

STATEMENT OF ENVIRONMENTAL EFFECTS

APPLICATION FOR THE CONSTRUCTION OF A SENIORS LIVING DEVELOPMENT UNDER SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 AND APPROVAL FOR DRAFT STRATA PLAN

UNDER THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*
(AS AMENDED) AND *REGULATIONS 2000*

PROPERTY:

**9-11 BIRDWOOD AVENUE, COLLAROY
LOT 1 IN DP847020**

APPLICANT:

BIRDWOOD PROJECTS PTY LTD



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1. INTRODUCTION

This Statement of Environmental Effects has been prepared as supporting documentation to a Development Application for the construction of a Seniors Living Development under State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004. The application also seeks approval for a Strata Plan of Subdivision.

This report has been prepared following instructions from the owners of the subject property, Birdwood Projects Pty Ltd.

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

- The *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- The *Environmental Planning and Assessment Regulation*;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- Pre-DA Notes from meeting, 12 November 2019;
- Architectural drawings prepared by EDAA dated 14 April 2020 (Issue B). Drawings include the following:
 - Cover page – DA.CO
 - Site Analysis – DA.00
 - Site Plan/Roof Plan – DA.01
 - Basement Plan – DA.02
 - Lower Ground Floor Plan – DA.03
 - Ground Floor Plan – DA.04
 - Elevations – North/South – DA.05
 - Elevations – East/West – DA.06
 - Section Plans – DA.07
 - Waste Management Plan – DA.08
 - Shadow diagram certification – EDAA Architects date 15 April 2020
 - Shadow diagrams by Digital Line Pty Ltd dated 8 April 2020.
- Survey Plan prepared by Byrne & Associates dated 5 July 2019;
- Operational Waste Management Plan prepared by Elephants Foot dated 9 March 2020;
- Waste Management Plan (NBC) dated March 2020;
- Storm Water Management Plan prepared by Henry and Hymas dated 20 March 2020;
- Accessibility report prepared by Abe Consulting dated 6 April 2020;
- Biodiversity Assessment by Total Earth Care dated 2 April 2020;
- Arborist Report by Tree Wise Men dated April 2020;
- BCA Compliance Report by AED Consulting dated 8 April 2020;
- Geotechnical Report for Acid Sulfate Soils prepared by Croziers dated February 2020;
- Geotech report prepared by Croziers dated February 2020;
- Traffic Report prepared by Varga Traffic Planning dated 9 April 2020;
- Landscape design prepared by Black Beetle dated 6 April 2020.

- CGIs prepared by Ivolve Studios dated March 2020;
- Erosion and Sedimentation Controls prepared by Henry and Hymas dated January 2020;
- Cost summary report prepared by Ferrarin Consulting Services dated 8 April 2020;
- BASIX report prepared by Environmental Living dated 15 April 2020;
- Draft Plan of Strata Subdivision prepared by CMS Surveyors dated 2 April 2020.

The use of the property for a Seniors Living Development is a permissible land use under the Provisions of SEPP (Housing for Seniors or People with a Disability) 2004, and it is submitted that the proposal is consistent with the relevant Objectives of WLEP2011 and the Provisions of WDCP.

It is considered that the application the subject of this Development Application succeeds on merit and is appropriate for the granting of consent, as submitted.

2. PRE-DA MEETING AND BACKGROUND INFORMATION

The subject land (the site) is located on the southern side of Birdwood Avenue, Collaroy, midway between Pittwater Road and the Collaroy beachfront reserve. Erected on the property is a single detached residential dwelling. A Complying Development Certificate CDC 10066-01-2020-CDC was issued by the AED Group on 10 February 2020 for the 'Demolition of Existing Dwelling'. The owners of the site intend to demolish the dwelling consistent with the terms of the approval of CDC 10066-01-2020-CDC.

On 12 November 2019 a Pre-DA meeting was held with Senior Officers of Northern Beaches Council. The purpose of the meeting was to seek constructive comments from Council on the proposed built form and any relevant matters Council considered required further refinement or justification on any variation. The conclusion contained in the Council's Pre-DA notes was as follows:

These Minutes are in response to a pre-lodgement meeting held on 12 November 2019 to discuss the demolition of the existing house and the constructions of a seniors living development (four (4) dwellings), carparking and landscaping at 9 Birdwood Avenue, Collaroy.

The Minutes reference preliminary plans prepared by EDAA dated 27 September 2019.

The proposed plans have raised a number of concerns in relation to the built form in particular the front boundary setback(s), the rear boundary setback(s) and to a very minor extent the landscape open space (30% in accordance with the SEPP). In addition, the current design resembles a residential flat building and it is strongly recommended that a better solution would be design the proposal into two (2) buildings articulated and provided with landscaping in the centre of the proposal separating the built form from a streetscape perspective.

Given the above it is recommended that the applicant amend the proposal to address the issues above and advice contended within these notes to ensure a better design and planning outcome which demonstrates consistency with character test.

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

Council issued pre-DA notes which have been thoroughly reviewed and taken into consideration in the final design, the subject of this application. It is important to note that the site comprises an area of 1,472m² and the applicants propose the erection of a Seniors Living Development comprising four dwellings within a two-storey footprint with basement car parking.

3. SITE CHARACTERISTICS

The premises is legally known as Lot 1 in DP 847020, being 9-11 Birdwood Avenue, Collaroy. The site is regular in shape with a frontage of 36.5m to Birdwood Avenue and a depth of 40.235m with an area of 1,472m². Erected on the site is a two-storey dwelling with a timber garage located close to the front boundary. Approval has been obtained for the demolition of the existing dwelling under State Environmental Planning Policy (Exempt and Complying Codes) 2008.

The site is located on the southern side of Birdwood Avenue midway between Pittwater Road and the Sargood Rehabilitation and Specialist Accommodation Centre. Along this stretch of Birdwood Avenue is a mixture of architectural designs, which include a number of three-storey residential flat buildings, a single detached residence and an entry facility to the Sargood Centre. The property is immediately opposite the Collaroy public recreation area which abuts the ocean and comprises the Collaroy Surf Club. Photographs of developments along Birdwood Avenue are shown on the following pages.

