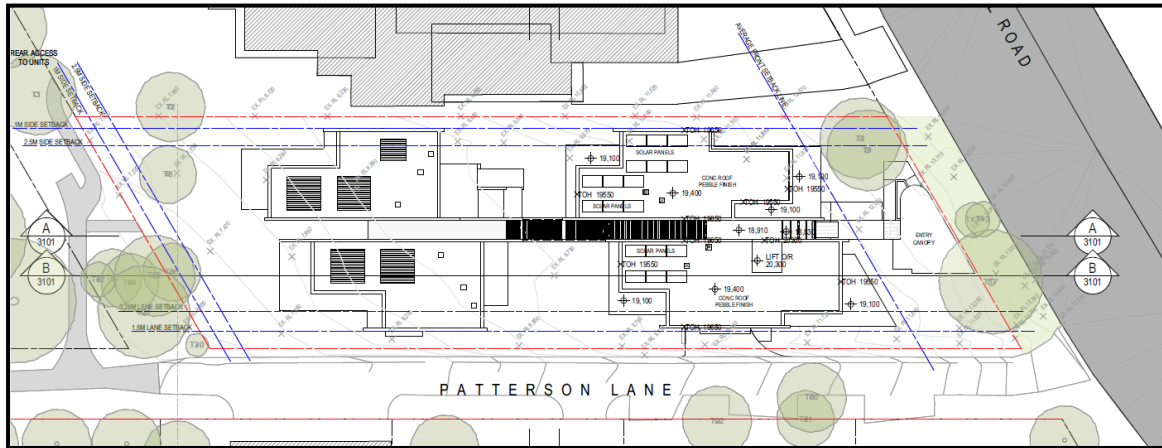


Figure 12: Roof 1 & Roof 2

External

The grounds are well landscaped and provide substantial setbacks and landscaping planning opportunities on all elevations. The built form is well articulated and augments the overall design, creating a synergy between landscape and built form components. The Landscape Design Statement prepared by Place Design Group provides further explanation in regards to communal and private space ground level.

6.0 List and Summary of Supporting Specialist Reports

The application is accompanied by the following technical reports:

Landscape Plan and Landscape Design Statement - Place Design Group

The Landscape Design Statement, prepared by Place Design Group, confirms that the proposed landscaping treatment to the Central Road frontage is heavily influenced by the existing *Eucalyptus robusta* and that the planting palette has been selected to reflect the coastal environment of Sydney's Northern Beaches.

The proposal offers an attractive entry comprising feature flowering plants and small to mid-size evergreen trees providing screening to private residential areas. The proposal also offers a central courtyard space providing a visual break between the main buildings as well as a calm and natural setting for quiet reflection, social gatherings or resident involvement in communal vegetable/flower garden spaces. The rear garden space provides an attractive transition to the Patterson Lane beyond, incorporating a planting palette designed to reduce the visual impact of required retaining walls whilst also providing private garden space containing varied planting forms, textures and colours.

The Landscape package demonstrates that the proposed landscaping outcome appropriately responds to the site's natural environment context, the existing vegetation on the site and the open space requirements for the intended use of the land. The package contains substantial detail on the proposed landscape outcomes sought for the 3 distinct spaces around the buildings, including a proposed planting scheme, species palette and materials and finishes.

Arboricultural Impact Assessment Report - Rain Tree Consulting

The Arboricultural Impact Report, prepared by Rain Tree Consulting, provides a comprehensive assessment of the existing vegetation on the subject site as well as recommendations regarding the retention or removal of particular vegetation.

The report confirms that the assessment considered a total of 41 trees potentially affected by the development proposal, including 5 trees in neighbouring properties and 13 trees situated within adjacent Council verges.

The report concludes that 19 trees require or are recommended for removal to accommodate the proposal's preferred design. Specific tree management recommendations are also provided to ensure the protection and ongoing viability of existing trees to be retained on or in the vicinity of the site.

Traffic and Parking Report - TEF Consulting

The Traffic and Parking Report, prepared by TEF Consulting, examines the existing traffic and parking situation in the vicinity of the subject site as well as the public transport opportunities (location and frequency of service) in the locality.

The report summarises the results of a parking demand survey, and concludes that ample parking opportunities exist in the surrounding car parks and on-street. The report confirms that the proposal intends to provide in excess of the required total number of car parking spaces (being 16 spaces in response to the required 8 spaces). The document also confirms that traffic generation from the development is minor and that the existing road network has sufficient capacity to accommodate the increased demand without noticeable changes to existing road network operation or road safety.

The report provides a response to the applicable planning control documents and confirms that the proposed development complies with and exceeds the requirements of the State Environmental Policy.

Access for People with a Disability and Site Compatibility Report - Accessible Building Solutions

The Statement of Compliance regarding Access for People with a Disability, prepared by Accessible Building Solutions, provides a comprehensive assessment the site's compliance with the relevant parts of the BCA pertaining to Access for people with a disability and the SEPP Housing for Seniors or People with a Disability. The report concludes that the proposed development is capable of achieving compliance with all applicable requirements.

Geotechnical Investigation and Assessment Report – J K Geotechnics

The Geotechnical Investigation and Assessment Report, prepared by J K Geotechnics, provides a detailed assessment of the subject site with regard to existing geotechnical conditions and slope stability risk, in accordance with the requirements of the Geotechnical Risk Management Policy for Pittwater (2009). This report concludes that excavation of soils and weathered rock should be achievable using conventional excavation equipment. Groundwater is unlikely to be a significant issued for the proposed development, with any water seepage expected to be properly managed with a drainage system designed by a hydraulics engineer.

The report provides recommendations with regard to the construction of retaining walls ensuring the retention of existing ground levels as well as building footings and basement floor slab.

The report documents the findings of the slope stability risk assessment, being that the site does have potential landslide hazards primarily associated with existing and proposed retaining walls and the stability of the hillside slope. The report concludes that the site and the existing and proposed development can achieve the Acceptable Risk Management criteria in the applicable Policy. The report also contains recommendations with regard to design parameters, detailed design outcomes required to achieve the construction certificate, actions required during the construction period and for ongoing management of the site/structure.

Acid Sulphate Soil Assessment – J K Environments

The acid sulphate soil (ASS) report, prepared by J K Environments, provides a summary of an assessment of the site with regard to ASS. The report concludes that the site does not appear to be contain acidic soils (up to a depth of 5.5m) and are not likely to be disturbed during proposed development works. An ASS management plan is therefore not considered necessary for this proposal.

Energy Efficiency Performance Report - Gradwell Consulting

The Energy Efficiency Performance Report, prepared by Gradwell Consulting, considers the thermal performance of the units against the Nationwide House Energy Rating System protocols. The report demonstrates that the proposal will meet the applicable requirements of the BASIX certificate with regard to solar access, energy efficient design, the proposed hot water system, clothes drying, overshadowing of adjoining properties, total anticipated energy consumption, water efficiency, demand for water and discharge of wastewater and potential treatment and reuse of effluent or stormwater.

Construction Management Plan - Magio Constructions

The Construction Management Plan, prepared by Magio Constructions, documents how the head contractor/builder intends to conduct the construction works on the subject site with regard to waste management, stormwater and sediment control, overall project management and traffic management.

Waste Management Plan - As Per Northern Beaches Council ProForma

The Waste Management Plan has been completed by the applicant in accordance with Council's Waste Management Guidelines proforma. The document summarises the waste expected to be generated in response to demolition of the existing building and construction of the proposed development.

Integrated Water Cycle Management Report - Sparks + Partners Consulting Engineers

The Integrated Water Cycle Management Report, prepared by Sparks + Partners Consulting Engineers, documents the proposed stormwater drainage infrastructure for the proposed development in response to the relevant controls under the Northern Beaches Council DCP and Pittwater Council DCP.

The report specifies that the proposal intends to capture roofwater in two 10,000 litre water tanks for the purpose of reuse, including toilet flushing and irrigation use.

The report demonstrates that the proposal will meet the applicable requirements pertaining to stormwater quality through the use of Enviropods, two 1kL rainwater tanks and 3 filter cartridges.

Stormwater discharge quantities will be managed with the use of on-site detention facility with a storage capacity of approximately 60m³ with a maximum discharge of 30L/second.

7.0 LEGISLATIVE REQUIREMENTS

7.1 State Environmental Planning Policy No. 1 – Development Standards

7.1.1 Building Height Variation

This application seeks to vary the building height development standard contained within State Environmental Planning Policy Housing for Seniors or People with a disability.

Standard	SEPP Part 4a	Pittwater LEP	Proposed
Building Height	8m	8.5m	9.91m

The proposal consequently varies the control contained within the SEPP by up to 19.3% (1.91m). A Clause 4.6 variation therefore applies. Grounds to support the variation are set out below and in the separate Clause 4.6 Exemption to Building Height Development Standard attached at Appendix 2.

As demonstrated within the Height Plane Analysis prepared by Cottee Parker JPRA, the additional height is primarily due to the site topography. Due to the significant cross fall from ‘front to back’ of around 7m, the built form response is to have a stepped building arrangement, with Building 1 that faces Central Road being one floor higher than building 2 that faces Dunbar Park. Building 1 also clearly presents as only two storeys to the primary Central Road frontage behind existing and proposed landscaping, while to the south the third storey is masked by extensive terracing and landscaping. The manner in which Building 1 presents to the street and Building 2 to Dunbar Park is shown in Figures 13 and 14 below.

In a practical sense the proposed building height is consistent and comparable with surrounding building height, located within a cluster of residential buildings extending to 4 storeys and large ‘institutional’ buildings forms such as the Maria Regina Catholic Primary School that are a more dominant presence in this primarily residential area.

Further, in considering the appropriateness of a variation to the SEPP and LEP, consideration should be given to building height expectations for the locality, which are identified in the more location specific and fine grain LEP, which provides for a greater building height than the SEPP and hence the extent of variation is less.



