

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED DEMOLITION OF THE EXISTING STRUCTURES AND THE
CONSTRUCTION OF A MULTI DWELLING DEVELOPMENT PURSUANT TO
SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004**

LOCATED AT

1955 PITTWATER ROAD, BAYVIEW

FOR

IAN & JAN WESTAWAY & J.A. WESTAWAY & SON (DEVELOPMENTS)



**Prepared
February 2019**

TABLE OF CONTENTS

1.0	Introduction	3
2.0	Property Description	4
3.0	Site Description	5
4.0	The Surrounding Environment	10
5.0	Proposed Development	11
6.0	Zoning and Development Controls	13
6.1	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	13
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	20
6.3	State Environmental Planning Policy No. 55 – Remediation of Land	20
6.4	State Environmental Planning Policy (Coastal Management) 2018	20
6.5	Pittwater Local Environmental Plan 2014	22
6.6	Pittwater 21 Development Control Plan	25
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979	42
7.1	The provisions of any environmental planning instrument	42
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	42
7.3	Any development control plan	42
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	43
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.	43
7.7	The suitability of the site for the development	43
7.8	Any Submissions made in accordance with this Act or the regulations	43
7.9	The public interest	43
8.0	Conclusion	44

APPENDICES:

Appendix 1: Design review under Seniors Living Policy - Urban Design Guidelines for infill development

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Leech Harmon Architects to detail the proposed demolition of the existing structures and the construction of a multi dwelling development comprising four dwellings pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 on land at **1955 Pittwater Road, Bayview**.

The details prepared by Leech Harmon Architects to accompany the subject proposal are dated 14 February 2019 and comprise the following sheets:

DA-01	Site Plan
DA-02	Carpark Floor Plan
DA-03	Lower Ground Floor Plan
DA-04	Ground Floor Plan
DA-05	First Floor Plan
DA-06	North East Elevation
DA-07	North West Elevation
DA-08	South East Elevation
DA-09	South West Elevation
DA-10	Section AA
DA-11	Driveway Section
SD-01	Shadow Diagram 9AM June 22
SD-02	Shadow Diagram 12PM June 22
SD-03	Shadow Diagram 3PM June 22

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 1955 Pittwater Road, Bayview being Lot 1 within Deposited Plan 373531 and is zoned RE1 Public Recreation under the Pittwater Local Environmental Plan 2014.

The site includes a small parcel of land known as Lot 1 DP 1047205 on the north-eastern side of Pittwater Road.

The site has been identified as being within the Geotechnical Hazard W 'H1' Zone. Accordingly, a Geotechnical Assessment has been prepared by Ascent Geotechnical Consulting, Reference No. AG 19015, dated 30 January 2019, and will be discussed further within this submission.

The site is identified within the Class 5 Acid Sulfate Soils Area. This matter will be discussed in further detail within this report.

The site is noted as being subject to Tidal Inundation, and "Low Risk" Flood Prone Land. This matter will be discussed in further detail within this statement.

There are no other known hazards affecting the site.

3.0 Site Description

The subject site is an irregular-shaped allotment located on the south-western side of Pittwater Road. The total area of the site is 1296.5m².

The site is currently developed with a one and two storey brick and clad dwelling with a metal roof, which will be demolished to facilitate the new development.

Vehicular access to the site is currently provided via a concrete access driveway from Pittwater Road to an attached garage.

The site slopes to the north-east, with stormwater from the site being directed to the street gutter in Pittwater Road.

The neighbouring properties are similarly developed with dwellings up to three storeys in height.

Recent Seniors Living developments have been constructed nearby at:

- No 1927-1931 Pittwater Road - 33 dwellings

The details of the lot are contained within the survey report prepared by Hill & Blume Consulting Surveyors, Drawing No. 60842001A, dated 15 October 2018, which accompanies the DA submission.