Locality Plans



Subject Property

Source: <https://maps.six.nsw.gov.au/>

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLAROY



Source: <https://maps.six.nsw.gov.au/>

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY



Neighbouring house to the east of the subject property



Entry to Sargood Centre from Birdwood Avenue

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY



Photographs of existing buildings in Birdwood Avenue



Locality Plans

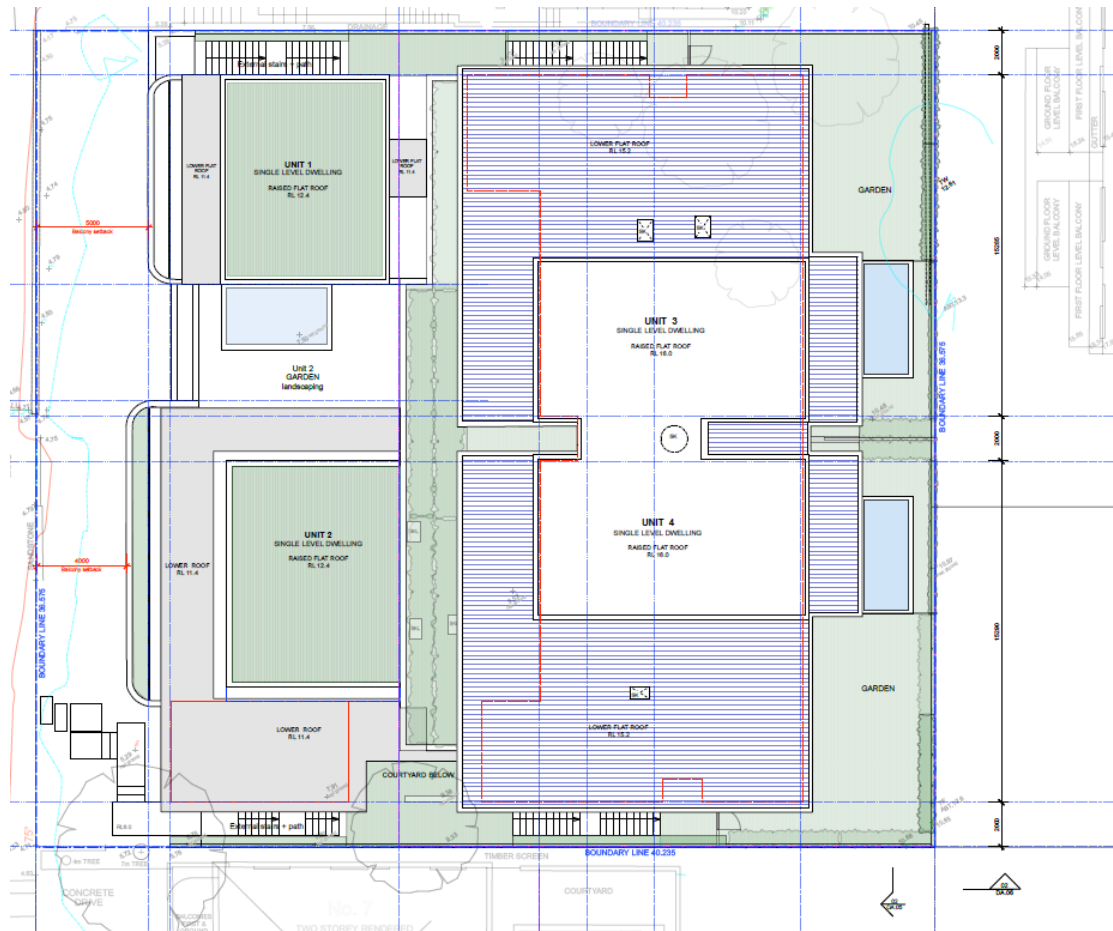


Subject Property

Source: <https://maps.six.nsw.gov.au/>



SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY

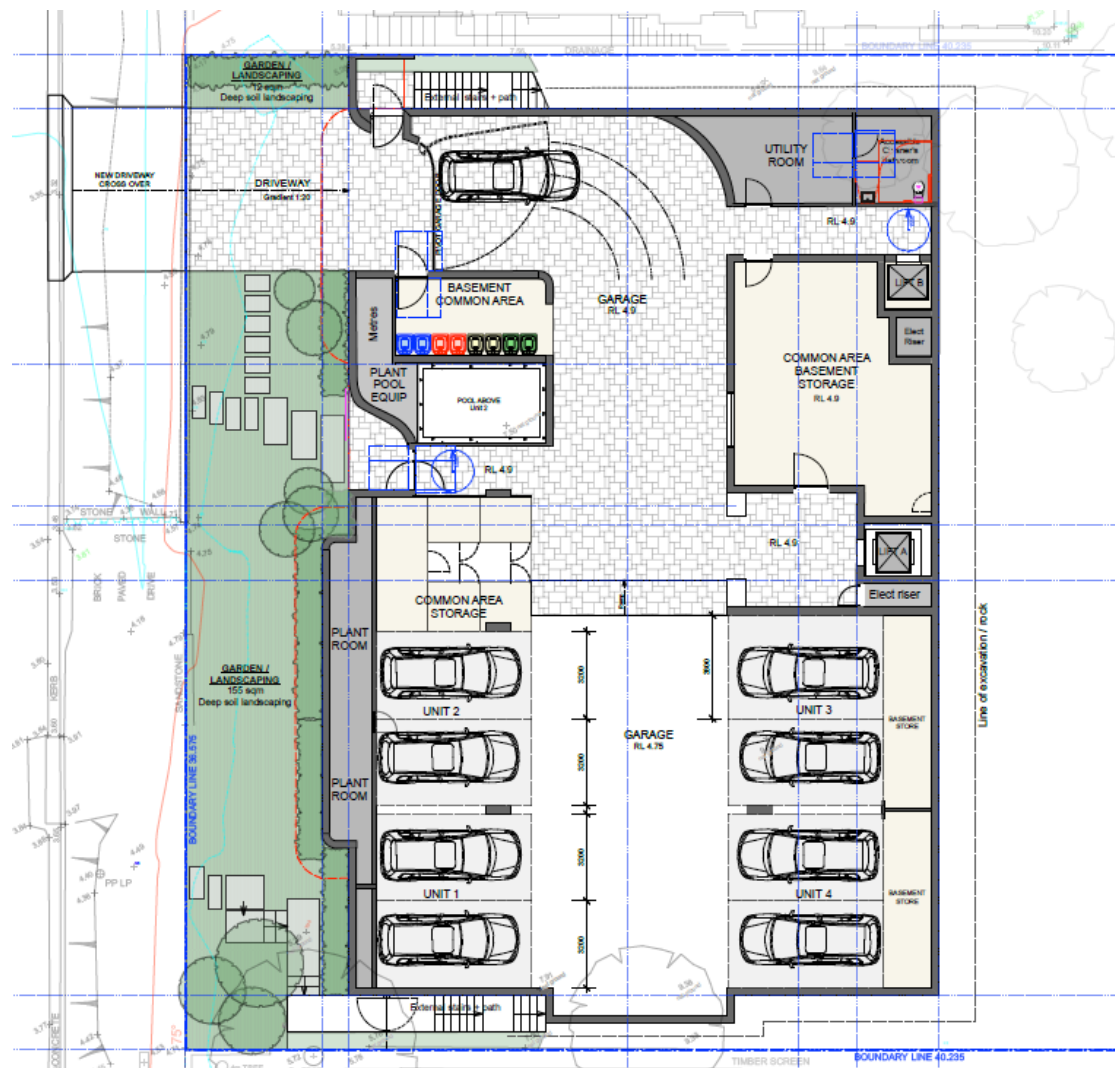


Source – Site Plan/Roof Plan- DA-01B

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY

The basement level comprises accommodation for eight motor vehicles, four of which have been designed to accommodate disabled parking. The basement also comprises the following:

- Two common storage areas;
- Utility room for cleaner with wash closet;
- Multiple plant rooms;
- Pool equipment room;
- Two lifts;
- Waste room.



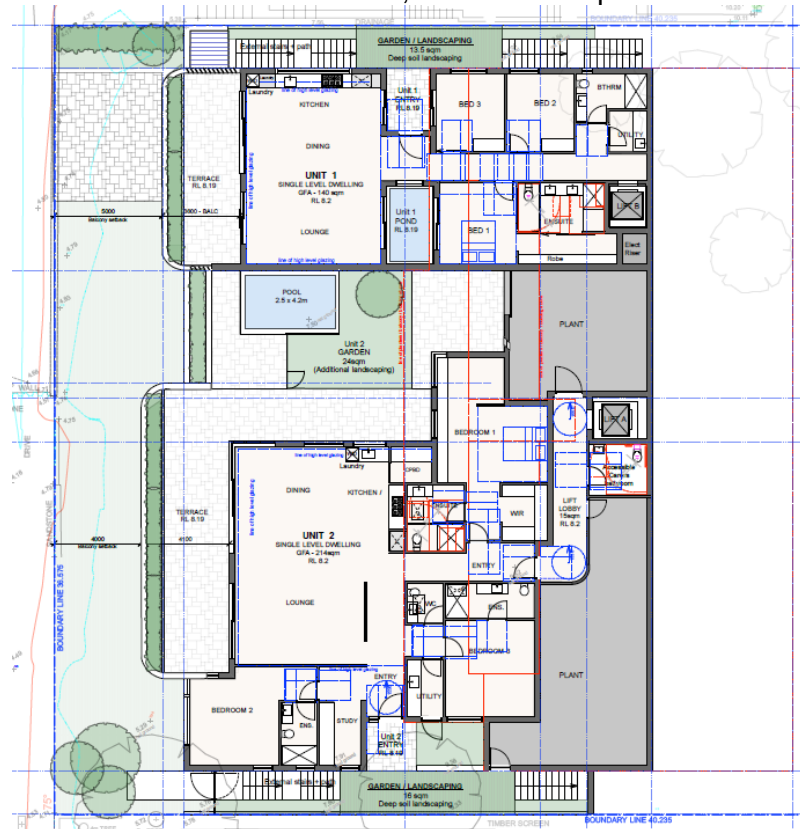
Source: EDAA Drawing DA-02B – Basement Plan

Lower Ground Floor – Units 1 and 2

The lower ground floor comprises the following:

- Single level dwelling unit 1 (140sqm) containing the following:
 - three bedrooms – master bedroom with ensuite and walk-in robe;
 - combined living/dining and kitchen;
 - two bathrooms;
 - separate laundry;
 - front terrace;
 - lift access;
 - pond.
- Single level dwelling unit 2 (214sqm) comprising the following:
 - three bedrooms with ensuites;
 - study nook;
 - separate WC and hand basin;
 - lift lobby;
 - combined living/dining and kitchen;
 - two bathrooms;
 - separate laundry;
 - front terrace;
 - landscaped garden;
 - swimming pool 2.5 x 4.2m.

In addition to the two units, there are two plant rooms.

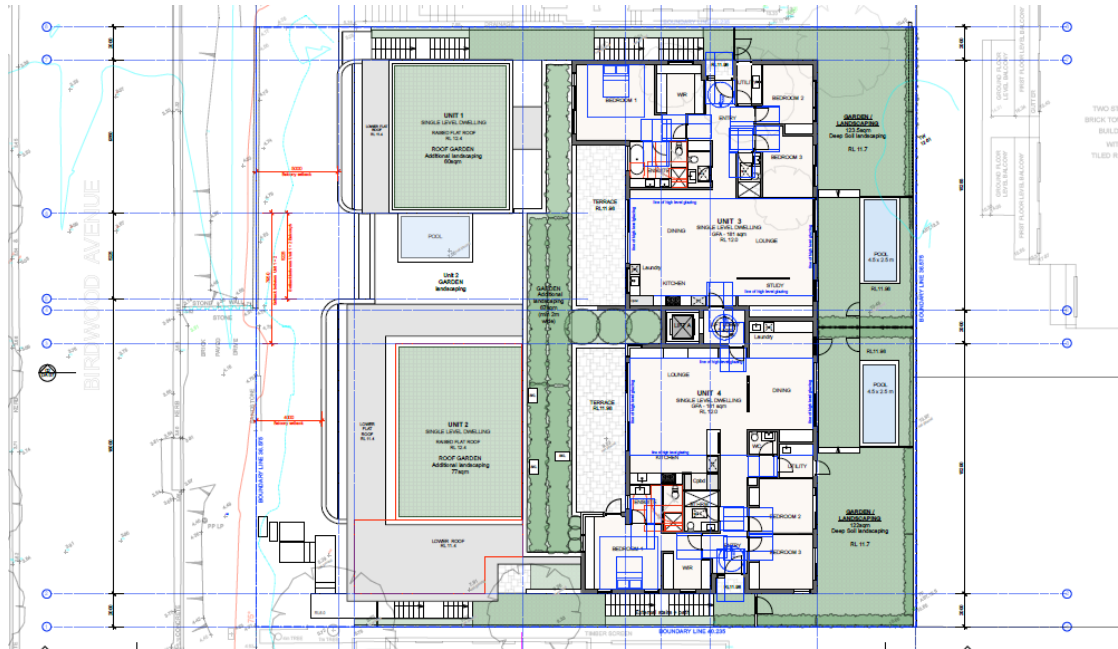


Source: EDAA drawing DA.03-B
– Lower Ground Floor Plan

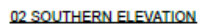
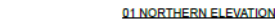
Upper Ground Floor – Units 3 and 4

The upper ground floor plans provide for the following:

- Single level dwelling unit 3 (181sqm) comprising the following:
 - three bedrooms – main bedroom with ensuite;
 - study;
 - combined living/dining and kitchen;
 - separate bathroom;
 - powder room;
 - separate laundry;
 - front terrace;
 - rear landscaped garden and pool 4.5 x 2m;
 - shared lift lobby.
- Single level dwelling unit 4 (181sqm) comprising the following:
 - three bedrooms;
 - combined living/dining and kitchen;
 - separate bathroom;
 - separate powder room;
 - separate laundry;
 - front terrace;
 - rear terrace;
 - rear landscaped garden and pool 4.5m x 2m;
 - shared lift lobby.

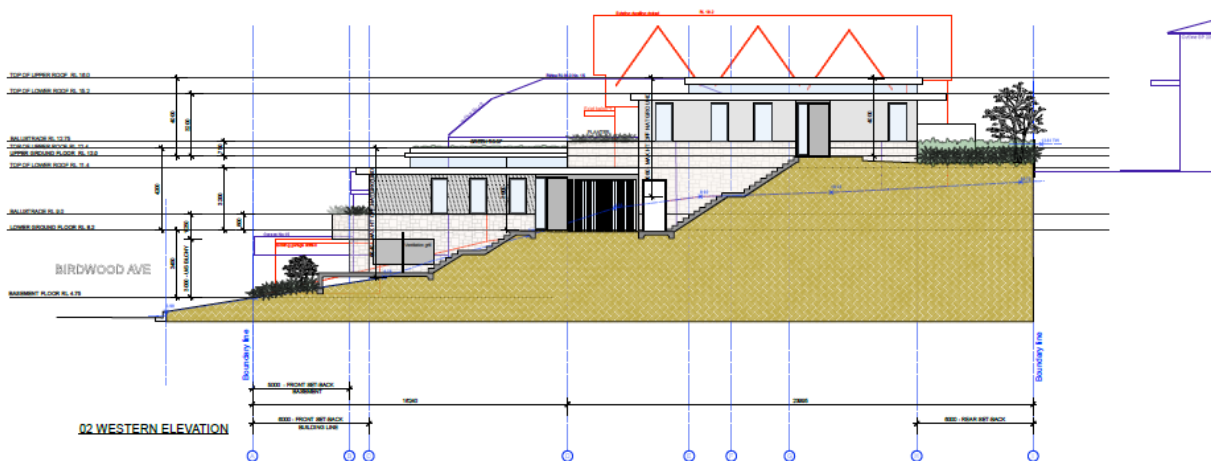
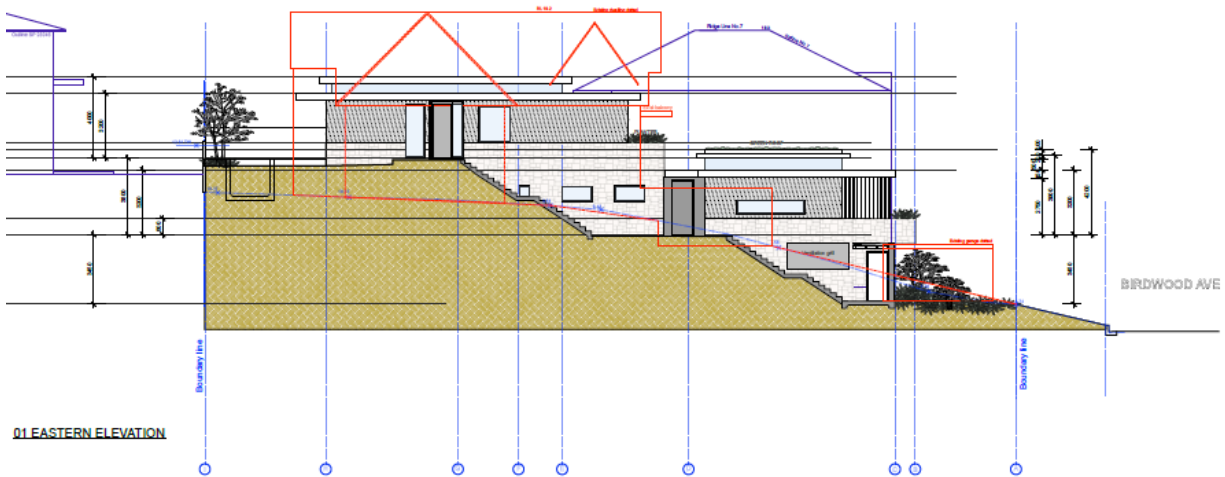


Source: EDAA drawing DA.04B – Upper Ground Floor Plan



Source: EDDA Drawing DA.05B North South Elevation

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY



Source: EDDA Drawing DA.06B Eastern and Western Elevation

4.2 Plan of Strata Subdivision

Approval is also sought for a Plan of Strata Subdivision for the four dwellings the subject of the Development Application. The Draft Strata Plan has been prepared by CMS Surveyors Pty Ltd dated March 2020 and forms part of the DA documentation.