Figure 12: The development presents as two storeys to Central Road, screened in part by existing and proposed landscaping



Figure 13: The proposed building whilst having a visual connection to Dunbar Park is substantial set back from the boundary and screened by existing and proposed trees

Notwithstanding, in assessing the variation, reference is given to: *“Varying development standards: A Guide”*, Dated August 2011, prepared by NSW Planning and Infrastructure, with particular focus on *“How are development standards varied”*. The guide states:

*“SEPP 1 applies where council has an existing LEP that was not prepared through the Standard Instrument **and to any development standard that is not a ‘non-discretionary development standard’.**”*

As the building height standard is non-discretionary and contained within a State policy and not the standard instrument, Clause 4.6 does not apply, and State Environmental Planning Policy No. 1 remains the appropriate instrument in this case.

To determine whether an objection to the development standards is well founded:

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard;

Response

An assessment of the variation against the relevant elements of the objectives of this control are provided below, it is noted that the State policy does not directly link objectives to the building height built form control, thus the overall aims of the policy will be referred to for merit based assessment within the table below:

SEPP OBJECTIVES		COMMENT
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	Achieves the objective
	(b) make efficient use of existing infrastructure and services, and	Achieves the objective
	(c) be of good design.	Refer to Architectural design statement.
(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	Achieves the objective
	(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and	Achieves the objective
	(c) Ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.	Achieves the objective

Further, it is considered to be pertinent to provide a review of the objectives of the control within the Pittwater Local Environmental Plan 2014. The Principal Development Standard for overall building height objectives are responded to as follows:

L.E.P. Control Objective 1

To ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Response

In responding to the objective, the desired character of the locality is successfully addressed as follows:

Desired Character Statement

Statement Requirement

The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

Response

The proposed seniors' housing development has no impact on the informal and relaxed casual environment, by virtue of the location and overall design and landscaped setting of the proposal. The building form generally presents as two-storey and is set within a well landscaped surround that allows a synergy with the existing topography to be achieved.

From Central Road the building appears as two storeys; from Patterson Lane the building has a similar street interface as the buildings opposite and from Barrenjoey Road the building is hidden behind a row of existing residential flat buildings; to the south the building is stepped down and screened by landscaping both on the site and within Dunbar Park; to the west the building adjoins another residential flat building of similar proportion.

Overall location of the selected site for the proposal is well serviced and within walking distance of community, leisure and infrastructure services. Retail and shopping facilities are located to the south on the opposite side of Dunbar Park.

Statement Requirement

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

Response

As stated above the proposal is supported by various elements of infrastructure with adequate vehicle and pedestrian accesses throughout. Carparking is well integrated into the design with the underground parking being access via Paterson Lane on the eastern boundary of the proposed development.

Statement Requirement

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

Response

This element of the desired future Character statement is critical to the overall building design and its interaction with Dunbar Park to the south. The building is below the tree canopy and in addition the proposal includes extensive plantings and landscaping within this side boundary setback on the corner block.

It is noted that the setback on this side boundary is well in excess of the required 1/3 of the wall height by providing up to 4.6m. It is fundamental to the building design to integrate successfully with the open space area to the south and thus, achieve successfully, consistency with this section of the Desired Future Character Statement. The setback provided for the Eastern Side boundary has been set back and now extends to 3.7m.

Statement Requirement

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandas and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape and minimise site disturbance. Development will be designed to be safe from hazards.

Response

The proposed development is very well articulated and utilises both built form and build material selection to achieve successful integration with the existing built form, the desired character and the natural landform and topography. The proposed twin building with central site separation steps down the mild slope from north to south and integrates successfully into the built form pattern whilst showing regard for the open spaces and access points within the locale. The building is an appropriate fit in all these regards.

Statement Requirement

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

Response

The site is located on Central Avenue thus the element of this requirement relating to Avalon parade does not apply. Notwithstanding, the site provides appropriate setbacks and extensive front setback plantings to soften the built form when viewed from the site frontage. The bin hide and garbage facility elements are also well softened by landscaping and building design. The front setback is consistent with this requirement.

Statement Requirement

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Response

This requirement of the statement is addressed satisfactorily by the architectural design statement prepared by Cottey Parker JPRA.

Statement Requirement

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

Response

The proposed built form has a synergy with the existing landform and the natural environment and a number of existing trees will be retained as addressed within the Arboricultural Assessment by Rain Tree Consulting and landscape plan by Place Design Group. This allows the proposed development to maintain the existing architectural characteristics of the locale and become an appropriate fit to this residential area.

The specific requirements for Careel Bay and Ruskin Rowe do not apply to this proposal.

Statement Requirement

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Response

The proposal improves the pedestrian nexus between Central Avenue, Patterson Lane and Dunbar Park by dedicating a 1.0m wide strip of the site along the Patterson Lane frontage for a pedestrian footpath; and by extending the concrete footpath along Central Road. These enhancements will clearly achieve the first element of this requirement. The maintaining of Paterson Lane as a vehicle/pedestrian access will successfully service the new development whilst maintaining its synergy with the existing pedestrian and vehicle street and pathway patterns.

Statement Response Summary

A review of the responses to the statement requirements indicates that the proposed built form, landscaping and overall development design principals have achieved a successful consistency with the Desired Future Character Statement.

L.E.P. Control Objective 2

To ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Response

A review of the plans, supporting contextual information and site visits indicate that the height of the development does not result in the buildings dominating either the streetscape or the parklands to the south. The built form is made up of two separate elements that follow the topography as it drops down the gentle slope of the site. The height of the building is appropriate for the site, development and the locale overall. Refer also to the responses provided above that provide more detailed explanation.

L.E.P. Control Objective 3

To minimise any overshadowing of neighbouring properties,

Response

The site is orientated north south. The shadows cast by the proposal do not result in the development impeding main private open spaces of each dwelling and the main private open space of any adjoining dwellings from receiving a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, also receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

Additionally, the design ensures that any solar collectors for hot water or electricity will receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid-winter. The developments is successful in maximising sunshine to clothes drying areas of the proposed development and adjoining dwellings.

L.E.P. Control Objective 4

To allow for the reasonable sharing of views,

Response

The proposal allows for the sharing of views consistent with the planning principal *Tenacity Consulting v Warringah Council [2004] NSWLEC 140 at 25-29* (This element is further explored within the assessment under Pittwater DCP 21)

L.E.P. Control Objective 5

To encourage buildings that are designed to respond sensitively to the natural topography,

Response

The proposal steps down the slope from north to south with a landscaped recreational area mid-block and has an appropriate break up of built form that allows both built form elements to create a synergy with the existing topography.

L.E.P. Control Objective 6

To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Response

The proposal has no impact on Heritage and conservation areas and a negligible impact the natural environment. The proposal is consistent with this objective.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

Response

The extensive coverage of the underlying objectives of both the control and the policy provided above, demonstrates that:

- the proposal does not unreasonably conflict with the building height-built form control as set out by the relevant instruments;
- the underlying objectives of both the control and the policy have been satisfied;

- The control is identified within the policy as a control that may not be used to refuse the development.

The consistency with the objectives, the compliance with the local controls and the statement within the policy all indicate that the proposed building height is not an unreasonable outcome and should be supported.

3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

Response

The variation does not result in a dominant or visually imposing development. The objectives are well met by the proposal. Whilst a performance outcome against the policy and local control is necessary, the compliance with the underlying objectives demonstrates that the development is appropriate.

The fundamental objective of providing for the housing needs of the community would be thwarted by strict compliance with the building heights of the policy and local control. Rather, the objective of providing a development compatible with the height and scale of surrounding and nearby development has been achieved.

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;*

Response

This standard has not been set by Council but by a state policy. Thus, Council has not abandoned the control and this element does not apply.

5. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Response

The zone is not critical to the building height control. The zone allows for Seniors Living and the Act provides that an application may be made under the policy, thus the proposal is not unreasonable or inappropriate by virtue of its consistency with relevant objectives.

7.1.2 Floor Space Ratio Variation

In assessing the variation, reference to: “*Varying development standards: A Guide*”, Dated August 2011, prepared by NSW Planning and Infrastructure has been given, with particular focus on “How are development standards varied”. The guide states:

“SEPP 1 applies where council has an existing LEP that was not prepared through the Standard Instrument and to any development standard that is not a ‘non-discretionary development standard’.”

The application proposes to vary the development standard contained within State Environmental Planning Policy Housing for Seniors or People with a disability as per the table below:

Standard	SEPP Part 4a	Pittwater LEP	Proposed
Floor Space Ratio	0.5: 1	N/A	0.653:1

The proposed GFA is 925.4sqm and therefore varies the control contained within the policy by 30% (217sqm).

As the floor space Ratio standard is non-discretionary and contained within a State policy and not the standard instrument, Clause 4.6 does not apply. State Environmental Planning Policy No. 1 remains the appropriate instrument in this case.

The extensive coverage of the underlying objectives of both the control and the policy provided above, indicates the proposal is consistent with the relevant objectives. It is noted that the proposal provides an F.S.R. of 0.653:1. Whilst the Local Environmental Plan does not have an F.S.R. control relevant to the proposal, the State policy provides that density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less. It is also noted that the F.S.R is identified as a standard that cannot be used to refuse development consent for self-contained dwellings within the State policy.