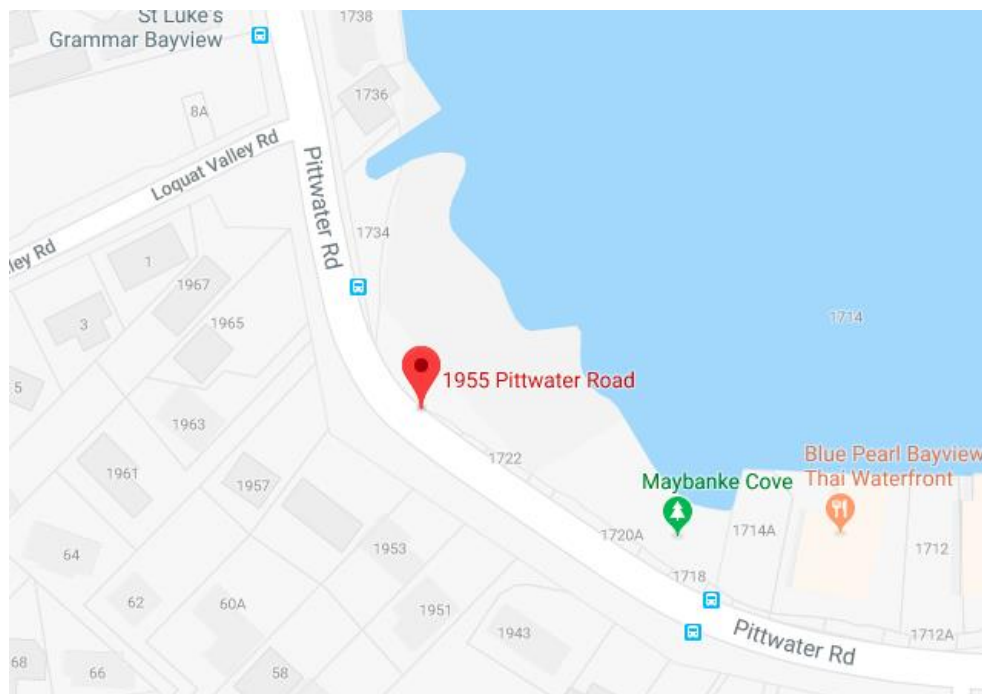


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of Pittwater Road streetscape, looking south-east towards the subject site



Fig 3: View of neighbouring properties from Pittwater Road, looking south



Fig 4: View of subject site and entry driveway from Pittwater Road, looking south



Fig 5: View of subject site and entry stairs, looking east



Fig 6: View of Pittwater Road streetscape, looking north-west



Fig 7: View of Pittwater Road streetscape, looking south-east



**Fig 8: Recent Seniors Living developments have been constructed nearby at
No 1927-1931 Pittwater Road, looking south from Pittwater Road**

4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, of a variety of architectural styles.

The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions and Seniors Living development.

The surrounding dwellings comprise a mix of dwellings up to three storeys in height with swimming pools and various outbuildings.

The properties in this locality enjoy views to the north and north-east towards Pittwater.



Fig 9: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks approval for the proposed demolition of the existing structures and the construction of a multi dwelling development comprising 4 dwellings pursuant to SEPP (Housing for Seniors or People with a Disability) 2004.

The residential apartments are contained within a single building comprising between one – two levels. Car parking for each of the dwellings is provided within the basement garaging.

Dwellings 1, 2, & 4 are single level apartments which include:

- Open plan living, dining and kitchen, bathroom, laundry, three bedrooms including master bedroom with ensuite and walk-in robe, terrace and courtyard (excluding Unit 4 which comprises a roof terrace in place of a courtyard).
- Unit 3 contain similar facilities however comprises a two bedroom unit .

Each dwelling is provided with a minimum of one area of private open space comprising of a terrace, with Units 1, 2 and 3 each to have a secure courtyard. These areas are generally located so as to receive access to the northern sun and are directly accessible from the internal living areas.

The proposed building is to be constructed of a mixture of rendered and painted brick veneer construction, aluminium framed windows and doors and concrete and Colourbond metal roofing. The proposed external finishes have been detailed in the submission.

Vehicular access to the respective garages is to be via a new driveway accessed from Pittwater Road.

Seven car spaces are to be provided in the basement garage, comprising 4 accessible spaces and 3 standard spaces. One space is provided for Unit 1, and two spaces are provided for Units 2, 3 and 4.

The proposed driveway has been configured so as to allow all vehicles to enter and leave the site in a forward direction.

A pedestrian path is to be provided for access from Pittwater Road, with transition grades to facilitate access for persons with a disability.