4.3 Architectural Statement

“This design statement has been prepared as part of the application submitted to Northern Beaches Council for the proposed Seniors Living Development at 9-11 Birdwood Ave Collaroy. The key objective for the project is to deliver a low-lying contextual development that contributes to the area in a positive manner with minimal impact. The site presents a good opportunity to provide a quality seniors living development within the local area with a high level of amenity for future residents.

The key design drivers for the development are taken from the Seniors living Policy-Urban design guidelines for infill developments, and the councils LEP and DCP. The development is an improvement to the neighbourhood fit and will sit humbly in the landscape. The development will be of a high-quality finish and the overall proposal will have a positive impact on the street scape, neighbouring properties, and surrounding area.

The proposed development comprises of 4 separate units with access to a shared basement garage. The site will be heavily landscaped, and each unit will have access to its own private outdoor space and garden. The architectural form is modern with strong horizontal lines and flat roofs. The units are clearly separated providing a residential quality that softens the buildings form and allows the units to appear as separate dwellings within the streetscape.

The proposed structure represents a modern beach house aesthetic. The proposal is passive and modest in scale and will enable the occupants to enjoy the site to its full potential through clever and thoughtful design. The single level nature of the apartments increases amenity for the occupants and neighbours. Overshadowing has been reduced, view corridors are opened up, the height of the built form on the site is reduced and privacy for neighbours is increased.

The materials and palette for the proposed are a direct response to the surrounding natural environment. The key exterior materials are terracotta tiles, copper, natural timber, bronze aluminium, and painted weather board panels. The materials present texture and movement allowing the building to sit humbly within the neighbourhood and streetscape. The materials will age and present a character that weathers effortlessly emulating the natural environment, whilst providing the appearance of the building always being there. The base of the building and organic form of the curved balconies will be clad in two different size terracotta tiles which not only creates a solid foundation to the building, but also provides movement and texture. The terracotta and copper tones are a direct nod to the brown, orange and terracotta tones that present themselves on the long Reef headland.

Timber will be used extensively throughout the development. The underside of the eaves will be clad in timber creating warmth and helping to ground the building. The

windows will be a dark bronze aluminium. The bronze will create a nice accent tone in amongst a muted palette.

Significant thought has been given to the arrangement of the units within the development. The apartments are clearly separated and all present as individual dwellings. Solar access, cross ventilation, and the choreography of spaces has been carefully considered. Garaging, rubbish bins and plant equipment will be located in the basement minimising the impact of garaging and services.

The individual units are three-bedroom single level homes with direct access to basement entry and garages. The spaces within the units are choreographed for everyday modern living and comfort. The main living areas benefit from direct access to level terraces and ocean views. The main living areas will open up to the north and all units will have a secondary outdoor space that can be used and optimised during different seasons, wind, and weather conditions.

The open plan arrangement of living areas is modern, and complements the occupants needs. Large eaves and outdoor areas with pergolas provide protected outdoor space, and excellent sun control. High level windows harness natural light, and provide light into deep set spaces, whilst maintaining privacy.

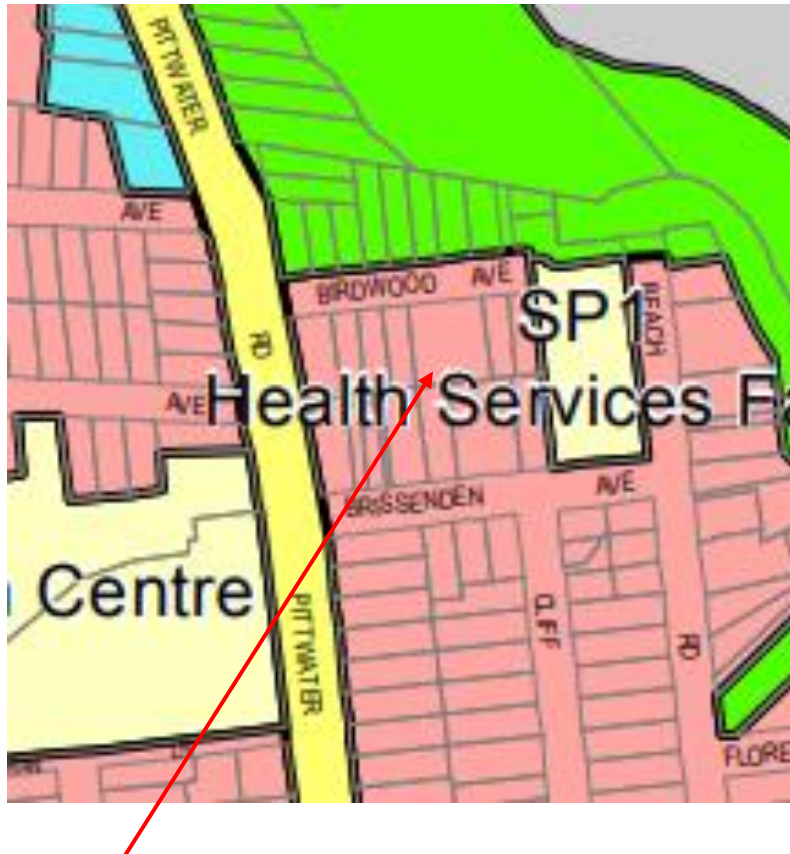
Landscaping has been an important design consideration and will have a positive impact on the units and surrounding area. All units will feel a connection to the ground and gardens. Plant species have been carefully selected to ensure that they will prosper in the environment and present a contextual native and coastal response. Large roof areas will become green spaces, that can be enjoyed by the occupants and neighbouring properties.

Overall, the proposed Seniors Living Development at 9-11 Birdwood Ave Collaroy will have a positive impact on the surrounding area and streetscape, and presents a good neighbourhood fit. The materials and architectural form enable the development to sit humbly in the streetscape minimising the impact of the development and reducing the impact on neighbours. The scale is appropriate for seniors living and is a successful design response. The building form shows articulation and movement softening its appearance. Overall, the proposal meets the requirements of the Seniors Living Policy – Urban design guidelines for infill development, the LEP and DCP, and will contribute positively to the neighbourhood and surrounding area.”

Source: EDAA Architects

5. STATUTORY PLANNING REQUIREMENTS

5.1 Warringah Local Environmental Plan 2011



Source: WLEP2011

Subject Site

5.1.1 Zone and Zone Objectives

Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based childcare; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Comment: The site is zoned R2 Low Density Residential under Warringah LEP 2011 and dwelling houses are a permissible land use. Therefore, the use of the land for the purpose of Housing for Seniors is permissible in accordance with the following Provisions for SEPP (Housing for Seniors or People with a Disability) 2004:

4 Land to which SEPP (Housing for Seniors or People with a Disability) 2004 Policy applies:

General

- This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:
 - (a) development for the purpose of any of the following is permitted on the land—
 - (i) dwelling houses,**
 - (ii) residential flat buildings,
 - (iii) hospitals,
 - (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or
 - (b) the land is being used for the purposes of an existing registered club.

Comment: The proposed development is consistent with the above Provisions prescribed within SEPP (Housing for Seniors or People with a Disability) 2004 as dwelling houses are a permissible land use on the site.

5.1.2 Height of Buildings

Height of Buildings Map



Subject Site

Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
L	11
M	12

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
 - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
 - (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
 - (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) If the [Height of Buildings Map](#) specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

Comment: The site has a maximum permissible building height of 8.5m and the development is compliant.

5.2 Urban Design Guideline for Infill Development

In preparing the Development Application due consideration has been given in designing the Senior Living Development to be compliant with the relevant Provisions of the Urban Design Guidelines for Infill Development. The Guidelines have been used to ensure the development has taken into consideration key issues in the urban design of the overall development:

- Improving neighbourhood fit;
- Improving site planning and design;
- Reducing impacts on streetscape;
- Reducing impacts on neighbouring properties;
- Improving internal site amenity.



5.2.1 Responding to Context - Analysis of Neighbourhood Character

The development has been designed in such a way as to contribute in a positive manner to the overall character of the area and to ensure the development would be deemed a “good neighbourhood fit”. In determining whether the development does produce a good neighbourhood fit, due consideration has been given to the existing street layout and how the development would be compatible with the existing built environment noting that there is a wide variety of housing styles in this immediate neighbourhood. The site analysis that was carried out took into consideration the following:

- Existing streetscape elements and the existing pattern of development as perceived from the street;
- Patterns of existing driveways and access points to the open space recreation area immediately north Birdwood Avenue (Collaroy beach recreation area);
- Existing vegetation and natural features of the site;

- Existing pattern of buildings on adjoining lots;
- Potential impacts on privacy, overshadowing of existing adjacent dwellings and residential apartment buildings.

It is noted that the site analysis also identified the following characteristics that prevail in the immediate neighbourhood:

- Along Birdwood Avenue, there is no consistent streetscape or predominant neighbourhood characteristics. The street comprises residential flat buildings (two blocks), four single detached dwellings, two of which are dual occupancies, a care facility known as Sargood (comprising 17 individual units, common facilities, meeting areas, parking and gymnasium). The site also backs onto a multi-unit development of townhouses.
- A common theme of the buildings that exist along Birdwood Avenue is side stairs and pedestrian ramps as a prominent architectural feature of each property.
- The building setbacks range from nil (three properties) to 6m and those with 6m setback are used for carparking.
- The site is almost invisible when viewed from the surf club and beach, due to the density of the established Norfolk Pines and children's playground and associated shade structures.

5.2.2 Site Planning and Design

The development has been designed to provide all new dwellings with a high level of amenity respecting the privacy and comfort enjoyed by existing neighbourhood properties and taking into consideration the existing character of the neighbourhood.

The objectives for site planning and design have been comprehensively considered to ensure the following:

- minimal impact of the new development on the neighbourhood character;
- provide high level of amenity for future occupants of the new dwellings;
- to maximise deep soil planting;
- minimise the visual dominance of the car parking and garaging arrangements.

The project has been designed to ensure the bulk of the development sits towards the front of the site, with frontage to Birdwood Avenue. The development towards the rear of the site is modest in scale, being single storey to limit any adverse impacts on adjoining properties. The design and orientation of the dwellings have responded to environmental conditions to maximise solar access to living areas and private open space.

In respect to the manner in which the landscaping and deep soil zones have been provided, refer to the landscape plan prepared by Black Beetle which has been designed to maintain the existing patterns and character of gardens and trees and to improve the amenity by increasing extensive areas of landscaping with adequate deep soil zones for absorption of run-off and to sustain vegetation including reasonably sized trees. The garaging of motor vehicles has been accommodated in a basement; access arrangements have been designed to minimise driveway locations and the design has resulted in one entry and exit point to Birdwood Avenue.