To determine whether the objection to the development standards is well founded:

1. *The objectives of the standard are achieved notwithstanding noncompliance with the standard;*

Response

Consistency with this objective is demonstrated as follows:

- the site size of 1416sqm exceeds the minimum 1000sqm;
- the site frontage which is a minimum of 23m to Central Ave exceeds the minimum 20m; and
- Residential Flat Buildings are allowed in the R2 Low Density Residential Zone.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

Response

Notwithstanding the variation, the design of the development provides excellent built form separation through the centre areas of the site and allows for solar penetration into the central elements of the building. The fragmentation of the building footprint provides a smaller building scale and built form that is synonymous to the scale of a large dwelling house. Figure 14 below demonstrates the manner in which the GFA is effectively distributed across each level and the site, rather than having it clumped together within one larger building form:

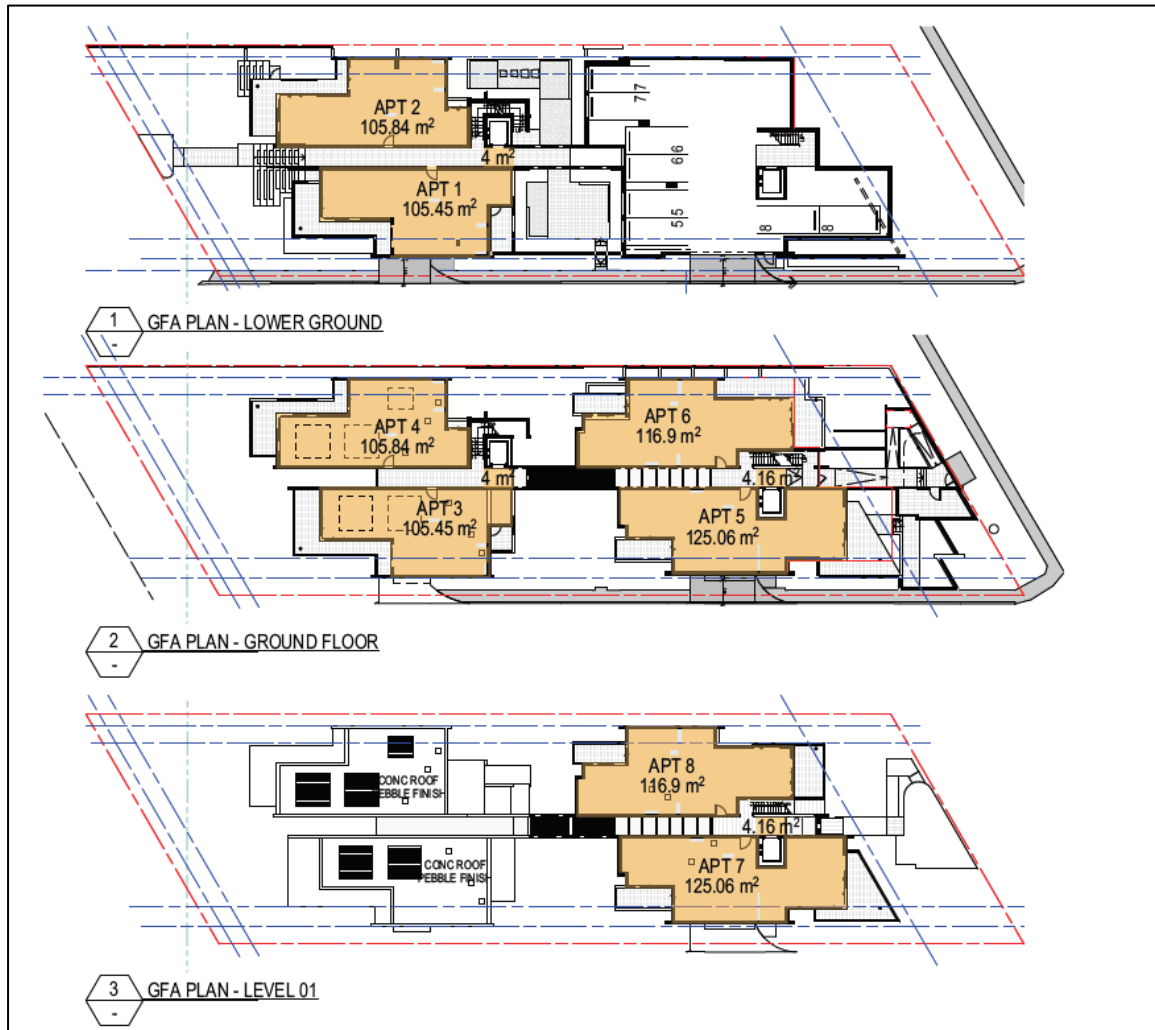


Figure 14: The proposed GFA is evenly distributed across each level and the site, rather than having it clumped together within one larger building form

In turning to *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, The planning principle on compatibility between a building and its surroundings, *Roseth S.C.* states that, in order to test whether a proposal is compatible with its context, two questions should be asked:

1. *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

Response

The proposed seniors living development is well articulated and makes use of existing site topography and characteristics to ensure any physical or visual impact of the proposed works do not constrain adjoining sites as a result of the additional FSR. Built form separation, solar access together with visual and acoustic privacy are all achieved to an appropriate level due to thoughtful design and the buildings integration with existing character, as demonstrated when assessed against the desired future character statement.

2. *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

Response

It is considered the most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. The areas that contribute to floor space ratio controls are generally internal and whilst in some instances will contribute to the overall bulk of a building, in these circumstances the building has been shown to be consistent with the existing character of the locale.

This together with the articulation provided on the building elevations and the regard shown for the topographic features of the allotment combine to allow for a development that is sympathetic to the existing character and built form of the locality.

Further to this, within *Veloshin v Randwick Council [2007] NSWLEC 428*, Roseth S.C. also states that the following questions are also useful in the assessment of overall impact:

- I. *Are the impacts consistent with impacts that may be reasonably expected under the controls?*

Response

A review of the assessment already undertaken against the desired future character would indicate that any impacts resulting from the proposal are indeed consistent with impacts envisaged by the local and state policy controls.

The proposal has enabled adjoining properties to maintain adequate amounts of privacy and solar access which would be reasonably expected within this well-established residential zone.

- II. *How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?*

Response

Whilst the height of the development is not numerically compliant with the policy, the overall height provided does demonstrate a consistency with the local context and thus, the existing over all height of the buildings in the zone generally and the street specifically. The built form provides separate components that step down the site within a landscaped setting, allowing a highly articulated building form that effectively responds to its context.

- III. *Is the proposal consistent with the bulk and character intended by the planning controls?*

Response

The planning controls at local level, are generally adhered to by the development. The proposal is shown to be consistent with the objectives of both the State and Local instruments. Whilst it is accepted that the proposal cannot "cherry pick" the controls that it complies with in a numerical sense, the objectives of both the Local and State instruments are well met and the proposal is a positive contribution to the locality. The bulk and scale of the proposal is consistent with the existing character, built form and the desired future character statement relating to the site.

IV. *Does the proposal look appropriate in its context?*

Response

Taking into consideration the existing, surrounding development, being primarily residential flat buildings backing on to Patterson Lane and fronting Barrenjoey Road to the east, the large residential flat building to the west, the two and three storey houses to the north that sit on a higher contour level than the site, and also the non-residential, 'institutional uses' fronting Central Road, the proposal is demonstrated to be contextually appropriate. Furthermore the proposal does not impose itself on either the existing built form or the pedestrian and transport nexus' and open spaces allowing for free movement between services and varied land use undertakings.

3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

Response

The variation does not result in a dominant or visually imposing development. The objectives are well met by the proposal. Whilst strict compliance with the policy control is not provided, the compliance with the local control and its underlying objectives indicates the development is appropriate.

The fundamental objective of providing for the housing needs of the community would be thwarted by strict compliance as was adhered to as would the objective of providing a development compatible with the height and scale of surrounding and nearby development,

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;*

Response

This standard has not been set by Council but by a state policy. Thus, Council has not abandoned the control and this element does not apply

5. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Response

The Floor Space Ratio built for control is not critical to the zone as there is no ratio control outlined within the Local Environmental Plan for the site specifically or the zone generally. The variation is against the state policy control of 0.5:1. The zone allows for Seniors Living and the Act provides that an application may be made under the policy, thus the proposal is not unreasonable or inappropriate by virtue of its consistency with relevant objectives.

7.1.3 State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 (1) (a) of State Environmental Planning Policy (SEPP 55) Remediation of Land requires the consideration whether land is contaminated. A review of council records and an inspection of site attributes indicates that the proposal has been utilised for a residential land use for a significant period.

In this regard, the works proposed will not result in risks being posed in terms of contamination of land and thus no further consideration is required under the provisions of Clause 7 (1) (b) and (c) of the SEPP.

A review of the site indicates there is no evidence contamination and the residential locality is well established, and the land is suitable for the land use.

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

An overview of the manner in which the proposal meets the access requirements for people with a disability is set out below. A detailed report has been prepared by Accessible Building Solutions and accompanies this application.

REQUIREMENTS	PROPOSED SITE
Part 1A - Site Compatibility Certificates	
(1)(a)(i) land that adjoins land zoned primarily for urban purposes,	YES
Part 2 - Site Related Requirements	
26. Location and Access to Facilities	
(1)(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and	Distances comply
(b) community services and recreation facilities, and	Distances comply
(1) (c) the practice of a general medical practitioner.	Distances comply
(2)(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:	Distances comply
(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,	Gradients Comply
(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,	Gradients Comply
(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or	Gradients Comply
(2)(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service Can Comply subject to survey confirmation available to the residents who will occupy the proposed development:	Bus Stops and Public transport access complies

<p>(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 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 sub clause (1), and</p> <p>(ii) 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),</p> <p>(iii) 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 sub clause (1)) complies with sub clause (3)</p>	<p>Public Transport timing complies</p> <p>Gradients Comply</p> <p>Refer to the Statement of Compliance regarding Access for People with a Disability, prepared by Accessible Building Solutions</p>
Part 4 - Development Standards to be Complied With	
40. Development standards—minimum sizes and building height	
(2) Site size: The size of the site must be at least 1,000 square metres. YES – site area 1,400 m2.	YES – site area 1,416 m2.
<p>(3) Site frontage</p> <p>The site frontage must be at least 20 metres wide measured at the building line.</p>	YES – site frontage is 22m approximately
(4)(a) the height of all buildings in the proposed development must be 8 metres or less, and	8.5m – A SEPP 1 Variation request is to be provided
(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	The site is a corner allotment with no rear boundary
Division 4 - Self-Contained Dwellings	
50. Standards that cannot be used to refuse development consent for self-contained dwellings	
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),	8.5m see above
density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	0.653:1 – Refer to SEPP 1 variation

landscaped area: if: 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 in any other case—a minimum of 30% of the area of the site is to be landscaped,	Complies - The proposal provides 37.4% (ie 529sqm) of landscape as demonstrated by the Landscape, Private Open Space and Deep Soil plan by Cottee Parker JPRA and Landscape Plan by Place Design Group
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	Complies - The proposal provides 34.8% (ie 493sqm) of landscape as demonstrated by the Landscape, Private Open Space and Deep Soil plan by Cottee Parker JPRA and Landscape Plan by Place Design Group
parking: if at least the following is provided: 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or	Complies (16 spaces)

7.1.5 State Environmental Planning Policy BASIX

A BASIX certificate has been prepared and accompanies the proposal under separate cover. This BASIX certificate demonstrates a consistency with the policy. Any additional recommendations and compliance with the certificate may be included into any condition consent documents.