In addition to the construction of the proposed dwellings, the subject site is also proposed to be landscaped as detailed on the Landscape Concept Plan prepared by Peta Gilliland Landscape Design, Drawing No. L001, dated 8 February 2019, which accompanies this application. The landscaping proposed includes the planting of extensive screening vegetation around the boundaries of the site and replenishment trees to the front and rear of the site.

The proposal also provides for the detailed management of stormwater from the site. In this regard a Stormwater Management Plan has been prepared for the site by Taylor Consulting, Sheets 2 & 3, dated 30 January 2019, which is consistent with both the requirements of Council and BASIX.

The stormwater management plans provides for an on-site detention tank located under the driveway with the overflow from the system directed to a stormwater pit in Pittwater Road.

The development indices applying to the proposal are set out below:

Site Area	1296.5m ²
Gross Floor Area (Clause 50 (b) SEPP HSPD) Max 0.5:1 or 647.75m ²	0.449:1 or 647m ²
Landscaped Area: (Clause 50 (c) SEPP HSPD) Min 30% or 388.95m ²	52% or 675.6m ²

6.0 Zoning and Development Controls

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

Background

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) came into effect on 31 March 2004 and replaced the previous State Environmental Planning Policy (SEPP) No. 5 – Housing for Older People or People with a Disability.

The aim of this policy is to:

- (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *make efficient use of existing infrastructure and services, and*
- (c) *be of good design.*

The SEPP allows for the provision of this form of housing on land zoned for urban purposes. The subject land is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and the proposal is therefore considered to be permissible upon this site with the consent of the Council.

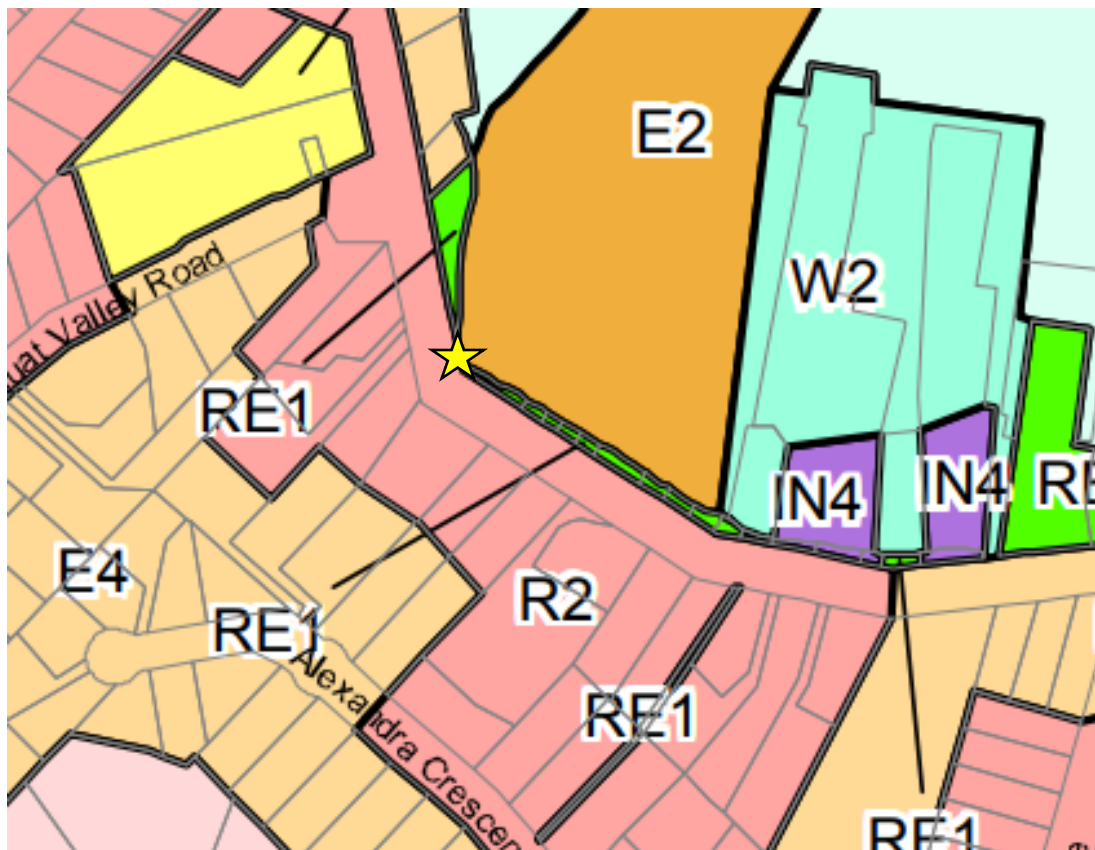


Fig 10: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The subject application proposes development of the subject site for a purpose defined under the SEPP as being 'self-contained dwellings'. A 'self-contained dwelling' is defined as;