5.2.3 Impacts on Streetscape

The development has been designed to achieve a harmonious fit with the existing streetscape character and the desired future character of this locality. This has been achieved by minimising any adverse impacts on the streetscape with the design and proportions of the building facades and roof forms and associated landscaping all aimed to achieve a harmonious streetscape and to enhance the existing built form characteristics of this area. The design principles for streetscape have been achieved by locating and designing the new development to be sympathetic to the existing streetscape. The built form of the development has reduced visual impact with the following principles:

- Breaking up the building mass and articulating the building facades;
- Using a variation in materials, colours and openings to the building facades which have a scale and proportion that responds to the contextual character of both the existing and future built environment;
- The development also comprises extensive landscaping and deep soil zones which further enhance the existing streetscape. Refer to landscape plan prepared by Black Beetle;
- The parking, garage and vehicle circulation has been designed to avoid long, straight driveways that are visually dominant from a public place. All garaging and vehicular circulation shall take place in a basement which will significantly minimise visual dominance of the garaging facilities. The basement garage has been located to one side as opposed to the centre which substantially enhances impacts on the streetscape and avoids having a dominant feature of the development centrally located.

5.2.4 Impacts on Neighbours

The site to which the application relates comprises an area of 1,472m² and is capable of being subdivided into two residential lots under the Provisions of WLEP 2011. The development has been designed to accommodate four dwellings and therefore does not result in a substantial increase in the number of dwellings and residences that can be accommodated on the parcel of land. The site has the potential to accommodate a far greater intensification of the number of seniors living dwellings that could be located within an area of 1,472m². The proposal for four dwellings on an area of 1,472m² allows for greater acoustic privacy, minimising overlooking to adjoining developments, and ensuring that the amenity and privacy of both the future occupants and existing adjoining neighbours are adequately protected. The development has been designed to retain neighbours' views and outlook where possible, having due regard to the NSW Land and Environment Court Principles for View Sharing. The development has been designed with minimum bulk and scale with adequate building separation and observing a 6m setback from the adjoining development to the south.

The project architect has given serious consideration to the design principles of reducing the visual bulk of roof forms by breaking down the roof into smaller elements. The development has also been designed to be single storey and follows the contours and topographical features of the site, which further reduces impacts on neighbouring properties. The development is compliant with the design principles by ensuring that neighbouring properties receive a minimum of three hours of direct sunlight between

9am and 3pm in mid-Winter. Solar access to the private open space areas of neighbouring dwellings has not been unreasonably reduced and, in most instances, maintained.

5.2.5 Internal Site Amenity

The project architect has given due consideration at the planning and design stages of the development to ensure there is a high standard of amenity for all dwellings. The size and quantity of private open space and its orientation to ensure it has solar access have been achieved for each of the four dwellings. The design achieves a sense of individuality for the dwellings in the development. The design principles embodied in the development for internal amenity include the following:

- High quality usable private open space areas for all residents;
- Safe points of entry to each dwelling;
- Safe and distinct pedestrian routes to all dwellings and car parking facilities;
- Adequate solar access to living areas and private open space;
- Basement car parking eliminates a dominance of parking at grade and provides safe internal access arrangements for all future residents;
- Living rooms and private open spaces receive a minimum of three hours of direct sunlight between 9am and 3pm in mid-Winter;
- Private open space achieves the minimum requirements for dimensions and site area;
- The development far exceeds the square metre requirement for private open space.

5.2.6 Other Design Principles

The development has taken into consideration in the design of the development the following principles:

- Neighbourhood amenity and streetscape;
- Visual and acoustic privacy;
- Solar access and design for climate;
- Stormwater management;
- Crime prevention;
- Accessibility;
- Waste management.

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

The following provisions of SEPP (Housing for Seniors or People with a Disability) 2004 apply:

5.3.1 Chapter 1 - Preliminary

<p>2 Aims of Policy</p> <p>(1) <i>This Policy aims to encourage the provision of housing (including residential care facilities) that will:</i></p> <p>(a) <i>increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i></p> <p>(b) <i>make efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>be of good design.</i></p> <p>(2) <i>These aims will be achieved by:</i></p> <p>(a) <i>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</i></p> <p>(b) <i>setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and</i></p> <p>(c) <i>ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.</i></p>	<p>The proposal is consistent with the aims of the policy – in particular to increase supply and diversity of accommodation to meet the needs of seniors or people with a disability.</p>
<p>4 Land to which Policy applies</p> <p>(1) <i>General</i></p> <p><i>This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</i></p> <p>(a) <i>development for the purpose of any of the following is permitted on the land:</i></p> <p>(i) <i>dwelling houses,</i></p> <p>(ii) <i>residential flat buildings,</i></p> <p>(iii) <i>hospitals,</i></p> <p>(iv) <i>development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</i></p> <p>(b) <i>the land is being used for the purposes of an existing registered club.</i></p> <p>(2) <i>Land that is not zoned primarily for urban purposes</i></p> <p><i>For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that</i></p>	<p>The land is appropriately zoned under WLEP2011 in that dwelling houses are a permissible land use and the property is appropriately zoned low density residential.</p>

<p>is within any of the following zones under another environmental planning instrument:</p> <p>(a) a zone that is identified as principally for rural uses,</p> <p>(b) a zone that is identified as principally for urban investigation,</p> <p>(c) a zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the <u>Standard Instrument (Local Environmental Plans) Order 2006</u>).</p>	N/A
<p>(2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which <u>Warringah Local Environmental Plan 2000</u> applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.</p>	N/A
<p>(3) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.</p>	N/A
<p>(4) Land that adjoins land zoned primarily for urban purposes</p> <p>For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.</p>	N/A
<p>(5) Application of Policy to land zoned for special uses and existing registered clubs</p> <p>For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:</p> <p>(a) land on which development for the purposes of special uses is permitted, or</p> <p>(b) land that is being used for the purposes of an existing registered club,</p> <p style="padding-left: 40px;">as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.</p>	N/A
<p>(6) Land to which Policy does not apply</p> <p>This Policy does not apply to:</p> <p>(a) land described in Schedule 1 (Environmentally sensitive land), or</p> <p>(b) land (other than land to which <u>Warringah Local Environmental Plan 2000</u> applies) that is zoned for industrial purposes, or</p> <p>(c) (Repealed)</p>	N/A

<p>(d) the land to which <u>Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)</u> applies, or</p> <p>(e) the land to which <u>State Environmental Planning Policy (Western Sydney Parklands) 2009</u> applies.</p>	
<p>(7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because:</p> <p>(a) the land is identified under <u>State Environmental Planning Policy (Coastal Management) 2018</u>, or</p> <p>(b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as:</p> <p>(i) private open space, or</p> <p>(ii) open space where dwellings or dwelling-houses are permitted.</p>	N/A
<p>(8) (Repealed)</p> <p>(9) Application of Policy to certain land in Sutherland Shire For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (5)), the land that is shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” in Schedule 7 to Sutherland Shire Local Environmental Plan 2000 is taken to be land that is zoned primarily for urban purposes.</p> <p>Note. Clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006 continues the application of Sutherland Shire Local Environmental Plan 2000 to the land referred to in this subclause.</p>	N/A
<p>(10) For the purposes of this Policy (and despite anything to the contrary in subclause (1) or (4)), any land that adjoins the land referred to in subclause (9) is not to be treated as being land that adjoins land zoned primarily for urban purposes.</p>	N/A
<p>(11) Subclause (6) does not apply in relation to—</p> <p>(a) the land referred to in subclause (9), or</p> <p>(b) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or</p> <p>(c) an application to carry out development for the purposes of a residential care facility on land in any of the following zones under Sutherland Shire Local Environmental Plan 2006—</p> <p>(i) Zone 4—Local Housing,</p> <p>(ii) Zone 5—Multiple Dwelling A,</p> <p>(iii) Zone 6—Multiple Dwelling B,</p> <p>(iv) Zone 7—Mixed Use—Kirrawee,</p> <p>(v) Zone 8—Urban Centre,</p> <p>(vi) Zone 9—Local Centre,</p> <p>(vii) Zone 10—Neighbourhood Centre.</p>	N/A

<p>(12) Application of Policy to certain land in Hornsby Shire For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (6)), the land comprised by each of the following is taken to be land that adjoins land zoned primarily for urban purposes—</p> <p>(a) 599–607 Old Northern Road, Glenhaven (being Lot 2, DP 1123753),</p> <p>(b) 589–593 Old Northern Road, Glenhaven (being Lot 1, DP 135398 and Lots 2 and 3, DP 225754).</p> <p>(13) (Repealed)</p>	N/A
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5.3.2 Chapter 2 - Key Concepts

<p>8 Seniors In this Policy, seniors are any of the following:</p> <p>(a) people aged 55 or more years,</p> <p>(b) people who are resident at a facility at which residential care (within the meaning of the <u>Aged Care Act 1997</u> of the Commonwealth) is provided,</p> <p>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</p>	<p>Complies with appropriate restrictions being placed on title to ensure SEPP (2004) requirements are stipulated.</p>
<p>9 People with a disability In this Policy, people with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.</p>	<p>Complies</p>
<p>10 Seniors housing In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of these,</p> <p>but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.</p> <p>Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18</p>	<p>Complies in that the proposal is for four self-contained dwellings.</p>

<p>provides that seniors housing may be used for the accommodation of the following:</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. <p>Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows:</p> <ul style="list-style-type: none"> (a) Class 3, 9a or 9c in relation to residential care facilities, (b) Class 1b or 3 in relation to hostels, (c) Class 1a or 2 in relation to self-contained dwellings. 	
<p>11 Residential care facilities</p> <p><i>In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:</i></p> <ul style="list-style-type: none"> (a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, <p><i>not being a dwelling, hostel, hospital or psychiatric facility.</i></p> <p><i>Note. The <u>Aged Care Act 1997</u> of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.</i></p>	Not applicable
<p>12 Hostels</p> <p><i>In this Policy, a hostel is residential accommodation for seniors or people with a disability where:</i></p> <ul style="list-style-type: none"> (a) meals, laundering, cleaning and other facilities are provided on a shared basis, and (b) at least one staff member is available on site 24 hours a day to provide management services. <p><i>Note. A facility may be a hostel (as defined by this Policy) even if it does not provide personal care or nursing care to its residents. A facility that provides such care may be a residential care facility (as defined by this Policy), regardless of how the facility may describe itself.</i></p>	Not applicable
<p>13 Self-contained dwellings</p> <p><i>(1) General term: "self-contained dwelling"</i></p> <p><i>In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.</i></p>	Complies – each dwelling has been designed with sufficient private facilities for cooking, sleeping and washing

<p>(2) <i>Example: “in-fill self-care housing”</i> In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.</p> <p>(3) <i>Example: “serviced self-care housing”</i> In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>	
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5.3.3 Chapter 3 - Development for Seniors Housing

Part 1 General

<p>14 Objective of Chapter The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.</p>	<p>Complies with this Objective and is appropriately located having regard to support facilities and accessibility</p>
<p>15 What Chapter does This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy: (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.</p>	<p>Complies</p>
<p>16 Development consent required Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.</p>	<p>Complies</p>
<p>17 Development on land adjoining land zoned primarily for urban purposes (1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins</p>	<p>Not Applicable</p>