7.1.6 State Environmental Planning Policy – Infrastructure, 2007

Clause 45 of the State Environmental Planning Policy (SEPP) requires the Consent Authority to consider any development application for any development carried out:

- Within or immediately adjacent to an easement to an easement for electrical purposes,
- Immediately adjacent to an electrical sub-station,
- Within 5m of an overhead power line,
- Includes instillation of a swimming pool any part of which is within 30m of a structure

A site inspection has indicated that the site subject to the proposal is within 5m of an overhead powerline thus a referral to Ausgrid is required. Any recommendations resulting from the referral to Ausgrid are requested to be included into the conditions of consent.

7.2 Pittwater Local Environmental Plan 2014

PART – PRELIMINARY

1.2 Aims of the Plan

Aim

To promote development in Pittwater that is economically, environmentally and socially sustainable,

Response

The proposal has demonstrated that adverse environmental impacts will not result from the development. Regard is shown for the natural environment and site topography with appropriate measures incorporated into the overall design that operate in concert with the existing infrastructure and the site layout.

Particular regard is shown for Dunbar Park to the south of the site, with extensive landscape areas and additional setbacks to Elba Lane which is generally considered to form part of Dunbar Park. The result is an appropriate integration with the open space and the proposed built form.

The proposal adds to available housing stock within this appropriate residential zone and increasing choice of housing in this area provided by the increases the longevity of the site whilst allowing residents an affordable housing alternative.

The provision of housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this well-established residential zone.

The proposal provides economic benefits that extend beyond the dwellings, with increased resident numbers, adding to the economic stability of the area, allowing for residents to live in a locality that is gentrified and economically vibrant, in close proximity to local services and within reasonable distance to local business who will benefit from the patronage provided by the residents.

Aim

To ensure development is consistent with the desired character of Pittwater's localities,

Response

As stated within the variation request under the heading of State Environmental Planning Policy No. 1, the proposal is found to be consistent with the desired future character statement for the Avalon Beach Locality. As this section of the merit-based controls has previously been addressed no further comment is required.

Aim

To support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,

Response

The proposal is in an excellent location to support and make use of both the open space areas and service centres within the Avalon locality. Access is via generally level paths of travel. The proposal is consistent with the objective.

Aim

To retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,

Response

Not applicable to the proposal.

Aim

To improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,

Response

The proposal has pedestrian and vehicle access to Patterson Lane on the eastern side boundary. The proposal maintains and enhances Patterson Lane as a link to Dunbar Park footpath through to the commercial centre around Avalon Parade to the south thereby encouraging cycling and walking. Longer trips out of the area are facilitated by the bus routes along Barrenjoey Road, with a bus stop in close proximity to the subject site.

Aim

To encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,

Response

The location of the selected site clearly provides and adds to the needs of housing within the locality. The development of the site and upgrading of the existing residential use allows the current residents the opportunity to downsize and age in place when required in addition to making provision for more residences in the area.

Aim

To protect and enhance Pittwater's natural environment and recreation areas,

Response

As stated previously the recreation area to the south of the site and its subsequent visual integration with the proposed building is central to the overall design. Whilst considering the natural environment, the proposal has negligible impact upon native and existing flora and fauna and retains a number of trees on the site.

Aim

To conserve Pittwater's European and Aboriginal heritage,

Response

The proposal has negligible impact on heritage, both European and Indigenous.

Aim

To minimise risks to the community in areas subject to environmental hazards including climate change,

Response

Not applicable to the proposal.

Aim

To protect and promote the health and well-being of current and future residents of Pittwater.

Response

The upgrade and re-gentrification of the site and its integration with surrounding developments will add to the overall area in terms of the health of the community, the removal of dilapidated and dated built forms and the wellbeing of the locale.

PART 2 – PERMITTED OR PROHIBITED DEVELOPMENT

LAND USE ZONES

Objectives of zone

- *To provide for the housing needs of the community within a low-density residential environment.*

Response

The proposal is for a seniors living development under the state policy. The site is currently occupied by a single dwelling and is substantively underutilised as a residential development. The construction of the eight separate tenancies where there is currently a single dwelling is consistent not only with the objective of providing housing needs for the community, but also to allow residents of Avalon to “age in place”, without relocating to other LGA’s.

Further to this, the proposal also shows regard for Section 1.3 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as outlined within the table below:

1.3. OBJECTS OF THE ACT	COMMENT	CONSISTENCY
To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	The proposal allows for a more efficient use of the resource, being the site. The upgrading and modernising of the occupying development will add to the social and economic welfare of the community.	Achieved.
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The modernisation of the land use will facilitate a more ecologically sustainable development through the use of materials, design outcomes and landscape methodologies that are up to date with current ecological considerations.	Achieved
To promote the orderly and economic use and development of land,	This is clearly demonstrated by the upgrading of the land use.	Achieved
To promote the delivery and maintenance of affordable housing,	Whilst the proposal is not defined as “Affordable Housing”, it does provide for a mix of more economical residential uses, thus the aim is achieved.	Achieved

To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal has a negligible impact upon the natural environment.	Achieved
To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	There are no Heritage considerations relating to the proposal.	Not Applicable
To promote good design and amenity of the built environment,	This element of the aims is addressed by the architectural design statement under separate cover	Achieved
To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Modern materials and construction methods will be utilised by the development.	Achieved
To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	This proposal shows cognizance for both Local and State controls, thus achieving the aim.	Achieved
To provide increased opportunity for community participation in environmental planning and assessment	This is achieved through utilisation of Councils current notification policies	Achieved

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Response

Not applicable to the development.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Response

Not applicable to this development.

Definition of Development

seniors housing means a building or place that is:

- a residential care facility, or
- a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- a group of self-contained dwellings, or
- a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
 - seniors or people who have a disability, or

- people who live in the same household with seniors or people who have a disability, or
- staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

Standard	Required	Provided	Compliance
Site Area	700sqm	1397sqm	Yes
Building Height	8.5m	8.5m	Yes
Floor Space Ratio	Not Applicable	0.65:1	Not Applicable

PART 7 – ADDITIONAL LOCAL PROVISIONS

Acid Sulphate Soils

Referring to the Map below, the site is identified as being impacted upon by both Class 5 and Class 4 Acid Sulphate soils:

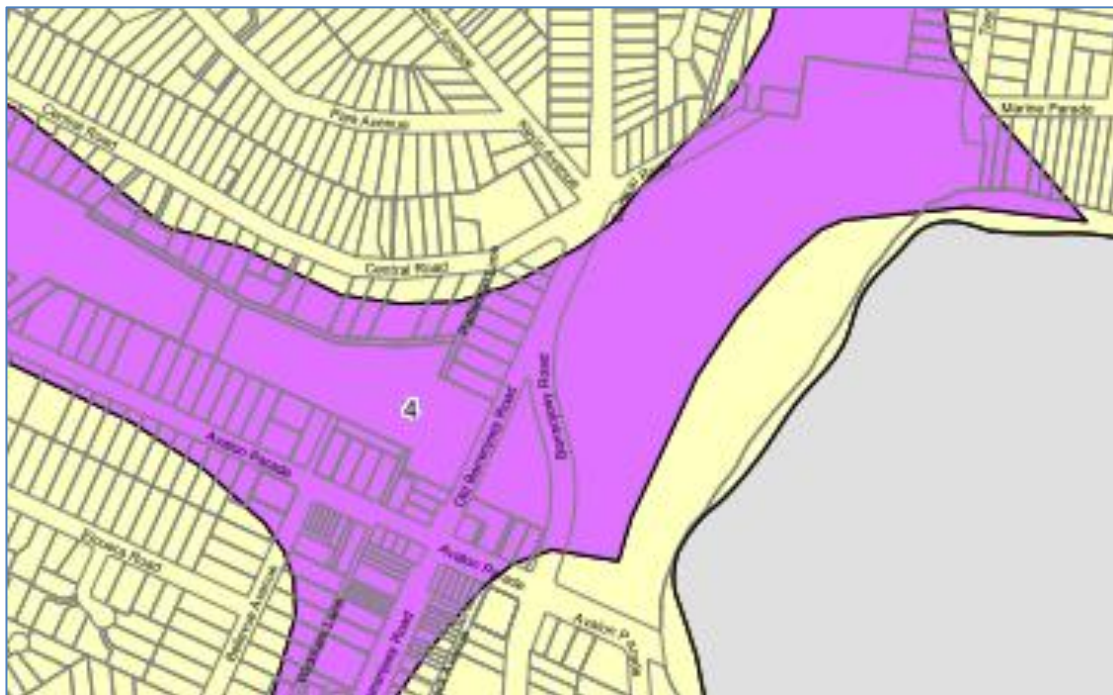


Figure 9: Acid Sulphate Soils

A geotechnical Report and Manual has been provided as part of the application package, under separate cover. The impacts upon acid sulphate soils are addressed adequately within these documents.