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 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.

The subject application provides for a total of four (4) self-contained dwellings which satisfy this definition.

In support of the proposal it is submitted that the majority of older people are similar to the community at large and generally have no immediate need for support services on-site, being able to seek external support services when needed. For this reason developments such as the proposal do not require the provision of on-site services, instead the policy requires that they be located within easy access to the types of support services and facilities required by older or disabled persons.

The site is located within approximately 140m of the nearest bus stop on Pittwater Road, serviced by regular buses to Mona Vale.

Part 2 – Site Related Requirements

Clause 26 - Location and Access to Facilities

Clause 26(1) provides that Council must be satisfied by written evidence that residents of the proposed development will have access (in accordance with subclause 2) to:

- "a. shops, banks 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."*

In this regard the SEPP defines "access" at Clause 26(2).

It is my opinion that the subject site complies with the requirements of this Clause as detailed below.

The subject site is 1.9km from Mona Vale Commercial Centre, which contains shops, banks and a medical centre. As discussed in the Traffic Impact Statement prepared by Traffix Traffic and Transport Planners, the site is well served by local public transport links, comprising:

Pittwater Road:-

Route 156 – McCarrs Creek to Mona Vale

It is understood that the gradients and pathways of the routes accessing the bus stops will comply with the requirements of Clause 26(2)(a) of the SEPP as level convenient access is provided to and from the site.

On this basis, it is submitted that the proposed development and the nominated access to public transport satisfy the requirements of the SEPP.

The proposal is therefore considered to satisfy the requirements of Clause 26 of the SEPP.

Clause 27 – Bushfire Prone Land

The subject site is not identified as comprising bushfire prone land on Council's Bushfire Prone Land Map.

Therefore, the provisions of Planning for Bushfire Protection do not apply to the subject application.

Clause 28 – Water & Sewer

Water and sewer is currently available to the site as evidenced by the existing development on site. The new development will be similarly connected to local water and sewer services.

Part 3 – Design Requirements

Clause 30 - Site Analysis

Clause 30 provides as follows;

- (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.*
- (2) A site analysis must;*
 - (a) contain information, where appropriate, about the site and its surrounds as described in subclauses (3) and (4), and*
 - (b) be accompanied by a written statement (supported by plans including drawings of section and elevations, and in the case of the proposed development on land adjoining land zoned primarily for urban purposes, and aerial photograph of the site):*
 - (i) explaining how the design of the proposed development has regard to the site analysis, and*
 - (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.*

A detailed Site Analysis Plan has been prepared by Leech Harmon Architects and forms part of the plans accompanying this application. The Site Analysis Plan should be read in conjunction with the Site Survey and Arborist Report.

It is considered that these documents when read in conjunction with this Statement of Environmental Effects and the supporting consultant reports satisfy the requirements of Clause 30 of the SEPP.

Clause 31 - Design of In-fill Self Care Housing

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.

In response to this requirement it is advised that the proposal has been designed having regard to these Guidelines and it is considered that the proposal achieves an appropriate level of compliance with its requirements and is of a good design. An assessment of the proposal under the Urban Design Guideline is provided as Appendix 3.

Clause 32 - Design of Residential Development

Clause 32 of the SEPP requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles:

Clause 33 - Neighbourhood amenity and streetscape

The proposal has been designed so as to have minimal impact upon the neighbourhood amenity & streetscape of the locality. In this regard the proposal is provided with front setbacks which are considered to be generally consistent with the setback controls for residential development as outlined in Council's DCP and recently constructed development in the vicinity of the site.