<p>land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:</p> <ul style="list-style-type: none">(a) a hostel,(b) a residential care facility,(c) serviced self-care housing. <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:</p> <ul style="list-style-type: none">(a) for people with a disability, or(b) in combination with a residential care facility, or(c) as a retirement village (within the meaning of the <u>Retirement Villages Act 1999</u>). <p>Note. Clause 13 (3) defines serviced self-care housing as seniors housing that consists of self-contained dwellings where meals, cleaning services, personal care and nursing care are available on site. Clause 42 requires the consent authority to be satisfied that residents of such housing have reasonable access to services. Clause 42 also provides that if services are limited to those provided under Government provided or funded community-based care packages, this does not constitute reasonable access to services.</p>	
<p>18 Restrictions on occupation of seniors housing allowed under this Chapter</p> <p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <ul style="list-style-type: none">(a) seniors or people who have a disability,(b) people who live within the same household with seniors or people who have a disability,(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <ul style="list-style-type: none">(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1). <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent or allow</p>	<p>Requirements understood by the client and suitable restrictions will be placed on title to ensure occupation of seniors housing is complied with.</p>

conditions to be imposed on a development consent otherwise than in accordance with the Act.	
<p>21 Subdivision</p> <p>Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.</p> <p>Note. Clause 5 (3) of this Policy ensures that subdivision on the land referred to in clause 4 (9) (b) is permitted by this clause with the consent of the consent authority despite the provisions of clause 65A of the former <u>Sutherland Shire Local Environmental Plan 2000</u> (which continues to apply to the land by virtue of clause 7 (2) (a) of <u>Sutherland Shire Local Environmental Plan 2006</u>).</p>	The proposal will be subject to a strata subdivision which will form part of the DA documentation for the overall development.
<p>22 Fire sprinkler systems in residential care facilities for seniors</p> <p>Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.</p>	Not Applicable

Part 2 Site-related requirements

<p>26 Location and access to facilities</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(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:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—</p>	Refer to the access report prepared by Abe Consulting
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there is a public transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
- (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or

(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
- (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

<p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p>bank service provider means any bank, credit union or building society or any post office that provides banking services.</p>	
<p>27 Bush fire prone land</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i>, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.</p> <p>(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer”, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:</p> <p>(a) the size of the existing population within the locality,</p> <p>(b) age groups within that population and the number of persons within those age groups,</p> <p>(c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,</p> <p>(d) the number of schools within the locality and the number of students at those schools,</p> <p>(e) existing development within the locality that has been carried out under this Policy or <u>State Environmental Planning Policy No 5—Housing for Older People or People with a Disability</u>,</p>	<p>Not Applicable</p>

<p>(f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,</p> <p>(g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,</p> <p>(h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,</p> <p>(i) the requirements of New South Wales Fire Brigades.</p> <p>(3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.</p>	
<p>28 Water and sewer</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	<p>Sydney Water and Sewage Facilities are available to the site.</p>

Part 3 - Design Requirements

Division 1 General

<p>30 Site analysis</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p> <p>(2) A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p> <p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):</p>	<p>A site analysis has been undertaken by the project architect and is reflected on the drawing titled "Site Analysis".</p>
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<p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p> <p>(3) The following information about a site is to be identified in a site analysis:</p> <p>(a) Site dimensions: length width</p> <p>(b) Topography: spot levels and/or contour north point natural drainage any contaminated soils or filled areas</p> <p>(c) Services: easements connections for drainage and utility services</p> <p>(d) Existing vegetation: location height spread of established trees species</p> <p>(e) Microclimates: orientation prevailing winds</p> <p>(f) Location of: buildings and other structures heritage features and items including archaeology fences property boundaries pedestrian and vehicle access</p> <p>(g) Views to and from the site</p> <p>(h) Overshadowing by neighbouring structures</p> <p>(4) The following information about the surrounds of a site is to be identified in a site analysis:</p> <p>(a) Neighbouring buildings: location height use balconies on adjacent properties pedestrian and vehicle access to adjacent properties</p> <p>(b) Privacy: adjoining private open spaces living room windows overlooking site location of any facing doors and/or windows</p> <p>(c) Walls built to the site's boundary: location height materials</p> <p>(d) Difference in levels between the site and adjacent properties at their boundaries</p>	
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<p>(e) Views and solar access enjoyed by neighbouring properties</p> <p>(f) Major trees on adjacent properties</p> <p>(g) Street frontage features: poles trees kerb crossovers bus stops other services</p> <p>(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted): architectural character front fencing garden styles</p> <p>(i) Heritage features of surrounding locality and landscape</p> <p>(j) Direction and distance to local facilities: local shops schools public transport recreation and community facilities</p> <p>(k) Public open space: location use</p> <p>(l) Adjoining bushland or environmentally sensitive land</p> <p>(m) Sources of nuisance: flight paths noisy roads or significant noise sources polluting operations</p> <p>(n) Adjoining land uses and activities (such as agricultural activities)</p>	
<p>31 Design of in-fill self-care housing</p> <p><i>In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.</i></p>	<p>Refer to section 5 of this report dealing with the DoP's Urban Design Guidelines for Infill Development.</p>
<p>32 Design of residential development</p> <p><i>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</i></p>	<p>Development designed by project architect having due regard to the Principles of Division 2.</p>

Division 2 Design Principles

<p>33 Neighbourhood amenity and streetscape <i>The proposed development should:</i></p> <ul style="list-style-type: none"> (a) <i>recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i> (b) <i>retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</i> (c) <i>maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <ul style="list-style-type: none"> (i) <i>providing building setbacks to reduce bulk and overshadowing, and</i> (ii) <i>using building form and siting that relates to the site's landform, and</i> (iii) <i>adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i> (iv) <i>considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i> (d) <i>be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i> (e) <i>embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i> (f) <i>retain, wherever reasonable, major existing trees, and</i> (g) <i>be designed so that no building is constructed in a riparian zone.</i> 	<p>Complies having regard to both the current and future character of this locality. The proposal is compatible in bulk and scale and provides for relevant building setbacks to reduce bulk and overshadowing. The height of the buildings is compatible in scale with adjoining developments. The buildings complement the existing streetscape. The rear of the building is single storey in accordance with SEPP. The development contributes to the overall character of the area and has a "good neighbourhood fit".</p>
<p>34 Visual and acoustic privacy <i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i></p> <ul style="list-style-type: none"> (a) <i>appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</i> (b) <i>ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i> <p><i>Note. The Australian and New Zealand Standard entitled AS/NZS 2107-2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671-1989, Acoustics—Road traffic noise intrusion—Building siting</i></p>	<p>All relevant matters have been taken into consideration in the design of the development and in particular the separation of the four self-contained dwellings to ensure both privacy and visual acoustic values are maintained and enhanced for future residents</p>

and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.	within the development and residents within adjoining developments.
<p>35 Solar access and design for climate The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p> <p>Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p>	Refer to shadow diagrams prepared by Digital Line Pty Ltd. Also refer to BASIX report prepared by Environmental Living.
<p>36 Stormwater The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	The development has been designed to meet Council's prescribed requirements for stormwater management. Stormwater will be discharged into Council's existing drainage system. Refer to Stormwater Management Plan prepared by Henry and Hymas, Consulting Engineers.
<p>37 Crime prevention The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p>	Complies. The development has been designed to allow observation of the approaches to the dwelling entry with good general observation of driveways and the street frontage. Adequate lighting will be provided

<p><i>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i></p>	<p>from a safety perspective. Two lifts are provided to minimise the number of residents who need to access one point of entry. The lift facilities are dispersed between each of the self-contained dwellings with a lift servicing apartment 1, while the second lift services apartments 2,3 and 4. There is direct and secure access from the car park to the individual residential levels above.</p>
<p>38 Accessibility <i>The proposed development should:</i> <i>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</i> <i>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i></p>	<p>Refer to Accessibility Report prepared by Abe Consulting.</p>
<p>39 Waste management <i>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities</i></p>	<p>The proposed development provides for both general waste and recycling facilities in accordance with Council's allocated bin services. Refer to the Waste Management Plan prepared by Elephants Foot.</p>

Part 4 – Development Standards to be complied with

Division 1 – General



40 Development Standards – minimum sizes and building height	
(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.	Noted
(2) Site size The size of the site must be at least 1,000 square metres.	Complies – total site area is 1,472m²
(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.	Complies – site frontage is 36.575m
(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—the height of all buildings in the proposed development must be 8 metres or less, and	Complies
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	Complies
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.	Complies

Part 2 – Site Related Requirement	
26 Location and Access to Facilities	
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to— (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner.	Complies

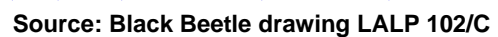
<p>(2) Access complies with this clause if—</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time; or</p>	<p>Complies – DA is supported by an accessibility report prepared by Abe Consulting.</p>
<p>(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 available to the residents who will occupy the proposed development—</p> <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</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p>	<p>Complies</p>

Division 4 – Self Contained Dwellings	
50 Standards that cannot be used to refuse development consent for self-contained dwellings	
<p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:</p>	
<p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p>	<p>Complies</p>

(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	Complies. GFA allowable is 736m² – total GFA is 736m² (50%)
(c) landscaped area: if— (i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,	Complies. Allowable landscaped area equals 441.6m² – development total LSA is 452sqm (30.7%).
(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres.	Complies. The requirement of 15% (220.8sqm) is complied with as the proposed LSA is all deep soil zone (452sqm).

AREA CALCULATIONS		Total site area: 1472 sqm	
 GFA Code - Maximum 50% = 736sqm	Basement = 0 sqm Lower Ground = 369sqm Ground Floor = 367sqm	Total GFA = 736sqm 50%	COMPLIES
 Landscaped Area Code - Min 30% = 441.6sqm On Natural Ground. 1m Deep soil. Min 2m width Min 12sqm Pool water included.	<u>Deep on ground</u> - min 2m in width. >1m deep. Basement front yard = 155 sqm Basement front yard east = 12 sqm Lower Ground East Side = 13.5sqm Lower Ground West Side = 16sqm Lower Ground Unit 2 pool = 10sqm Ground Floor Unit 3 Rear and side= 123.5sqm Ground Floor Unit 4 Rear and side= 122sqm TOTAL DEEP LANDSCAPING = 452sqm <u>Additional landscaping</u> - min 2m in width not on ground Lower Ground Unit 2 Garden 600mm deep soil. = 24sqm. Ground Floor Unit 3 + 4 Planters 700 deep soil. Min 2m in width = 67sqm Roof Unit 1 + 2. 300mm deep soil depth = 137sqm TOTAL LANDSCAPE AREA= 680sqm	Total LSA = 452sqm 30.7%	COMPLIES

Source: EDAA Architects, DA.04 14 April 20





(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Complies – refer to the shadow diagrams prepared by Digital Line Pty Ltd.
(f) private open space for in-fill self-care housing: if— (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,	Complies
Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.	
(g) (Repealed)	
(h) parking: if at least the following is provided— (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	Complies – there are two car parking spaces per dwelling.
Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.	

Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings

Part 1 Standards applying to hostels and self-contained dwellings

1 Application of standards in this Part <i>The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.</i>	Refer to Accessibility Report prepared
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<p>2 Siting standards</p> <p>(1) <i>Wheelchair access</i> If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(2) <i>If the whole of the site does not have a gradient of less than 1:10:</i></p> <p>(a) <i>the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</i></p> <p>(b) <i>the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</i></p> <p><i>Note. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.</i></p> <p>(3) <i>Common areas</i> Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p> <p>3 Security</p> <p><i>Pathway lighting:</i></p> <p>(a) <i>must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</i></p> <p>(b) <i>must provide at least 20 lux at ground level.</i></p> <p>4 Letterboxes</p> <p><i>Letterboxes:</i></p> <p>(a) <i>must be situated on a hard-standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</i></p> <p>(b) <i>must be lockable, and</i></p> <p>(c) <i>must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</i></p> <p>5 Private car accommodation</p> <p><i>If car parking (not being car parking for employees) is provided:</i></p> <p>(a) <i>car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</i></p> <p>(b) <i>5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be</i></p>	<p>by Abe Consulting</p>
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designed to enable the width of the spaces to be increased to 3.8 metres, and

(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

6 Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

7 Interior: general

(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.

(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.

(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.

8 Bedroom

At least one bedroom within each dwelling must have:

(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:

(i) in the case of a dwelling in a hostel—a single-size bed,

(ii) in the case of a self-contained dwelling—a queen-size bed, and

(b) a clear area for the bed of at least:

(i) 1,200 millimetres wide at the foot of the bed, and

(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and

(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and

(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and

(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and

(f) wiring to allow a potential illumination level of at least 300 lux.