8.0 NON – STATUTORY CONTROLS

8.1 PITTWATER DEVELOPMENT CONTROL PLAN 21

SECTION A SHAPING DEVELOPMENT IN PITTWATER

A4 Localities

A4.1 Avalon Beach Locality

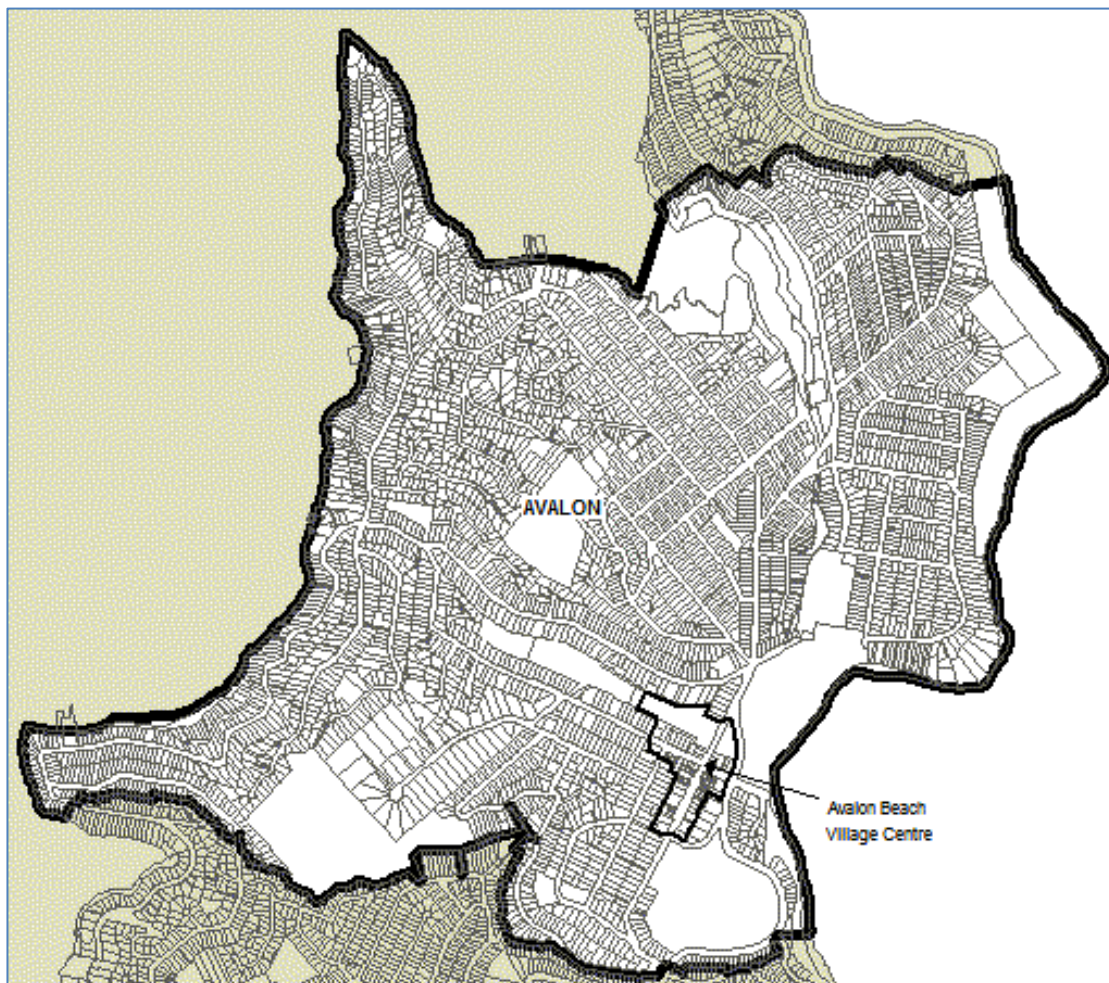


Figure 10: Avalon Beach Locality

The proposal has been extensively assessed against the desired character statement under the heading of State Environmental Planning Policy No. 1 in the request for variation to the development standards within State Environmental Planning Policy for Seniors Living on pages 10 -12 of this report. No further comment is required in this regard.

SECTION B GENERAL CONTROLS

B6 Access and Parking

B6.3 Off Street Vehicles Parking Requirements

The following table identifies the proposals compliance with the parking rates:

Land use	Required	Proposal	Provided
Seniors Living	2 vehicle spaces per units containing 2 or more bedrooms	8 x 2 Bedroom Units =16 spaces	16 vehicle spaces

SECTION C DEVELOPMENT TYPE CONTROLS

C1 Design Criteria for Residential Development

The following table indicates the proposals consistency with the relevant requirements.

Control	Comment		Compliance
C1.1 Landscaping	Required 30%	Provided 37.4% (529sqm)	YES
C1.2 Safety and Security	The proposal is designed to allow for casual surveillance of the public realm whilst not impacting unreasonably upon a level of privacy that would be consistent with this well-established residential zone.		YES
C1.3 View Sharing	<p>The design of the overall development does not result in an unreasonable impact upon any existing views. The development to the east on the opposite side of Patterson lane are all Residential Flat Buildings that block the majority of any existing views to the ocean from the subject site.</p> <p>When assessing the view from adjoining and nearby properties against the first step of planning principal Tenacity Consulting v Warringah Council [2004] NSWLEC 140 at 25-29, any views from these sites are not considered to be of significant value.</p>		YES
C1.4 Solar Access	<p>The proposal provides the main private open spaces of the subject and adjoining dwellings, together with windows of living areas of the subject and adjoining dwellings with greater than 3 hours of sunlight between 9am and 3pm on June 21st. Additionally, the proposal allows for any Solar collectors to receive at least 6 hours of sunshine between 8.00am and 4.00pm during winter.</p> <p>Further to this solar access to clothes drying areas of the proposed development or adjoining dwellings is achieved.</p>		YES

Control	Comment	Compliance
C1.5 Visual Privacy	<p>The visual privacy when considered from the northern elevation, or primary frontage, is acceptable. The site does not overlook adjoining streets or public land, due mainly to the building being adequately setback and at a ground level lower than that of the street frontage.</p> <p>To the east the site adjoins Patterson Lane on the secondary frontage. This Lane provides built form separation and additional distance between building areas of the proposal and the rear areas of the existing Residential Flat Buildings that front Barrenjoey Road. It is also noted that these areas of the buildings are mainly utilised for vehicle access off Patterson Lane and service areas due to there being no vehicle access off Barrenjoey Road.</p> <p>To the south is Elba Lane and Dunbar Park. The design and larger than required setbacks to this boundary of the site ensures that the proposed building does not impact in anyway on the public's enjoyment of this open space.</p> <p>Further to this, extensive landscaping and selected plantings that will, at maturity, screen the public realm from the private areas are provided. The design in no way attempts to impact upon or otherwise privatise the public open space and the integrity of Dunbar park as a public recreational space is retained to an acceptable level.</p> <p>To the west of the proposal is an existing approved seniors living development. There are no windows or openings in direct opposition to existing living space dwellings and open spaces are located appropriately to allow for the retaining of privacy between each allotment.</p> <p>The proposal is adequate and appropriate in regard to the maintaining of visual privacy on all elevations.</p>	YES
C1.6 Acoustic Privacy	<p>There is fundamentally no change of use from proposed as part of the application. Any acoustic impacts from the seniors living development will be negligible by virtue of distance to adjoining properties, design of the proposal and the overall nature of the land use.</p>	YES

C1.7 Private Open Space	The proposal provides greater than 80sqm of private open space that is usable and well-located for the use and enjoyment of the occupants and is integrated with, and directly accessible from, the living areas of dwellings.	YES
C1.21 Seniors Housing	Visual bulk and scale of development is limited. The elevations show articulated side boundaries with varied and broken up wall planes with landscape areas softening the proposed outlook. The proposed building is of a modern design and will improve the visual outlook of this section of the street particularly and the locality generally.	YES
	The proposed development footprint is relatively limited in comparison to a standard development outcome. The proposal minimises the overall footprint by providing a built form break in the middle section of the development. Further, the southern boundary significantly exceeds the required side boundary control whilst other numerical footprint related controls are satisfied.	YES
	These design elements contribute to a proposal that allows for a landscape setting without having a significant impact upon the adjoining or nearby sites.	YES
	Retention of the natural vegetation and planting of additional landscaping where possible has been proposed. An extensive planting regime has been proposed that adds to the landscape setting of the site and pays particular regard to the separation of residential and open space areas at the nexus of the southern boundary and Dunbar Park.	YES
	The outcome achieve desired future character of the locality. This element has been addressed under Section 6.1 of this report. The proposal has demonstrated consistency with the desired future character of the Avalon Beach Locality Statement.	YES
	The social mix of residents in the neighbourhood has been addressed. The provision of seniors living within the Avalon beach locality adds to the mix of housing available to the various residents in the neighbourhood. The development adds to housing stock and allows existing homeowners to age in place as there social needs and services alter for the aging population. The proposal does not eliminate the opportunity for other residential housing stock to continue to provide for families. The proposal has minimal adverse cumulative impact.	YES

	This element has been addressed under Section 6.3 of this report. The proposal has demonstrated consistency with the desired future character of the Avalon Beach Locality Statement.	
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SECTION D LOCALITY

D1 Avalon Beach Locality

The following table indicates the proposals consistency with the relevant requirements.

D1.1 Character as viewed from a public place. (This element is addressed with particular reference to the nexus with Dunbar Park which the proposal has been designed to integrate with, providing a transition between residential and recreational spaces.			
	To achieve the desired future character of the Locality.		YES
	To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.		YES
	To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.		YES
	The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.		YES
	High quality buildings designed and built for the natural context and any natural hazards.		YES
	Buildings do not dominate the streetscape and are at 'human scale'.		YES
	To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.		YES
D1.8 Front Setback	North (Primary) 6.5m	Ranges from 6.2m to 8.4m	Complies in part – variation sought
	East (Secondary)	Ranges from 1.5m to 3.7m	Complies in part – variation sought
D1.9. Side Setbacks	South 2.5m/1m	Ranges from 7.3m to 8.4m	YES
	West 2.5m/1m	Ranges from 1m to 4.6m	Complies in part – variation sought
D1.9 Rear Setback	6.5m	Not Applicable	Corner Allotment
Building Envelope	South 3.5m 45°	Not Compliant	SEPP Prevails (N/A)
	West 3.5m 45°	Not Compliant	SEPP Prevails (N/A)

9.0 OTHER CONSIDERATIONS

9.1 Staging

No staging is proposed as part of the proposal.

10.0 THE REGULATION

10.1 Division 8A

The consent authority is to consider 'Prescribed conditions' of development consent. This matter may be addressed within any consent documentation.

10.2 Clauses 54 and 109

Were Council to require additional information, consideration must be given to the number of days taken in this assessment considering this clause within the Regulation.

10.3 Clause 92

The consent authority is to consider AS 2601 – 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.

10.4 The Likely Impacts

Environmental

The review of the proposal has shown that any environmental impacts will be negligible. Regard is shown for the natural environment with appropriate measures incorporated into the overall design that operate in concert with the existing infrastructure and the site layout.