In addition to the above the proposal provides for a built form which is compatible with the form of development located within the vicinity of the site. The proposal is considered compatible with development within the vicinity of the site and which comprises predominantly larger dwellings up to three storeys in height. The proposal is also provided with side and rear setbacks which are consistent with the surrounding development.

The proposed dwellings are provided with appropriate separation from surrounding habitable areas and will allow for appropriate levels of amenity to be provided to the surrounding dwellings.

As detailed in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, dated 7 February 2018, the proposal will see the removal of a number of 27 trees, of which two have higher retention value. In order to compensate for the tree removal, the Landscape Plan prepared by Peta Gilliland will include the replacement planting of locally occurring canopy trees and perimeter hedge and screen planting to enhance the landscape character of this development.

In relation to neighbourhood amenity it is considered that the proposal will not result in any unreasonable impacts to adjoining properties particularly as a result of overshadowing or a loss of privacy and will provide for appropriate levels of amenity for future residents.

In our view the proposal will result in dwellings that will be of a form and scale compatible with the existing character of this location.

Clause 34 - Visual and acoustic privacy

The development has been designed having regard to the visual and acoustic privacy of both the future residents of the development together with the adjoining property owners. This has primarily been achieved through the provision of appropriate setbacks to the side and rear property boundaries and the considered location and design of the development on the site.

The proposal incorporates additional vegetation to screen the dwellings (as identified on the Landscape Plans submitted) which augmented with the existing landscaping and proposed building design will assist in maintaining privacy.

In terms of internal visual privacy for future occupants of this development measures such as overall layout, window location and privacy measures have all been incorporated into the design so as to ensure that there will be appropriate amenity provided to future residents of the development and the residents of neighbouring properties.

Clause 35 - Solar access and design for climate

The SEPP requires that the design of the proposed development ensures adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.

Shadow diagrams have been prepared in support of the proposed development. Given the orientation of the allotment and the modest two storey design, the proposal will ensure that the properties adjoining the site will continue to receive compliant solar access and will not be unreasonably overshadowed by the proposal.

In relation to the provision of appropriate solar access to the future residents of the development it is considered that the dwelling design and orientation will ensure that all dwellings will receive compliant solar access.

It is considered that the proposed development satisfies the requirements of this design element.

Clause 36 - Stormwater

The proposal also provides for the detailed management of stormwater from the site. In this regard a Stormwater Management Plan has been prepared for the site by Taylor Consulting and is consistent with both the requirements of Council and BASIX. The proposal provides for an on-site detention tank located under the proposed driveway with any overflow from the system directed to an existing stormwater pit in Pittwater Road.

Clause 37 - Crime Prevention

The occupants of the development will be provided with a secure living environment. Appropriate lighting and security measures will be incorporated into the construction of the development. The dwellings are orientated towards the front of the site and include habitable rooms with views of the street, pedestrian pathway and frontage of the site.

The proposed development is also proposed to be provided with a secure entry and each dwelling is provided with a secure courtyard and/or terrace area.

Clause 38 - Accessibility

The proposal has been designed so that each unit is accessible by a wheelchair bound person via suitably graded pathways entries as detailed in the Access Report prepared by Accessible Public Domain, dated 15 February 2019, which is included as part of this submission.

The site is therefore considered to be provided with appropriate vehicular and pedestrian access and letter box facilities.

Clause 39 - Waste Management

The proposal includes the provision of a bin storage area, which is located within the basement adjacent to the proposed carpark. Waste from the site will be serviced by Council's waste contractor.

Part 4 – Development Standards

Clause 40 – Development Standards – Minimum sizes and building height

Clause 40 (1) provides that 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.

Clause	Standard	Proposal	Compliance
Clause 40(2) – Lot Size	Minimum 1,000m ²	Site Area: 1296.5m ²	Yes
Clause 40(3) – Site Frontage	Minimum 20m measured at the building line.	The site has a frontage of 32.64m (by survey) to Pittwater Road.	Yes
Clause 40(4) – Height in zones where residential flat buildings are not permitted	(a) 8 metres or less (b) No more than 2 storeys adjacent to a boundary (c) Max. 1 storey in rear 25% of site	7.7m 2 storeys 1 storey in rear	(a) Yes (b) Yes (c) Yes

Clause 41 - Self-contained dwellings – standards concerning access and useability