9 Bathroom

(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

(a) a slip-resistant floor surface,

(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,

(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:

(i) a grab rail,

(ii) portable shower head,

<p>(iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, (e) a double general power outlet beside the mirror. (2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p> <p>10 Toilet A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p> <p>11 Surface finishes Balconies and external paved areas must have slip-resistant surfaces. Note. Advice regarding finishes may be obtained from AS 1428.1.</p> <p>12 Door hardware Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p> <p>13 Ancillary items Switches and power points must be provided in accordance with AS 4299.</p>	
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Part 2 Additional standards for self-contained dwellings

<p>14 Application of standards in this Part The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.</p> <p>15 Living room and dining room (1) A living room in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telephone adjacent to a general power outlet. (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p> <p>16 Kitchen A kitchen in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a circulation space at door approaches that complies with AS 1428.1, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and</p>	<p>Development has been designed to meet all relevant standards for Clauses 14, 15, 16, 17, 18, 19, 20 and 21</p>
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(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and

(e) general power outlets:

(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and

(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

17 Access to kitchen, main bedroom, bathroom and toilet

In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.

18 Lifts in multi-storey buildings

In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.

19 Laundry

A self-contained dwelling must have a laundry that has:

(a) a circulation space at door approaches that complies with AS 1428.1, and

(b) provision for the installation of an automatic washing machine and a clothes dryer, and

(c) a clear space in front of appliances of at least 1,300 millimetres, and

(d) a slip-resistant floor surface, and

(e) an accessible path of travel to any clothesline provided in relation to the dwelling.

20 Storage for linen

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

21 Garbage

A garbage storage area must be provided in an accessible location.

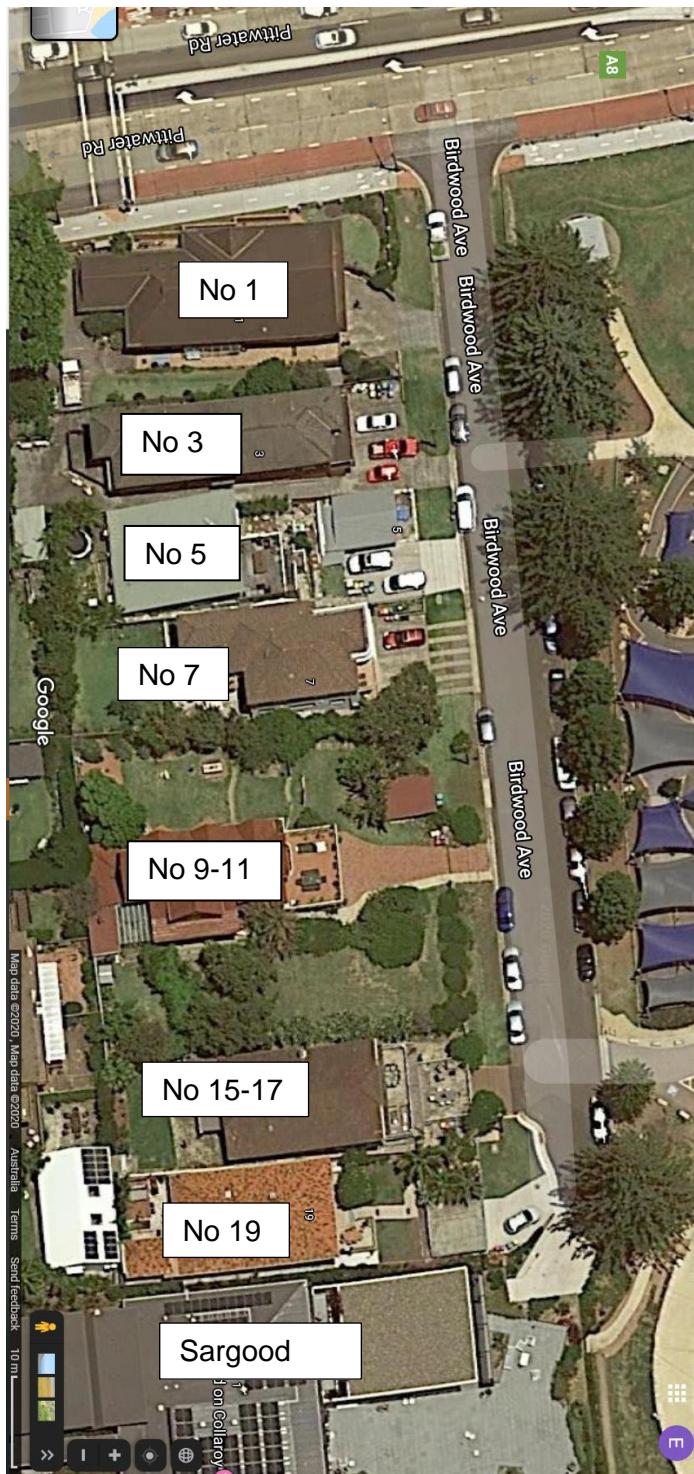
5.4 Warringah Development Control Plan 2011

B1 Wall Heights	Requirement 7.2m	Proposed 5.5m	Complies
B3 Side Boundary Envelopes	Requirement 4m	Proposed within envelope	Complies
B5 Side Boundary Setbacks	Requirement 0.9m	Basement – eastern boundary, 2m; western boundary, 2m with one section 1m Lower Ground Floor – 2m both eastern and western boundaries Upper Ground Floor – 2m for eastern and western boundaries	Complies. In respect to the side stairs they are an essential component of the development for BCA compliance and the landscaping plan has reduced the visual impact to the stairs when viewed from Birdwood Avenue or the public reserve.
B7 Front Boundary Setbacks	Requirement – 6m	Basement – average 6m with one section 5m Lower Ground Floor – terraced wall of Unit 1 – 5m; Unit 2, 4m; setback to building Unit 1, 8.6m; Unit 2, 8.1m from boundary. Refer to architectural drawing, Lower Ground Floor Plan DA-03. Upper Ground Floor – Units 3 and 4, 19.790m to nearest building and street boundary. Refer to drawing, Upper Ground Floor Plan	The setback to the front alignment to the building has been increased following the pre-DA meeting and the comments from Council in the Pre-DA notes. The revised front setback is now considered to be acceptable having regard to the front setbacks of other buildings that line Birdwood Avenue. Refer to the map over the page. The front setback also achieves the relevant objectives being that it creates a sense of openness, maintains the visual continuity and pattern of buildings and landscape elements along Birdwood Avenue. The proposal protects and enhances the visual quality of the streetscape and achieves reasonable view sharing.

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B9 Rear Boundary Setbacks	Requirement – 6m	Basement – 12.535m; Lower Ground Floor – 12.535m; Upper Ground Floor - 6m	Complies. The proposal demonstrates compliance with the main elements of the main building. Swimming pools meet the exemptions granted under this control.
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SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY



No 1 – house with 6m setback, paved for car parking

No 3 – unit block, 6m setback, paved for car parking

No 5 – house and occupied garage, Nil setback, built to boundary, car park in 6m setback to side

No 7 – townhouse, 6m setback, car parking on 6m setback.

No 9-11 - existing house, setback garage 1.1m and house 16m setback.

No 15-17 - house, nil setback, garage with balcony over

No 19 - house, nil setback, garage to boundary, parking on concreted verge

Sargood - nil setback, garage entry to street, balcony above with planter

Note: the above aerial photograph shows the respective setbacks on the properties along Birdwood Avenue, which proves there is an inconsistency in the setbacks, ranging from nil to 6m. This further demonstrates that the proposal is consistent with the prevailing setbacks in this locality.

C2 Traffic, Access and Safety	Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.	<p>The proposal is with the objectives for traffic, access and safety for the following reasons:</p> <p>Traffic Hazards: Nil</p> <p>Vehicles queuing on public roads: There will be no queuing on a public road.</p> <p>The number of vehicle crossings in a street: there is one vehicle crossing.</p> <p>Traffic, pedestrian and cyclist conflict: Nil</p> <p>Interference with public transport facilities: Nil</p> <p>The loss of on-street kerbside parking: Nil</p>	Complies. All relevant traffic matters regarding access and safety have been adequately addressed in the report prepared by Varga Traffic Planning, which accompanies the DA
	Vehicle access is to be obtained from minor streets and lanes where available and practical.	The proposal does not seek to alter the existing vehicular access to the site.	Complies.
C3 Parking Facilities	<p>The following design principles shall be met:</p> <ul style="list-style-type: none"> Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.; Laneways are to be used to provide rear access to 	<p>The proposed garage door will be appropriately integrated into the overall design scheme of the dwelling and does not dominate the façade. The parking is located within the building's basement.</p> <p>The subject site does not enjoy any laneway access.</p> <p>N/A</p> <p>N/A</p>	Complies

	<p>carparking areas where possible;</p> <ul style="list-style-type: none"> • Carparking is to be provided partly or fully underground for apartment buildings and other large-scale developments; • Parking is to be located so that views of the street from front windows are not obscured; and • Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6m or 50% of the building width, whichever is the lesser. 		
	<p>Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"> • the land use • hours of operation • availability of public transport • availability of alternative car parking • need for parking facilities for couriers, delivery services 	<p>The proposal will comply with the vehicular parking requirements of Warringah DCP 2011.</p>	<p>Complies.</p>
	<p>Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the</p>	<p>The proposal will comply with the vehicular parking requirements of Warringah DCP 2011.</p>	<p>Complies.</p>

	WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.		
C4 Stormwater	<p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</p> <p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.</p>	Stormwater plans have been prepared by Henry and Hymas Consulting Engineers.	Complies.
C5 Erosion and Sedimentation	<p>All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.</p> <p>Any erosion and sedimentation are to be managed at the source.</p> <p>Erosion, sediment and pollution controls including</p>	Sediment and Erosion Control Plans have been prepared by Henry and Hymas, Consulting Engineers.	Complies.

	water discharge from the site must comply with Council's Water Management Policy.		
	An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m ² of land.		
	Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m ² of land.		
C7 Excavation and Landfill	All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	The excavated material on site will not contain any contamination.	Complies.
	Excavation and landfill works must not result in any adverse impact on adjoining land.	The proposed excavation works are adequately set back from the adjoining neighbours.	Complies.
	Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	A geotechnical report has been prepared by Croziers, Consulting Engineers.	Complies.
	Excavation and landfill shall not create siltation or	Excavation will not contribute to siltation or	Complies.