The built environment will be enhanced by the upgraded site and its increased yield allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

Social

The proposal adds to housing stock, allowing for a more diverse accommodation typology within the appropriate R2 low density residential zone. This allows a greater population cross section to "settle and stay" within the Northern Beaches LGA. The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an affordable alternative within this area of Sydney.

The occupancy seeks to fill a "void" within the area and provide opportunities for additional dwelling selection. The proposal is consistent with the social requirements in these regards.

Economic

The provision of housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this well-established residential zone.

The proposal provides economic benefits that extend beyond the dwellings, with increased resident numbers, adding to the economic stability of the area, allowing for residents to live in a locality that is gentrified and economically vibrant, in close proximity to local services and within reasonable distance to local business who will benefit from the patronage provided by the residents.

10.5 Site Suitability

The site suitability is indicated by the appropriate land use being located within the appropriate Zone. The proposal has demonstrated compliance with the standards and controls together with a consistency of all underlying objectives of both State and local controls. The subject site is serviced by existing infrastructure, is easily accessible and is within a gentrified residential area.

The proposal is an appropriate fit to the naturally developed character of the locality and will add a further housing opportunity within this mixed residential area. The proposal is considered acceptable with regards to suitability of the site.

10.6 The Public Interest

The public interest is served by the provision of the appropriate land use that is consistent with Local and State planning objectives. The land use responds at a strategic level to desired planning outcomes together with increased affordable housing opportunities within the Sydney region and the Northern Beaches LGA specifically.

The proposal, as demonstrated within the notes accompanying the plans under separate cover, is consistent with the underlying objectives of the EP and A Act in that it is an appropriate and economical use of the available resource.

11.0 Conclusions and Recommendations

The proposal, located within suburban Avalon, offers a high-quality, flexible, contemporary apartments which provide for and contributes to the housing diversity in this residential precinct comprised of a mix of dwellings.

The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both state and local policies and plans. The proposal shows regard for Section 4.15 of the Act, shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest. The proposal is recommended to Council.

Urban Strategies Pty Ltd

18/12/2019

Appendix 1 Pre DA Meeting Notes prepared by Northern Beaches Council



Application No:	PLM2019/0147
Meeting Date:	1/08/2019 10:45:00 AM
Property Address:	3 Central Road AVALON BEACH
Proposal:	Development Application Pre-lodgement Meeting
Attendees for Council:	Tom Prosser and Claire Ryan
Attendees for applicant:	Wei Huang, Mitchell Drake and Roland Martinez

General Comments/Limitations of these Notes

These notes have been prepared by Council on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only. These notes are an account of the specific issues discussed and conclusions reached at the pre-lodgement meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority. A determination can only be made following the lodgement and full assessment of the development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
<p>Setbacks / Siting</p> <p>The proposal does not comply with the numerical controls for front, side and rear setback.</p> <p><u>Relevant PLEP/P21 DCP Clause</u></p> <p><i>Clause 1.9 Side and rear building line</i></p>	<p>The proposed non-compliance with the rear setback control is not supported. The proposal should comply with this control to provide a sufficient minimisation of bulk and integration of landscaping across the site.</p> <p>The north-western side setback involves sections of the elevation that are 1m from the boundary. The extent of the elevation at 1m from the boundary (both in height and length) is not supported.</p> <p>The proposal has section of the building that are setback 1.5m from the laneway. This is not supported.</p> <p>The front setback can be supported on merit, subject to further detail in regard to the presentation of the building to the street.</p>
<p>Siting</p> <p>Two options have been provided in regards to the siting of the seniors housing, being labelled option 1 and option 2.</p> <p><u>Relevant SEPP Clause</u></p> <p><i>Part 4 Division 1</i></p>	<p>“Siting option 2” is the preferred style of design as a result of the balance of landscaped area and built form which is provided across the whole site.</p> <p>However, the building bulk requires a greater separation from the parkland.</p> <p>The south-western area of the site which adjoins Dunbar Park is considered to contain the rear area of the site</p> <p>In this regard, the proposal is required to comply with the following standard:</p> <p><i>“(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.”</i></p>
<p>Floor Space Ratio (FSR)</p> <p>The proposal does not comply with the development standard of 0.5:1 or less for FSR. The proposal involves an FSR of 0.65:1.</p> <p><u>Relevant SEPP Clause</u></p> <p><i>Part 7 Division 1</i></p>	<p>The proposal should reduce the total FSR to reduce the extent of bulk and better integrate the development with the natural environment.</p>

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

Note: PLEP 2014 can be viewed at the [NSW Government Legislation Website](#)

Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Not defined
Zone:	R2 Low Density Residential

Zoning and Permissibility	
Permitted with Consent or Prohibited:	Prohibited under PLEP 2014 Note: Relies on <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> for permissibility (site compatibility certificate required).

Principal Development Standards:
Clause 4.3 Height of Buildings
<p>Comment</p> <p>N/A - SEPP HSPD contains development standards that relate to building height that prevail over this standard in accordance with Cl. 5 of the SEPP</p> <p>Note: Building heights are measured from existing ground level.</p>

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)

Note: P21 DCP can be accessed via Council's Website www.northernbeaches.nsw.gov.au

Section A: Shaping Development in Pittwater
A4 Localities
<p>Comment</p> <p>The subject site is within the Avalon Beach Locality under Clause A4. The proposal generally meets requirements of the of the locality statement in terms of siting and proximity to commercial centres, public transport and community facilities.</p> <p>The proposed design does not sufficiently be blend into the natural environment and greater setbacks (particularly to the rear) are required to achieve this.</p>

Section C: Development Type Controls
C1.1 Landscaping
<p>Comment</p> <p>N/A - application is lodged pursuant to SEPP HSPD, which prevails to the extent of any inconsistency between instruments. SEPP provides landscape area minimum requirements.</p>
C1.3 View Sharing
<p>Comment</p> <p>The proposal should provide an analysis of view corridors and view angles from 5 Central Road, Avalon Beach.</p> <p>It is noted that roof terraces were design alternative raised by the applicant at the meeting. In regard to this, council advises that along with privacy and visual presentation, view sharing would be substantial consideration and limiting factor in in this design alternative.</p>
C1.4 Solar Access
<p>Comment</p>

Further information in the form of overshadowing diagrams are required to assess impact on solar access.

It is also recommended that bulk be reduced from the rear of the site to reduce the impact on the flat building across the laneway.

C1.5 Visual Privacy

Comment

The proposal involves windows to the western boundary, adjacent to 5 Central Road. The location of windows on this elevation should be separated from neighbouring windows. Design should also show a size or screening that sufficiently reduces potential for overlooking.

C5 Design Criteria for Other Development

Comment

N/A - application is lodged pursuant to SEPP HSPD, which prevails to the extent of any inconsistency between instruments. SEPP provides requirements private open space.

C1.21 Seniors Housing

Comment

The visual bulk and scale of the proposed development is to be reduced to meet the outcomes of this clause. Specifically, this involves reducing the area of footprint to the rear of the site.

The modulation at the laneway elevation and the north-western side elevation is positive in reducing the presentation of bulk and scale. However, greater setbacks for a larger extent of each elevation are required to meet the outcomes of this clause.

Furthermore, the separation between the front and rear section of the housing provides an outcome which contributes to the outcomes of this clause (including restricted footprint, retention of natural vegetation and limitation of bulk).

Section D: Locality Specific Development Control	
D1 Avalon Beach Locality	
Control/Requirement	Proposed
D1.8 Front building line-	Central Road - 4.5m-10m (approx.)
Central Road - 6.5m	Lane - 1.5m
Lane - 3.25m	
Comment <p>The proposed front setback to Central Road is supported subject to visual analysis/front elevations that show appropriate modulation and integration of landscaping.</p> <p>Although strict compliance with the control (3.25m) is not necessary and modulation at this setback is supported, a greater setback is required than the proposed minimum of 1.5m.</p>	
Control/Requirement	Proposed
D1.9 Side building line- 1m, 2.5m	1m
Comment	

Subject to further assessment on privacy and less extent in the length of the walls that are setback (1m) from the boundary at the north-western elevation, the proposed setback could be supported.

Control/Requirement	Proposed
D1.9 Rear building line- 6.5m	1.7m

Comment

The proposal does not comply with the numerical requirement for rear setback and this is not supported.

A greater setback is required so as to provide a more substantial landscaping to the rear and a better balance of built and natural form across the whole site. This will also help achieve consistency with the locality statement.

It is also noted that this will assist in achieving the development standard under Part 4 c) which states "a building located in the rear 25% area of the site must not exceed 1 storey in height."

Specialist Advice	
Referral Body	Comments
Landscape officer	<p>General comments</p> <p>On review of the site and the pre-lodgements plans, the following information is required for development application, to minimise the built form and protect valuable vegetation within the site, on the road reserve and within adjoining property:</p> <ul style="list-style-type: none"> • Landscape plan • Arboricultural Impact Assessment <p>Both reports shall be prepared in accordance with the DA Lodgement Requirements, inclusive of detailed landscape plans to demonstrate the design intent, and detailed arboricultural assessment to provide tree protection measures and justify any removal.</p> <p>The site review provided an opportunity to assess the landscape character of the site and the elements of high value. Any development proposal shall retain the major trees on the site to assist with the reduction in bulk and scale, and provide landscape amenity to the site and to the streetscape.</p> <p>Significant and healthy Angophora and other Gum canopy trees exist within the front setback to Central Rd and shall be retained and incorporated into the design layout. Any proposal to remove these trees is subject to arboricultural assessment and consideration that no other alternative site layout is available to retain the trees. Notwithstanding this, any existing tree with a high significance rating is unlikely to be supported for removal.</p> <p>Concern is raised that the front setback to Central Rd, with built elements such as bins, terraces and possibly retaining walling reducing the natural ground area available for the retention of the existing trees and for planting of new canopy trees. It is considered that the front setback should be available for the long term establishment of tall canopy trees to reduce the bulk and scale of the development along the streetscape.</p> <p>Additionally this concern is raised likewise for the rear setback adjoining public open space in Dunbar Park, with built elements such the terraces and possibly retaining walling reducing the natural ground area available for the planting of new canopy trees. It is considered that the rear setback should be available</p>

