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MEMORANDUM

DATE: 16 August 2021

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Lashta Haidari, Acting Development Assessment Manager
Peter Robinson, Executive Manager

FROM: Anne-Marie Young, Principal Planner

SUBJECT: Item 3.3 DA2020/1743 – 45 Lantana Avenue, Wheeler Heights

REFERENCE: Additional Condition restricting the occupation of the Seniors Housing

Dear Panel Members,

Overview

The purpose of this email is to request that an additional condition be imposed restricting the occupancy of the boarding house and provide a response to an additional submission.

Additional condition

It is requested that the following additional condition, condition 68, be imposed.

68. Occupation of Seniors Housing or Housing for Persons with a Disability

A positive covenant pursuant to s88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (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.

(Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004): Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997

<http://www.comlaw.gov.au/> of the Commonwealth) is provided and/or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the



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issue of any Construction Certificate.

Reason: Statutory requirements.

Additional Submissions Moss and Walton 47 and 49 Lantana Avenue

Bulk and scale

The submission raised concern about the basement being raised 1.9m above ground level which results in a three storey development and excessive bulk which is out of character with the area.

Comment:

This issue is addressed in the assessment report which notes that despite the raised floor to part of the northern building the development reads as a two storey development. The bulk and scale of the development has been reduced with a 110.5sqm reduction in the floor space. The bulk and scale is assessed as contextually appropriate to the character of the area.

The raised entry walkway

The submission raises concerns about the position of the elevated entry walkway positioned 2m from the rear boundary to No. 47 Lantana Avenue and the 1.65m privacy screen which will create a walled effect to the rear boundary. Concern is also raised in respect of overlooking from the southern portion of the path not having a privacy screen.

Comment:

The 1.65m high privacy screen has been included to address concerns about privacy impacts to the rear garden of No. 47 Lantana Avenue. The privacy screen is proposed directly adjacent to the edge of the walkway for a length of 8.6m. A landscape strip provided to the eastern edge of the privacy screen to soften the visual impact to the southern neighbour at No. 47 Lantana Avenue. It is also noted that the rear boundary of No. 47 Lantana has extensive landscaping and the dwelling is positioned 25m from the path and 16m from the pool area. Despite the spatial separation and existing landscaping in order to ensure that privacy issues are fully addressed it is suggested that the privacy screen extend for the entire length of the path.

Privacy screens to raised terraces

The submission raises a similar concern about the privacy screens added to the ground level terraces.

Comment:

The privacy screen to the terrace of unit 1 is positioned 3.6m from the northern boundary. A 1.5m wide planter bed is proposed in front of the screen to soften the visual impact to the southern neighbours at No. 47 and 49 Lantana Avenue.

Removal of landscape buffer to driveway



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The submission refers to a landscape buffer approved under DA2019/1336 for No. 43 Lantana Avenue. The landscape plan for DA2019/1336 referred to the existing hedge along the northern edge of the shared driveway being retained or replaced if necessary. No specific landscape buffer was approved along the northern edge of the driveway and it is noted that the northern boundary of the shared driveway is outside the site boundary for No. 43 Lantana Avenue.

In order to address issues with respect of pedestrian and road safety Council's Transport Engineer requested that the proposal be amended to provide passing bays and clear sight lines to the entrance which has in turn facilitated the need to removal of some of the landscape buffer adjacent to the bays.

Despite this the proposal seeks to retain the majority of the existing hedge and supplement this with additional planting along the driveway. Council's Landscape Officer has also confirmed that there is an opportunity for some planting in the area to the east of the bin holding area to mitigate and soften the visual impact of the holding area.

As such it is recommended that condition 7 (iii) Amended Landscape Plan be amended to read:

7. Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

i) additional detail/information is required regarding proposed planting in order to demonstrate a more layered and dense planting approach with the intention to effectively screen neighbouring properties, whilst simultaneously improving the landscape amenity of future residents. This includes the use of a combination of planting styles and types including large, medium and low shrubs, as well as grasses and groundcovers below,

ii) clearly define turf areas on plan. It is recommended that turfed areas also be contained with hard edging, such as steel edge or similar,

~~iii) the proposed *Lomandra longifolia* 'Tanika' proposed adjacent to the bin storage area along the site frontage shall be replaced with an alternative species capable of hedging or provide screening, reducing visibility of this storage from the street. Suggested alternatives include: *Alpinia zerumbet* (proposed elsewhere on site), *Murraya paniculata* (to match existing), or *Syzygium leuhmannii* x *wilsonii* (proposed elsewhere on site).~~

iii) at minimum, 2x screening shrubs are required to be planted on the northern side of the proposed bin store to mitigate and soften the increased built form. Suggested species include: *Alpinia zerumbet* (proposed elsewhere on site), *Murraya paniculata* (to match existing), or *Syzygium leuhmannii* x *wilsonii* (proposed elsewhere on site).

*Amended wording shown in bold / italics

In order to ensure privacy is maintained to No. 47 Lantana Avenue it is suggested that a privacy screen be installed along the northern edge of the two passing bays.

Bin holding area



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The submission notes that the amended driveway has resulted in the bin holding area being repositioned 1m away from a bedroom window causing amenity impacts in terms of noise and smell nuisance. It is requests that the bin store need to be totally relocated within the basement.

Comment:

In order to address amenity impacts with the location of the bin storage area the proposal has been amended to relocated the bin store to the basement. Council's Waste Unit however require a bin holding area to be retained close to the street to allow for bin collection.