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	pollution of waterways and drainage lines or degrade or destroy the natural environment.	pollution of waterways and drainage lines.	
	Rehabilitation and revegetation techniques shall be applied to the fill.	Not Applicable – no fill	Complies.
	Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.	No landfill required.	Complies.
C8 Demolition and Construction	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A CDC has been issued by AED Consulting for the demolition of the existing residence. All relevant documentation supporting the CDC has been submitted and approved by the PCA including a waste management plan.	Complies.
D1 Landscaped Open Space and Bushland Settings	The required minimum area of landscaped open space is shown on DCP map.	The provisions of the SEPP override the requirements of this WDCP Control. The SEPP requires 30% of the site to be landscaped and at least 15% area to be 'deep soil zone'. It is noted that the provisions of the SEPP have been met.	
D2 Private Open Space	Residential development is to include private open space for each dwelling.	Not relevant as this matter is controlled by SEPP(Housing for Seniors Living or People with Disability) 2004	
	The minimum area and dimensions of private open space are as follows: A total of 60m2 with minimum dimensions of 5m	Not relevant as this matter is controlled by SEPP(Housing for Seniors Living or People with Disability) 2004	

	Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.	Not relevant as this matter is controlled by SEPP(Housing for Seniors Living or People with Disability) 2004	
	Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	Not relevant as this matter is controlled by SEPP(Housing for Seniors Living or People with Disability) 2004	
	Private open space shall not be located in the primary front building setback.	Not relevant as this matter is controlled by SEPP(Housing for Seniors Living or People with Disability) 2004	
	Private open space is to be located to maximise solar access.	Not relevant as this matter is controlled by SEPP(Housing for Seniors Living or People with Disability)	
D6 Access to Sunlight	Development should avoid unreasonable overshadowing any public open space.	Refer to shadow diagrams prepared by EDAA, project architect.	Complies.
	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	Refer to shadow diagrams prepared by EDAA, project architect.	Complies.
D7 Views	Development shall provide for the reasonable sharing of views.	Refer to separate comments – view analysis.	Complies.
D8 Visual Privacy	Building layout should be designed to optimise privacy for occupants of the	Refer to the architectural drawings prepared by EDAA.	Complies.

	development and occupants of adjoining properties.	Refer to comments in section 5.2 Urban Design Guidelines for Infill Development.	
	Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.		
	The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	Refer to comments in section 5.2 Urban Design Guidelines for Infill Development.	Complies.
	The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.	Refer to comments in section 5.2 Urban Design Guidelines for Infill Development.	Complies.
D9 Building Bulk	Side and rear setbacks are to be progressively increased as wall height increases.	Single storey development. Side and rear boundaries compliant.	Complies.
	Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	Buildings have been effectively articulated and modulated to avoid large areas of continuous wall planes. Refer to architectural drawings.	Complies.
	On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which	The proposal does not seek to increase the amount of fill on the site. The excavation is required to accommodate the landform and make adequate provision for	Complies.

	<p>minimise the building footprint and allow the building mass to step down the slope. In particular:</p> <ul style="list-style-type: none"> - The amount of fill is not to exceed one metre in depth. - Fill is not to spread beyond the footprint of the building. - Excavation of the landform is to be minimised. 	basement car park and associated facilities.	
	Building height and scale needs to relate to topography and site conditions.	The building is compliant with height requirements under SEPP (Housing for Seniors or people with Disability) 2004.	Complies.
	Orientate development to address the street.	Proposed development is orientated to the street frontage (Birdwood Avenue).	Complies.
	Use colour, materials and surface treatment to reduce building bulk.	The colours, materials and finishes will articulate the built form visible from the street and the neighbouring dwellings.	Complies.
	Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Refer to the landscape plan prepared by Black Beetle.	Complies.
	Articulate walls to reduce building mass.	The walls are adequately articulated from the neighbouring development.	Complies.
E10 – Landslip Risk	Ensuring development is geotechnically stable with no adverse impact on existing subsurface flow conditions and no adverse impacts resulting from stormwater discharge.	Refer to the Geotech Report prepared by Croziers and the Stormwater Management Report prepared by Henry and Hymas	Complies

The balance of the WDCP provisions pertaining to traffic access and safety, parking, stormwater, erosion and sedimentation, excavation, waste management, private

open space, access to sunlight, privacy, building bulk and landslip risk have been addressed previously in this report in response to the SEPPHSPD considerations.

5.5 Other Relevant Reports

5.5.1 View Analysis – Maintenance of Views

Having inspected the site and its immediate surrounds to identify available view lines, we have formed the considered opinion that a view sharing scenario is maintained between properties at the rear and also adjoining properties in accordance with the principals established in the Tenancy Consulting vs Warringah City Council [2004] NSWLEC 140 and Davis vs Penrith City Council [2013] NSWLEC 1141. Despite this finding a view loss assessment has been undertaken in accordance with the planning principles of Tenancy Consulting vs Warringah City Council [2004] NSWLEC 140. The four-step assessment for view loss is as follows:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

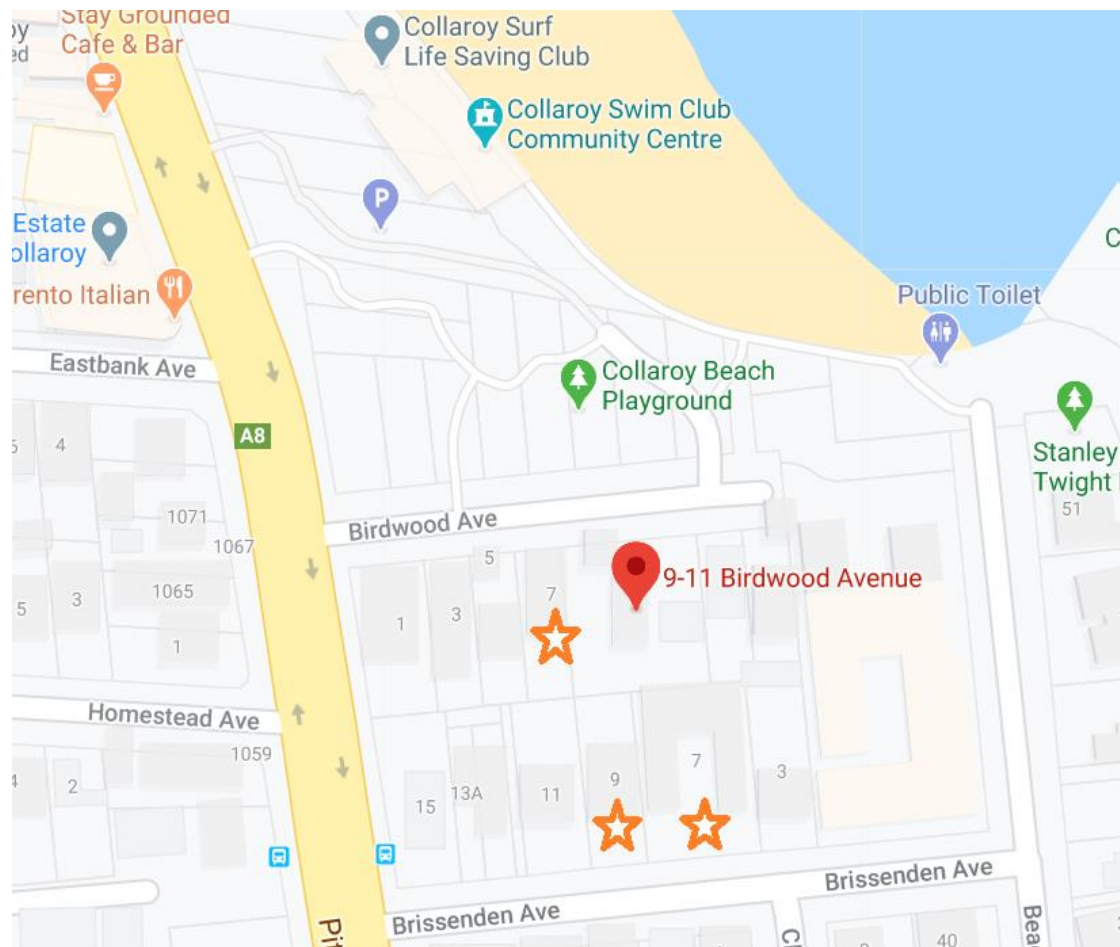
The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposal will not adversely impact the views within the public domain and the neighbouring properties. The site does enjoy views in a northerly direction towards the

Collaroy recreation area and adjoining beach and foreshore area. The properties at the rear of the development, which comprise a two-storey brick townhouse building at No. 7 Brissenden Avenue and a single detached dwelling at No.9 Brissenden Avenue, are the only properties that could be affected by the subject development. In preparing this assessment, consideration has also been given to the detailed survey plan prepared by Byrnes and Associates which has RLs for the ground floor and first floor balconies of the rear two-storey townhouse development. To a lesser extent, No. 7 Birdwood, which comprises a two-storey residential flat building, has cross-boundary views towards the Collaroy Beach area.



Indicates properties with current views

It is important to note that when the public view the site from the Collaroy recreation area, which includes the surf club and adventure playground, the properties along Birdwood Avenue are significantly camouflaged by way of the extensive pine trees that exist along the whole frontage of Birdwood Avenue. These trees are of high scenic value and provide an effective barrier to viewing the site when a member of the public stands within the public reserve area immediately north of Birdwood Avenue. This extent of tree cover also reduces the level of views that residents have from their premises along Birdwood Avenue.

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLAROY



View from Collaroy Beach playground, looking towards the site



View from top of Birdwood Avenue, near Pittwater Road, looking towards Sargood development
at the end of Birdwood Avenue

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY

In carrying out the view assessment, due consideration has been given to on-site inspections and the following photographs which assist in determining view loss from premises No 7 Birdwood Avenue, and Nos 7 and 9 Brissenden Avenue.



Photo taken from south-western boundary corner of 9-11 Birdwood Avenue



Photo taken from north-east boundary, 9-11 Birdwood Avenue

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY



Photo taken 6m east off south-west corner of southern boundary at No 9 Birdwood Avenue



Photo taken from rear, southern boundary of 9-11 Birdwood Avenue, looking towards single, detached dwelling at 9 Brissenden Avenue. Note: ground level – no view; first floor balcony – filtered views between existing building and property boundary

SENIORS LIVING DEVELOPMENT:
9-11 BIRDWOOD AVENUE COLLARDY



Photo taken 6m in from south-east
boundary corner along southern
boundary of 9-11 Birdwood Avenue



Subject site when
viewed from Birdwood
Avenue

Step 1 – Assessment of views to be affected:

- Water views are valued more highly than land views;
- Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons;
- Whole views are valued more highly than partial views, e.g. water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The site and adjoining properties at the rear and to the west currently enjoy views of the land and water interface of the Collaroy beach area; however, these views are obscured by the pine trees and also the corridors and setbacks that currently prevail on the site where the dwelling is centrally located.

Step 2 – Consider from what part the property the views are obtained:

The second step is to consider where the views are obtained from:

- Protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries;
- View is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views;
- The expectation to retain side views and sitting views is often unrealistic.

In relation to neighbouring dwellings, the views are obtained from the following areas:

Property	Where views obtained from	Are views potentially impacted by the proposal?
No. 7 Birdwood Avenue	Views obtained from cross boundary in an easterly direction towards the Collaroy Beach front. The location of potential view loss is minor as the proposed development is setback between 5-6m at ground level from the street boundary and therefore it does not impede the view corridor for No. 7.	No impact
No. 7 Brissenden Avenue	This property comprises the two-storey townhouse development. Two of the rear units have balconies on the first level off their main recreation area. Views are obtained over the rear of the property by way of a corridor view along the eastern boundary of the site. This corridor allows the occupant on the first level of the balcony to obtain views in a northerly direction of a corridor	No impact due to the height of the proposed building and the height of the RL of the first-floor level balconies of the rear units.

Property	Where views obtained from	Are views potentially impacted by the proposal?
	approximately 10m wide. The existing main dwelling on 9-11 Birdwood is significantly higher than the townhouse development and, accordingly, does obscure views.	
No. 9 Brissenden Avenue	A single detached two-storey dwelling, with filtered views from the first level balcony over the rear of the property by way of a corridor of setback of the existing dwelling on the subject site. The corridor is approximately 8m wide. The existing dwelling combined with the pine trees prevents the occupants on No. 9 to have direct views towards to the eastern portion of the Collaroy beach interface of sand and land.	Minimal impact due to the height of the first-floor balcony, No 9, and the proposed RL roof level of the rear units of the proposed development, being significantly lower.

Step 3 – To assess the extent of the impact:

- This should be done for the whole of the property, not just for the view that is affected;
- The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them);
- The impact may be assessed quantitatively, but in many cases this can be meaningless.

It is evident from inspection of the subject property at the rearmost southern boundary and having viewed the survey plan prepared by Byrnes and Associates, that no significant views will be impacted upon as the result of the proposed development to either of the residences referred to above. This is quantified by observing the levels that currently exist on the proposed development site and the RLs of the first-floor balconies of the townhouse development.