Clause 41 of the SEPP states:

41. *A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

A detailed assessment of the proposal against the requirements of this Division is contained within the Access Report prepared by Accessible Public Domain, dated 15 February 2019, and which is included as part of this application.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

This clause provides additional standards for self-contained dwellings which is summarised over:

Clause	Standard	Proposal	Compliance
Clause 50(a) – Building Height	Buildings not to exceed 8.0m in height	7.7m	Yes
Clause 50(b) – Density and Scale	Floor Space Ratio not to exceed 0.5:1	0.45:1 or 667m ²	Yes
Clause 50(c) – Landscaped Area	30% of site area to be landscaped (388.95m ²)	570m ² or 44%	Yes
Clause 50(d) – Deep Soil Zones	15% of the site area (194.5m ²) With two thirds (64.8m ²) at the rear	570m ² or 44% and >64.8m ² deep soil at the rear of the site	Yes Yes
Clause 50(e) – Solar Access	70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	All dwellings receive minimum 3 hours solar access to internal living areas and to private open space.	Yes
Clause 50(f) – Private Open Space	15m ² of private open space per dwelling at ground floor 10m ² in case of any other dwelling	All dwellings exceed minimum required private open space area.	Yes
Clause 50(h) – Parking	0.5 spaces per bedroom (6 spaces required)	7 spaces provided	Yes

Summary

The proposal is therefore considered to comply with the requirements of this SEPP.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX.

A BASIX Certificate (No 931430M_02) and NATHERS Thermal Comfort assessment has been prepared by Efficient Living Pty Ltd and submitted with the development application.

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

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.4 State Environmental Planning Policy (Coastal Management) 2018

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*

- (k) *to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) *to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) *to support the objects of the Marine Estate Management Act 2014.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

15 *Development in coastal zone generally—development not to increase risk of coastal hazards*

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposal provides for the construction of a new multi dwelling development. The proposed new works are wholly contained within the site, with suitable structural, geotechnical and stormwater measures carried out. The proposal is therefore not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

6.5 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.

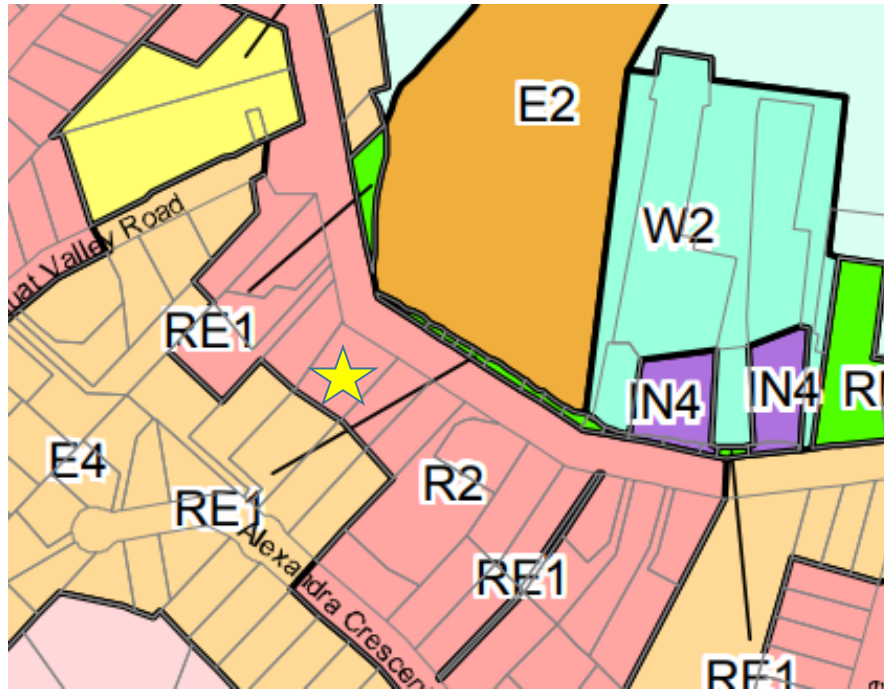


Fig 11: Extract of Pittwater Local Environmental Plan 2014

The proposed multi dwelling development is not permissible in the R2 zone under the provisions of the Warringah Local Environmental Plan 2011.

