

27 May 2020

Via Email: Claire.ryan@northernbeaches.nsw.gov.au

Council Reference: DA/2020/0008

Attention: Claire Ryan

Dear Claire,

**RE: Response to Information Request – Seniors housing at 3 Central Road
Avalon Beach**

We write on behalf of our client Avalon Central Pty Ltd in response to Council's Information Request dated 15 April 2020 regarding the proposed seniors housing development at 3 Central Road Avalon Beach.

This letter provides a formal response to the planning matters outlined Council's Information Request and is accompanied by a detailed summary of the proposed amendments and architectural plans prepared by Cottee Parker.

Height of Buildings

The overall height of the building has been lowered by 1.35m and the building is now largely compliant with the 8m building height, prescribed by Clause 40(4)(a) of the Seniors SEPP, with the exception of the lift overrun.

The basement level at the rear of the site has been removed and the finished level of the basement within the front portion of the site has been lowered. As a result of these amendments, only a small portion of the basement protrudes more than 1m above existing ground level, thus resulting in a minor element of the building which comprises 3 storeys.

A revised clause 4.6 request to vary Clause (40)(4)(a) and (b) of the Seniors SEPP accompanies the revised application package.

The proposal has reduced the yield from 8 down to 7 Independent Living Units to reduce the GFA, bulk and to comply with the required single storey height for the rear 25% of the site, pursuant to Clause 40(4)(c) of the Seniors SEPP.

Floor Space Ratio

Council's information request states that the proposed development presented, at the time, a 29.16% variation to the development standard under Clause 50(b) of the Seniors SEPP (0.5:1 at 708sqm). It is important to note that Clause 50(b) of the Seniors SEPP prescribes a *minimum* standard for FSR only, for which Council cannot refuse development consent if compliance is achieved. Clause 50 also notes that the 'provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent'. For this reason, Council may grant development consent to a FSR in exceedance of the *minimum* that is prescribed under Clause 50(b).

Notwithstanding the above, the FSR of the building has been reduced to down to 0.557:1 and one unit has been deleted to achieve compliance with Clause 40(4)(b) of the Seniors SEPP, which has significantly reduced the overall bulk and scale of the building. As discussed below (under Setbacks and Envelope), front and side setbacks have also been increased which results in a built form which is consistent with the scale of surrounding development within the R2 zone.

When having regard to the above, as Clause 50(b) is not defined as a development standard under the EP&A Act (a development standard includes provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development), a Clause 4.6 request to vary the FSR development standard is not required to accompany this development application. Rather the density and scale of the building is to be assessed on its merits.

Setbacks and Envelope

As outlined in the accompanying list of amendments, the setbacks have been increased the front, side and rear boundaries. As demonstrated by the below height plane diagram, there will be a minor encroachment within the DCP prescribed building envelope at the western boundary and where the lift overrun is located.

Despite this minor non-compliance, the proposal meets the objectives of the building envelope control as outlined below:-

- The proposal will enhance the existing streetscape through the provision of an architecturally designed building, which has been designed to be sympathetic to natural features of the site, including significant vegetation located within the front setback as well the topography.
- The bulk and scale of the building has been minimised through the reduction in GFA and increased setbacks, resulting in a built form that is sympathetic to surrounding residential development.
- The proposed development ensures a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential

properties. As demonstrated by the accompanying shadow diagrams, solar access to surrounding properties will be adequately maintained, noting that shadow impacts have been reduced as a result of the proposed amendments. Visual and acoustic privacy will be adequately maintained between residential properties as side facing windows are minimised and privacy screen has been provided in places where visual privacy may be compromised.



Figure 1 – Building envelope diagram showing limited extent of variation at the western boundary.

Landscaping

The front setback has increased to allow for increased deep soil area and will provide opportunity to plant additional trees if necessary. A lightweight walkway structure has been proposed to allow for additional landscaping, as well as minimise impact to established trees within the front setback.

The increased front setback has allowed additional 5 existing trees (T10, 11, 14, 15 & 16) to be retained, subject to arborist assessment (to be submitted once Council has confirmed that the revised plans are acceptable). The impact on existing Council trees (Trees 12, 13 and 17) will be reduced through the relocation of the waste enclosure. The proposed front boundary fencing will now be built in lightweight timber fence without the use of a masonry retaining wall.

The provision of additional deep soil within the front setback, together the retention of established trees, will reduce the overall dominance of the built form to the streetscape.



The proposal complies with the minimum provisions for deep soil and landscaping prescribed within the SEPP (refer drawing No. SD2802)

We trust the above and accompanying information suitably addresses the comments of the Council however should further clarification or information be required please contact our office.

Yours faithfully
URBAN STRATEGIES PTY LTD

A handwritten signature in black ink, appearing to read "Lauren Saunders", written over a faint horizontal line.

Lauren Saunders
PRINCIPAL PLANNER