The first-floor balconies are immediately off the main recreational living areas of the two townhouses that are being assessed. The existing ground level on the site at boundary is 10m. The proposed development at the rear is single storey with a maximum height of 6m (RL 16m). The RL of the first-floor level balcony of the townhouse development at the rear is 16m, therefore the occupants of the rear townhouse development with their living areas on the first level would see directly over the proposed development.

This would also apply to number No. 9 Brissenden Avenue as the existing ground level of the residence does not currently have any view towards the coastline; however, the first-floor balcony does have filtered views by way of the existing side boundary setback to the residence currently erected on No 9-11 Birdwood Avenue. The occupants of No 9 Birdwood Avenue would maintain their view from the first-floor balcony due to the topography of the land and the proposed height of Unit Nos 3 and 4 of the seniors living development.

Step 4 – To assess the reasonableness of the proposal that is causing the impact:

- Development that complies with all planning controls would be considered more reasonable than one that breaches them.
- Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.
- With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposed development is compliant with the planning controls for a Senior Living Development under SEPP (Housing for Seniors and People with Disability) 2004. There is no non-compliance with the principal planning controls and, in particular, the height of the building has been stepped down the site to take into consideration there is a fall from the rear boundary to the front boundary.

The topography of the land has dictated the built form of the development and permitted the development to be compliant to ensure the potential amenity and view impacts on neighbouring properties are protected and where possible are maintained to a reasonable view sharing level.

It is therefore respectfully submitted that this assessment of views regarding the proposed development is considered acceptable.

5.5.2 Traffic and Parking Assessment

A traffic and parking assessment has been undertaken by Varga Traffic Planning. A copy of the report forms part of the Development Application documentation. Set out below is conclusion of this report:

In summary, the proposed parking and loading facilities satisfy the relevant requirements specified in the SEPP (Housing for Seniors or People with a Disability) 2004 as well as the Australian Standards and it is therefore concluded that the proposed development will not have any unacceptable traffic or parking implications.

Source: Varga Traffic Planning Pty Ltd, 9 April 2020

5.5.3 BCA Compliance Report

A BCA compliance report has been undertaken by AED Consulting. A copy of the report forms part of the Development Application documentation. Set out below is the conclusion of this report:

The proposed multi-dwelling development, as identified in this report, is readily capable of complying with the applicable Performance Requirements of NCC 019.

Source: AED Consulting Pty Ltd, 8 April 2020

5.5.4 Accessibility Report

An accessibility compliance statement has been undertaken by ABE Consulting. A copy of the report forms part of the Development Application documentation. Set out below is the conclusion of this report:

This report has provided a review of the relevant project design documentation to determine the compliance of the proposed development against Part D3 'deemed-to-satisfy' (DtS) provisions of the Building Code of Australia 2019 (BCA) and has identified that the building classification is not governed by BCA Part 3 being a Class 1a building (TBA by PCA).

A review has also been provided to identify the compliance status of the design with SEPP (Housing for Seniors or People with a Disability) 2004, Schedule 3 – Standards concerning accessibility and useability for hostels and self-contained dwellings.

Following this review and the adaptation of the recommendations proposed, ABE Consulting are able to confirm that at the Development Application Phase of design, the development can readily achieve compliance with SEPP (Housing for Seniors or People with a Disability) 2004, Schedule 3 – Standards concerning accessibility and useability for hostels and self-contained dwellings.

Source: ABE Consulting Pty Ltd, 6 April 2020

5.5.5 Biodiversity Report

A biodiversity letter has been provided by Total Earth Care. A copy of the report forms part of the Development Application documentation. Set out below are the recommendations from this letter:

Vegetation removal with the greatest significance was limited to the five (5) Coastal Banksia (Banksia integrifolia) and thick shrubs. It is recommended that the proposal include the planting of native flowering species as part of the landscape plan to provide similar foraging resources for native fauna such as nectarivorous birds. See Northern Beaches Council's Native Plant Species Guide –Narrabeen Ward, for a list of recommended native plant species for the area. Although no evidence of nesting was found on site, some areas of the vegetation is thick and provide suitable habitat for marsupials such as bandicoots and possums as well as nesting birds. It is recommended that an ecologist conduct a pre-clearance survey prior to any vegetation clearing or disturbance to prevent harm to native fauna species that may be nesting in the vegetation.

Source: Total Earth Care, 15 April 2020

6. OTHER RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

6.1 BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004

The proposed development has achieved a Building and Sustainability Index (BASIX) certificate. Further, the proposal will embody excellent passive systems of sustainable design. Refer to BASIX Statement prepared by Efficient Living dated 15 April 2020.

6.2 SEPP No. 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land, applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider where the land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low considering the following:

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

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

6.3 Coastal Management Act 2016

The *Coastal Management Act 2016* (CM Act) establishes the framework and overarching objects for coastal management in New South Wales.

The purpose of the CM Act is to manage the use and development of the coastal environment in an ecologically sustainable way, for the social, cultural and economic well-being of the people of New South Wales.

The CM Act also supports the aims of the *Marine Estate Management Act 2014*, as the coastal zone forms part of the marine estate.

The CM Act defines the coastal zone, comprising four coastal management areas:

1. coastal wetlands and littoral rainforests area;
2. coastal vulnerability area;
3. coastal environment area;
4. coastal use area.

A review of the legislation and associated maps has identified the site as being within the Coastal Use Area and therefore the SEPP (Coastal Management) 2018 applies. Set out below is the relevant provisions that affect land that falls within the classification of Division 4, Coastal Use area.

6.4 State Environmental Planning Policy (Coastal Management) 2018

A review has been undertaken of SEPP (Coastal Management) 2018 and the land falls within the classification of Division 4 – Coastal Use area as per the map on the following page.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following—
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that—
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.



Source: State Environmental Planning Policy (Coastal Management) 2018
NSW Department of Planning and Environment

Subject property
Coastal Use Area Map

Comment on Section (a) of the SEPP:

- The subject proposal will not result in any adverse impacts on the existing safe access to and along the Collaroy Beach foreshore and any headland or rock platform in this immediate locality where members of the public have access to.
- The proposal does not result in overshadowing, wind funnelling or the loss of any views from a public place to the foreshores of Collaroy Beach.
- The visual amenity and scenic qualities of the coastline in this immediate locality are not impacted in any way by the proposed development.
- The proposal does not result in any impacts upon Aboriginal cultural heritage, practices or places.
- The cultural and built environmental heritage in this locality are not impacted by the proposed senior living development.

Comment on Section (b) of the SEPP:

- The proposal has been designed and sited to avoid any adverse impacts referred to in Section (a) above.
- The development does not have any adverse impacts that need to be minimised to be compliant with section (a) above.

Comment on Section (c) of the SEPP:

- The development has been sensitively designed, taking into account the surrounding coastal and built environment and the bulk, size scale of the development which is appropriate for the site and considered to be a 'good fit' for the neighbourhood and surrounding environment.

7. OTHER MATTERS UNDER SECTION 4.15 C (1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended).

7.1 Matters for Consideration – General

In determining a Development Application, a Consent Authority should take into consideration such of the following matters as are relevant to the development, the subject of the Development Application:

- (a) the Provisions of:
- (i) any environmental planning instrument;
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority;
 - (iii) any development control plan;
 - (iv) any matters prescribed by the regulations
- that apply to the land to which the development application relates.

Comment: The proposal involves the construction of a Seniors Living development under SEPP (Housing for Seniors and people with a disability) 2004. The project has been designed to meet all relevant Provisions of the subject SEPP and it is noted that under Warringah Local Environment Plan 2011 the site is zoned R2 Low Density Residential and dwelling houses are a permissible land use. Accordingly, the SEPP for Seniors Living applies to the subject land. The assessment that was carried out as part of the Statement of Environmental Effects has given due consideration to the relevant provisions of the SEPP and both WLEP2011 and WDCP.

The proposal is considered to be consistent with the fundamental objectives and provisions of the governing instruments and, accordingly, the proposal represents a development type and use facilitated by such instruments.

7.2 Likely Impacts of the Development (Section 4.15(1) (b))

An assessment of the likely impacts of this development, including environmental impacts on both the natural and built environment and social economic impacts in the locality, has been made as follows.

Comment: The proposal is unlikely to have any environmental impacts on the natural and built environments. The proposal would also have no adverse social impacts on this locality. The proposal is consistent with the statutory planning controls as they currently exist and, taken individually, will have a negligible economic impact on other similar developments in this locality. However, the proposal will provide an economic benefit to the community both during the construction phase and the ongoing maintenance of a building of this nature.

7.3 Suitability of the Site (Section 4.15(1) (c))

The subject property meets the necessary criteria to be developed for a Seniors Living Development. The size and shape of the parcel of land meet relevant Provisions of the SEPP for Seniors Housing. The development is aesthetically pleasing and has been designed to be compatible with other land uses and developments both adjoining and in the immediate locality. The proposal achieves quality design through consideration of the amenity of the street, neighbours and future generations of residents. The characteristics of the site are such that the development has been designed with a successful arrangement of massing, so as to allow the balance between maximising orientation for day-lighting and passive thermal benefits, accessibility, and maintaining privacy to both the future occupants and adjoining dwellings.

The proposal would have no adverse impact on the streetscape and in fact represents a potential to substantially enhance the streetscape.

7.4 Submissions (Section 4.15 (1) (d))

No submissions are available at this time.

7.5 The Public Interest (Section 4.15 (1) (e))

The public interest is well served with the development which will provide Senior Living dwellings in close proximity to public transport and other essential community infrastructure. The public will also benefit by way of an integration of a Senior Living development which will provide for housing needs of seniors in a neighbourhood which is well endowed with community facilities and in close proximity to shopping, recreational amenities and transport.

The proposal does not have any adverse environmental impacts and the existing amenity of the neighbourhood would be protected and maintained. It is considered that the development is sensitive to both the natural and built environments and will cater for a clear demand for this form of accommodation within the Northern Beaches Council area given its aging population. Approval is in the public interest.

8. CONCLUSIONS

- The merits of the proposal have been assessed in accordance with the provisions of the relevant clauses of WLEP 2011 and the Provisions of 4.15(C) of the *Environmental Planning and Assessment Act, 1979* (as amended) together with the requirements of State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004 .
- The proposed seniors living development is permissible under the provisions of SEPP (Housing for Seniors or People with Disability) 2004 as the land is zoned R2 Low Density Residential under WLEP2011.
- The merits of the proposal include:
 - A scheme consistent with the Objectives and Standards of SEPP (Housing for Seniors or People with Disability) 2004, in particular the following:
 - Compliant with minimum site area;
 - Compliant with minimum site width;
 - Compliant with building height – all development does not exceed 8m in height;
 - Compliant with floor space ratio as development does not exceed 0.5:1;
 - Compliant with landscaping with minimum 30% of the site and 15% deep soil zone area;
 - Complaint with carparking requirements for four dwelling units.
 - Contribution to a sustainable and vibrant residential community that will reflect equal and integrated consideration of social, economic and design issues by providing a development with improved visual and built-form outcomes.
 - The development of an underutilised parcel of land in close proximity to public transport, shops, recreation facilities (outdoor) and services represents sound urban consolidation principles and infill development.
 - A proposal that will not give rise to any significant traffic impacts on existing or future residents within this precinct.
 - The provision of an exceptionally high standard of residential amenity for future seniors living residents in terms of solar access, privacy, natural ventilation, acoustics and landscaped environment. The development is considered to be a 'right neighbourhood fit' for this locality.
 - The highly articulated and modulated building form has been designed to step down the site in response to topography and provides a generous deep soil landscaped curtilage to adjoining development. The landscaping proposed will ensure that the building is softened and screened when viewed from the Collaroy recreation area as it sits within a relatively informal landscaped setting.

- There would be no significant environmental impacts from the proposed development.
- Accordingly, the proposal for the construction of a Seniors Living Development is acceptable from environmental, social and planning perspectives and approval should therefore be granted.