However, the proposed multi dwelling development is permissible in the zone under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The development of and use of the land for residential purposes within the R2 Low Density Residential is consistent with the zone objectives, which are noted as:

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

It is considered that the proposed development will be consistent with the desired future character of the surrounding locality for the following reasons (over):

- The proposal provides for a modest one-two storey development, which will be consistent with and complement the existing low and medium density residential development within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for the construction of a new multi dwelling development which will be set back from the street and provide a modulated and articulated façade to the street elevation.
- The proposal will provide for new landscape plantings throughout the site, to soften the built form of the development and maintain consistency with the landscaped character of the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 – Height of Buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The maximum building height in this portion of Bayview is 8.5m. The proposed new works will present a maximum height of approximately 7.7m and will therefore comply with Council's maximum 8.5m control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within the Class 5 Acid Sulfate Soils Area. It is not considered that the proposed works will have a substantial impact on the water table, and therefore no further investigation is required in this instance.

Clause 7.2 – Earthworks

The proposal will require excavation of the site to accommodate the development. All works will be supervised by the consulting Structural and Geotechnical Engineers, to ensure that the proposal maintains compliance with the provisions of this clause.

Clause 7.3 – Flood planning

The separate parcel of land known as Lot 1 DP 1047205 and located on the north-eastern side of Pittwater Road which is identified as part of the subject lot is identified as "Low Risk" Flood Prone Land and as being subject to Tidal Inundation. As the works are contained within the parcel of land located on the south-western parcel of land, no further investigation is deemed necessary.

Clause 7.7 – Geotechnical hazards

There site has been identified as being within the Geotechnical Hazard W 'H1' Zone.

Accordingly, a Geotechnical Assessment has been prepared by Ascent Geotechnical Consulting, Reference No. AG 19015, dated 30 January 2019, which concludes that *“No significant geotechnical hazards were identified above, beside or below the subject site”*

The proposed development will be carried out in accordance with the requirements of this report and will therefore satisfy the provisions of this clause.

Clause 7.10 – Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable vehicular access.

The site will retain the normal services which are available for the existing dwelling, to be provided to the proposed new multi dwelling development.

Utility services are available to the site and the driveway access to the new development and its under building parking has been designed by Taylor Consulting Civil & Structural Engineers, within Sheet 1 dated 30 January 2019.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.6 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Criteria) and Section D4 Church Point and Bayview Locality Statement provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.6.1 Section A Introduction

Desired Character

The desired character of the Church Point and Bayview Locality is summarised as:

The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinators, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, a balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

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

Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.

Church Point will remain an important link to the offshore communities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new multi dwelling development which is consistent with the low to medium density scale of the area.

The proposal has been designed to reflect the predominant setbacks provided to the front, side and rear boundaries in the immediate area.

The materials and colours of the new works will harmonise with the natural environment and existing dwelling and will not detract from the locality.

The proposal will largely maintain the existing significant vegetation on the site, and will continue to provide a suitable area of soft landscaping.

6.6.2 Section B General Controls

The General Controls applicable to the proposed Seniors Living development are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

Accordingly, A Geotechnical Investigation has been prepared by Ascent Geotechnical Consulting, Reference No AG 19015 dated 30 January 2019 which concludes that “No significant geotechnical hazards were identified above, beside or below the subject site”

The proposed development will be carried out in accordance with the requirements of this report and good engineering and building practice.

The proposal is therefore considered to satisfy the provisions of this clause.

B3.8 Estuarine Hazard – Medium Density Residential

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The separate parcel of land known as Lot 1 DP 1047205 and located on the north-eastern side of Pittwater Road which is identified as part of the subject lot is identified as “Low Risk” Flood Prone Land and as being subject to Tidal Inundation. As the works are contained within the parcel of land located on the south-western parcel of land, no further investigation is deemed necessary.

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The separate parcel of land known as Lot 1 DP 1047205 and located on the north-eastern side of Pittwater Road which is identified as part of the subject lot is identified as “Low Risk” Flood Prone Land and as being subject to Tidal Inundation. As the works are contained within the parcel of land located on the south-western parcel of land, no further investigation is deemed necessary.