Specialist Advice	
	<p>for the long term establishment of tall canopy trees to reduce the bulk and scale of the development as seen from the park.</p> <p>Relevant Controls</p> <p><u>Housing for Seniors or People with a Disability:</u> Clause 33 Neighbourhood amenity and streetscape Clause 34 Visual and acoustic privacy</p> <p><u>Pittwater 21 DCP Controls:</u> B4.22 Preservation of Existing Trees and Bushland Vegetation C1.1 Landscaping C1.21 Seniors Housing C1.24 Public Road Reserve - Landscaping and infrastructure</p> <p>Housing for Seniors or People with a Disability</p> <p>33 Neighbourhood amenity and streetscape The proposed development should: (f) retain, where reasonable, major existing trees</p> <p>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</p> <p>C1.21 Seniors Housing</p> <p>To satisfy this control, existing trees and vegetation not impacted by development shall be retained to reduce the bulk and scale.</p> <p>Additional trees and vegetation shall be provided within the front and rear setback (free of restricting built elements that reduce soil volume) to ensure that the built form is secondary to landscape.</p> <p>C1.24 Public Road Reserve - Landscaping and infrastructure</p> <p>C1.20 Underground of Utility Services requires all existing and proposed utility services within the site are to be placed underground or encapsulated within the building.</p> <p>The DCP requirement for a 1.5m wide footpath applies to this proposal. Based on the location of existing canopy trees, the footpath may be best located along the kerb. Existing trees within the road verge are to be assessed in terms of impact upon the multi-trunked Gum. Consideration of a reduced footpath width where the existing multi-trunked Gum is located may be warranted if the retention value of the multi-trunked Gum is rated moderate to high in significance.</p> <p>Landscape Plan</p> <p>A detailed landscape plan, in accordance with the Northern Beaches Council DA Lodgement requirements, is required to satisfy the outcomes and controls of the DCP as noted below:</p> <p><u>C1.1 Landscaping</u> In all development a range of lowlying shrubs, medium to high shrubs and canopy trees shall be retained or provided to soften the built form.</p>

Specialist Advice	
	<p>Development shall consider the use of pier and beam footings to retain existing trees.</p> <p>Canopy trees are to be located a minimum of 5 metres from proposed built structures, or minimum of 3 metres where pier and beam footings are used. Each tree planted is to have a minimum area of 3 metres x 3 metres within this area to ensure growth is not restricted.</p> <p>Shrub screen planting shall be retained or provided along boundaries to limit visual privacy issues to private open space.</p> <p>Arboricultural Impact Assessment</p> <p>An Arboricultural Impact Assessment report, prepared by a qualified Arborist with a minimum AQF level 5 qualification in horticulture/arboriculture shall be submitted. The report shall document the impact from the proposed development from excavation and construction works, in accordance with the Northern Beaches Council DA Lodgement requirements, when works are proposed within 5.0m of a tree.</p> <p>To satisfy Control B4.22, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are proposed for removal. A proposal to remove an existing tree(s) of High and Medium significance shall be justified, and otherwise shall be refused if an alternative design layout or construction techniques is available.</p> <p>The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, within the road frontage, and for any existing tree on adjoining properties site (building and associated excavation zones), and shall consider the requirements of Australian Standard AS4970-2009 Protection of Trees on Development Sites.</p> <p>No impact upon neighbouring trees and vegetation is permitted.</p> <p>Within the Arboricultural Impact Assessment, a tree protection plan shall be included to protect significant trees and palms, within the site, on adjoining properties and within the road verge, including</p> <ul style="list-style-type: none"> -layout of the development; -location of trees identified for retention and/or removal; -location of trunk and extent of canopy spread; -tree protection during construction access on-site and delivery of materials -tree protection zones around the trees nominated for retention; -suggested construction techniques around existing trees to ensure retention; -location of tree protection fencing / barriers.
Referral Body	Comments
Parks Officer	<ul style="list-style-type: none"> • Drawings are not clear, but would expect a rear boundary setback (to Dunbar Park) of minimum as per the DCP. • Not sure if a rear fence is included in the proposal, if so will need to comply with the DCP – <ul style="list-style-type: none"> ◦ <i>c. Rear fences to land zoned RE1 Public Recreation or E2 Environmental Conservation abutting the Pacific Ocean Fencing is to be constructed of open, see-through, dark-coloured materials and shall have a maximum height of 1.8 metres.</i> • There are a number of mature trees along the rear boundary of the site that provide important shade to the reserve and playground.

Specialist Advice	
	<p>Would expect an arborists report for the proposed development to include these trees in its assessment.</p> <ul style="list-style-type: none"> Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004).
Traffic Officer	<ul style="list-style-type: none"> 8 Independent Living Units A total of 16 spaces with 2 sets in tandem <ul style="list-style-type: none"> Tandem spaces must be allocated to the same unit Access to public transport within 400m. Must make walking access safe to these public transport services in both directions. <p>The sketch is sufficient. Our preference would be that they provide the access off Patterson Lane, whilst also converting the lane way to a shared zone.</p> <p>They will need RMS concurrence for this location to convert it to a shared zone.</p> <p>The one-way ramp, as it is servicing such a low number of vehicles, and all movements are internal to the site, we would not raise any objection. If they have to reverse inside the site, that is the layout they are choosing to adopt. Our concern is when vehicles are required to reverse out onto Council land. i.e Footpath or roadway.</p>
Development Engineering	<p>The following pre-lodgement comments are provided for the proposed development. These comments are only preliminary in nature and a detailed assessment can only be provided upon DA lodgement:-</p> <ol style="list-style-type: none"> On-site stormwater detention (OSD) is to be provided for the proposal in accordance with Council's DCP Clause B5.7. Stormwater disposal for the proposed development is to be connected to the existing Council piped drainage system in Patterson Lane. Geotechnical report shall be prepared in accordance with Pittwater 21 DCP 2014. An access report is to be submitted by a suitably qualified Access Consultant to assess compliance with the requirements of Clause 26 Location and access to facilities of SEPP (Housing for Seniors or People with a Disability) 2004. Where the proposal requires the extension or upgrading of footpaths and pram crossings to comply with the SEPP requirements, details are to be included with the DA submission. <p>The proposed access for the driveway and pedestrians will be covered by Traffic in their comments.</p>
Urban Design	<ol style="list-style-type: none"> Built form controls <p>Central Road boundary – 6.5m setback required</p> <p>Side boundaries – Proposed 1 to 2.5 m range to comply with building envelope control 45 degree splay at 3.5m height.</p>

Specialist Advice	
	<p>SEPP 55 - Proposal to comply with the 8m (2 storey and roof form) building height requirement and SEPP requirement of buildings located in the rear 25% area of the site to be one storey in height.</p> <p>View from Dunbar Park towards site will have proposed built form very close to south-west boundary compared to next door neighbours. Proponent should consider setting back building further by at least 6m to ensure existing mature trees can be retained.</p> <ol style="list-style-type: none"> Proposed FSR of 0.71:1 is an overdevelopment (Permissible FSR 0.5:1). Suggestion to reduce proposal to single storey facing Parkland will resolve this issue. Stepping built forms to the south-west will also allow more sunlight access to garden areas and terraces fronting Dunbar Park. Building facade to be well articulated in order to break down the bulk and scale. Basement car park structure should not protrude above existing ground line by more than 1 metre in height. Minimum landscaped area of 30% site area with 15% deep soil to be demonstrated. Shadow diagrams to be submitted for shadow impact to surrounding residential area. Privacy issues of overlooking into next door neighbours to be addressed.
Water Management	<p>This application will be assessed under Pittwater 21 DCP B5.9 – Water Quality B8.2 – Erosion and Sediment Management. SEPP (Housing for Seniors or People with a Disability) 2004 (36) Stormwater “<i>minimise impacts of stormwater runoff on receiving waters</i>”</p> <p>Stormwater</p> <p>The applicant is required to provide secondary stormwater treatment for the site. A stormwater engineer should prepare the stormwater plan.</p> <ol style="list-style-type: none"> The treatment train should include some form of infiltration basin/strip or swale and a gross pollutant trap (for this size development, trash baskets may be suitable such as Enviropods). The development can otherwise include any other Water Sensitive Urban Design measure that will achieve the treatment objectives. This can include green roofs, green walls, stormwater reuse, pervious paving etc. Use of filtration cartridges is not supported for this development due to the need for infiltration. The treatment targets to use are set out in Warringah Council’s Water Management Policy Section 8.1 Table 4 (GP 90%, TSS, 85%, TP 65% and TN 45%). The reason we recommend applying these treatment targets for gross pollutant, TSS, nitrogen and phosphorus removal is that the policy is due to be updated in the next few months to apply to the whole of the Northern Beaches and each DCP will be updated to reflect this. Stormwater treatment measures must be included in the Water Management Plan, with detail provided of each measure. A MUSIC model file must be provided with the DA to allow Council to review the model and parameters used. A restriction as to user and positive covenant will be placed over the asset(s) and the applicant is required to provide an operation and maintenance plan for each asset. The responsibilities of the strata association in terms of maintaining and replacing the stormwater

Specialist Advice

	<p>treatment measures must be made clear in the appropriate documents. (later – not for DA)</p> <p>Sediment</p> <ol style="list-style-type: none"> 1. A sediment and erosion control plan must be provided. Preventing migration of sediment to Careel Creek is a high priority. <p>Groundwater</p> <p>If the applicant intends to have basements and will excavate deeper than 1.5m, bores must be drilled to greater than the intended depth of the basements to monitor groundwater. The presence of groundwater should be discussed in the Geotech report and if present, measures to respond should be addressed.</p>

Relevant Council Policies

You are advised that copies of the following (but not limited to) Council's policies are available via Council's website www.northernbeaches.nsw.gov.au :

- Pittwater 21 DCP
- Pittwater LEP 2014
- Development Assessment Management Policy

Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Request to vary a development standard
- Cost of works estimate/ Quote
- Site Plan
- Floor Plan
- Elevations and sections
- A4 Notification Plans
- Survey Plan
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Waste Management Plan Ongoing
- Certified Shadow Diagrams
- BASIX Certificate
- Energy Performance Report
- Schedule of colours and materials
- Landscape Plan and Landscape Design Statement
- Arboricultural Impact Assessment Report
- Photo Montage
- Model
- Advertising Structure / Sign Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Stormwater Drainage Assets Plan
- Geotechnical Report
- Bushfire Report
- Acid Sulfate Soil Report

Documentation to accompany the Development Application

- Acoustic Report
- Coastal Assessment Report
- Flood Risk Assessment Report
- Traffic and Parking Report
- Construction Traffic Management Plan
- Access Report

Please refer to Development Application Checklist for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 6 August 2019 to discuss Demolition of existing structures and construction of seniors living at 3 Central Road, Avalon. The notes reference preliminary plans prepared by Cottee Parker dated 5 July 2019.

The proposal is not acceptable and requires redesign prior to submission.

The proposal requires greater setbacks at the side, rear and laneway. The overall FSR and bulk of the building is also to be reduced so that the development sufficiently blends into the natural environment, to be consistent with the locality statement.

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.

**Appendix 2 Clause 4.6 Exemption to Building Height Development Standard prepared
by Urban Strategies**

Clause 4.6 Variation Request to Clause 40(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

1.0 Introduction

This Clause 4.6 variation request has been prepared to accompany a development application for the development of a Seniors Living Facility on land at 3 Central Road, Avalon Beach.

Clause 4.6 of the Pittwater 2009 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by an environmental planning instrument, provided that the development standard is not expressly excluded from the application of Clause 4.6. This clause aims to provide an appropriate degree of flexibility to the application of particular development standards so that better development outcomes may be achieved in certain situations.

This clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement from Initial Action Pty Ltd v Woollahra Council [2017] NSWLEC 1734.

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director General before granting concurrence.

2.0 Development Standard to be Varied

The proposal seeks a variation to the development standard contained within Cl. 40(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (henceforth referenced as Seniors SEPP).

Clause 40 Development Standards – minimum sizes and building height

(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.

Within the Seniors SEPP, height is defined as:

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.

Extent of Requested Variation

In relation to cl.40(4)(a), the proposed building, at its highest point, is 9.91m in height from the ceiling of the topmost floor to the ground level immediately below that point. This represents a variation from the requirements of the Seniors SEPP of 1.91m.

In relation to cl.40(4)(b), the proposed development presents with 3-storey elements to both Patterson Lane and the adjoining property at 5 Central Road.

3.0 Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by clause 4.6(3), as itemised below:

Clause 4.6(3)(a)

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*

Assessment: It is considered that strict compliance with the development standard for height on the site is unreasonable and unnecessary in the circumstances for the following reasons:

A review of the plans, supporting contextual information and site visits indicate that the height of the development does not result in the buildings dominating either the streetscape or the parklands to the south. More specifically, the development presents as a two-storey building to the Central Road frontage, as indicated in Figure 1.



Figure 1 – Presentation of development to Central Road frontage

- The development presents with two distinct buildings separated by a generous central landscaped space. This built form has been designed in response to the site's topography which falls consistently from the street frontage to the parkland at the rear. The proposed stepped design limits the extent of height non-compliance to a small portion of each building, as demonstrated in the height plane diagram in Figures 2.

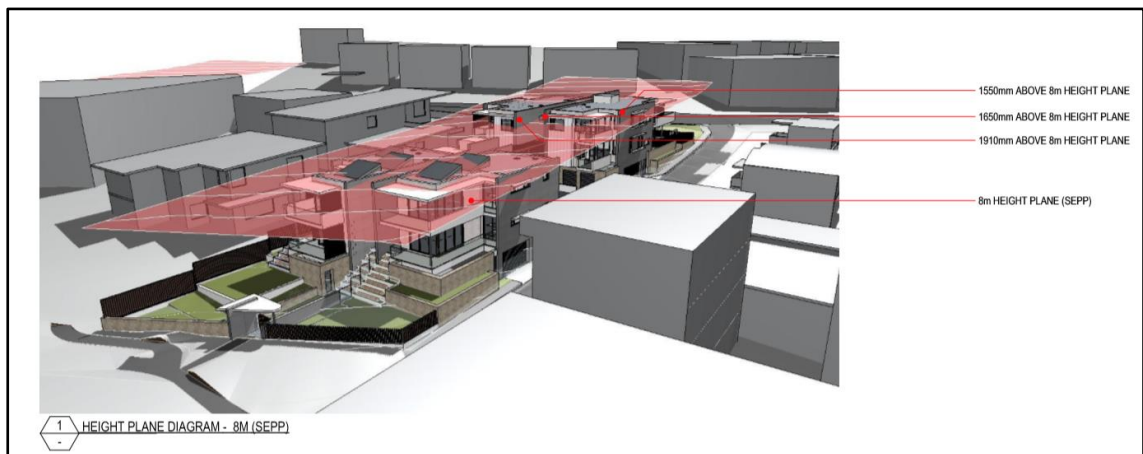


Figure 2 – Height plane diagram showing limited extent of variation

- The proposal offers significant design variation to the side elevations, resulting in a 'layered' appearance that steps away from the lot boundaries into the middle of the site. Length of walls above ground level are modest, with western-facing walls limited to approximately 8m and laneway-facing walls to between 10 and 12m. Side boundary setbacks vary from 1m to 2.5m on the western elevation and from 1.5m to 3.25m on the laneway elevation. Further recessing is provided with the terraces and balcony elements in the corners of each building.
- The relatively modest building footprint ensures access to sunlight and ventilation both in the subject development and neighbouring buildings.

- The most visible 3-storey element presenting to Patterson Lane occurs at the entries to the basement car parks. The appearance of the ground floor levels of each building is reduced through the application of varied materials and finishes, as well as stepped retaining walls with high-quality landscaping.
- Retaining walls and timber fencing along the site's western boundary reduces the overall appearance of height visible from the adjoining property. Variation in materials and finishes further reduces the overall impact of height to this property.
- The adjoining western property is not expected to be adversely impacted upon with regard to privacy and amenity, owing to the use of high-level windows, opaque glass windows and timber screening on balconies.
- The site's development context offers significant variation in uses, built form, and height, with a number of buildings presenting with a scale and height greater than that anticipated in the Pittwater LEP (as visible in the height plane diagram in Figure 2). Specifically, the following properties should be considered in the assessment of this variation request:
 - The rear portion of the site is directly opposite an existing 4-storey apartment building (65 Old Barrenjoey Rd) with vehicular access from Patterson Lane (see Figure 3). This laneway also provides access to a number of modern 3-storey apartment buildings presenting to Old Barrenjoey Rd. On the corner of Central Road is the Avalon Ambulance Station, which is an imposing circular brick building in the vicinity of the subject site.



Figure 3 – Rear of apartment building at 65 Old Barrenjoey Rd.

- Close to the site in Central Road is the Maria Regina Catholic Primary School, which also presents with a 3-storey building to the street frontage (see Figure 4). Other residential properties located opposite the site to the north take advantage of the height of the land and thus are reasonably dominant in the streetscape.



Figure 4 – Maria Regina Catholic Primary School in Central Road

- Adjoining the site to the west is a 2-3 storey apartment building. Further to the west is the Maria Regina Catholic Church, which presents with dominant brick buildings to Central Road with significant height towards the rear of the site. These are substantial buildings providing a varied streetscape form in the immediate vicinity of the subject site.
- Adjoining the site to the south is Dunbar Park. This park is heavily vegetated along its northern perimeter with the subject site, thus visibility of the rear elevation of the development will be reduced (see Figure 5). In response to Council's prelodgement advice, the proposal has been set back from the site's rear boundary to permit the provision of improved ground level terraces and associated landscaping.



Figure 5 – View of southern elevation of proposed development from Dunbar Park

- Despite the non-compliance along the length of the lot, the proposal offers an appropriate height response to the Central Road frontage. In doing so, the development achieves the aim of Clause 40 4(b), being to avoid an abrupt change in the scale of development in the streetscape.

Based on the contextual circumstances of the subject site, the specific characteristics of the subject land and the high-quality and responsive design of the proposed development, it is considered that strict compliance with the Seniors SEPP height standard is unreasonable and unnecessary in this instance.

Clause 4.6(3)(b)

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Assessment: It is considered that there are sufficient environmental planning grounds to justify varying the building height development standard, which include:

- The recessed nature of the height variation ensures that it will not be visible from the public domain and will therefore not be responsible for any unreasonable streetscape impacts.
- The height will not be responsible for any unreasonable overshadowing or privacy impacts to neighbouring properties.
- The height variation will not obstruct significant views.
- The overall bulk, scale and appearance of the proposal is consistent with and complementary to the site's varied development context.
- The height variation has been well integrated into the high-quality and articulated design aesthetic of the built form and will positively contribute to locality.

Based on the above points, it is considered that there are sufficient environmental planning grounds to permit the height variation in this instance.

Other Matters for Consideration**Clause 4.6(4)(a)(i)**

The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3).

Assessment: The above section of this report provides an appropriate response to the requirements of sub-clause (3).

Clause 4(a)(ii)

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Assessment: The above assessment demonstrates that the proposed height satisfies the purpose of the control and achieves the overall aim of the Seniors SEPP which is:

- (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.*

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the height variation. Given that the proposal will not result in any adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the height control.

Clause 4.6(5)(a)

In deciding whether to grant concurrence, the Director-General must consider

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning

Assessment: The proposed height variation allows for the orderly and economic use of land as envisaged by the Environmental Planning and Assessment Act, 1979 (Act).

The proposed height variation allows for the increase of supply and diversity of seniors housing within a compatible building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area.

The proposed height is therefore consistent with the aim of the Seniors SEPP and the Act.

Clause 4.6(5)(b)

(b) the public benefit of maintaining the development standard.

Assessment: There is no public benefit in maintaining the height standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

Clause 4.6(5)(c)

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Assessment: There are not considered to be any additional matters to consider beyond those discussed above.

4.0 Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded in support of the development proposal at 3 Central Road, Avalon and is requested to be looked upon favourably by the consent authority.

Urban Strategies

December 2019