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The controls seek to achieve the outcomes:

The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

As detailed in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, dated 7 February 2018, the proposal will see the removal of a number of 27 trees, of which two have higher retention value. In order to compensate for the tree removal, the Landscape Plan prepared by Peta Gilliland will include the replacement planting of locally occurring canopy trees and perimeter hedge and screen planting to enhance the landscape character of this development.

B4.15 Saltmarsh Endangered Ecological Community

The controls seek to achieve the outcomes:

To conserve and enhance saltmarsh vegetation. (En)

The works are wholly contained within the site and will not result in adverse impacts to any saltmarsh vegetation.

B4.16 Seagrass Conservation

The controls seek to achieve the outcomes:

The conservation of seagrass beds in Pittwater. (En)
The replacement of lost/damaged seagrass beds. (En)

The works are wholly contained within the site and will not result in adverse impacts to any seagrass beds.

B4.20 Protection of Estuarine Water Quality

The controls seek to achieve the outcomes:

To ensure that water quality is not adversely affected by pollutants including increased nutrient levels, pathogens, and siltation. (En)
To protect the mangroves, seagrasses, intertidal sand/mud flats and other habitats that comprise the estuarine habitat of Pittwater. (En)
Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)
The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)
The social and cultural values of estuarine habitats are conserved and enhanced. (S)
Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)

The proposal is accompanied by a Stormwater Management Plan prepared by Taylor

Consulting, Drawing No Sheet 2 dated 30 January 2019, which provides for a 12,000 litre OSD facility with a trash removal device and a silt collection pit. The runoff will be largely from paved surfaces and the roof, which will ensure the impact of the development on the Pittwater waterway is minimised.

B5.7 Stormwater Management – On-Site Stormwater Detention

The controls seek to achieve the outcomes:

Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)

The proposal is accompanied by a Stormwater Management Plan prepared by Taylor Consulting, Drawing No Sheet 2 dated 30 January 2019, which provides for a 12,000 litre OSD facility with a trash removal device and a silt collection pit.

The collected stormwater is directed to the street gutter in Pittwater Road.

B5.9 Stormwater Management – Water Quality – Other than Low Density Residential

The controls seek to achieve the outcomes:

*No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)*

The proposal also provides for the detailed management of stormwater from the site. A Stormwater Management Plan has been prepared for the site by Taylor Consulting and is consistent with both the requirements of Council. The proposal provides for an on-site detention tank located under the proposed driveway with any overflow from the system directed to an existing stormwater pit in Pittwater Road.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

All new development is to have no adverse environmental impact at the discharge location. (En, S)

The proposal also provides for the detailed management of stormwater from the site. A Stormwater Management Plan has been prepared for the site by Taylor Consulting and is consistent with both the requirements of Council. The proposal provides for an on-site detention tank located under the proposed driveway with any overflow from the system directed to an existing stormwater pit in Pittwater Road.

B5.11 Stormwater Discharge into Waterways and Coastal Areas

The controls seek to achieve the outcomes:

All new development is to have no adverse environmental impact at the discharge location. (En, S)

The proposed stormwater arrangements as detailed in the Stormwater Management Plan prepared by Taylor Consulting have been designed to minimise the impact on the Pittwater waterway.

B5.12 Stormwater Discharge Systems and Natural Watercourses

The controls seek to achieve the outcomes:

The integrity of stormwater drainage systems, easements and natural watercourses are maintained. (En)

Stormwater flows including overland flow have continuity and are not impeded. (En)

The proposed stormwater arrangements as detailed in the Stormwater Management Plan prepared by Taylor Consulting have been designed to minimise the impact on the Pittwater waterway.

B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)

The controls seek to achieve the outcomes:

The integrity of stormwater drainage systems and natural watercourses are maintained. (En)

Stormwater flows including overland flow have continuity and are not impeded. (En)

The proposed stormwater arrangements as detailed in the Stormwater Management Plan prepared by Taylor Consulting will not result in any adverse impacts on the public stormwater drainage system.

B6.1 Access driveways and Works on the Public Road Reserve

The controls seek to achieve the outcomes:

Safe and convenient access.

Adverse visual impact of driveways is reduced.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation in the road reserve.

The proposed driveway provides a single access point from Pittwater Road. The access has been designed to meet Council's controls and the relevant Australian standards, and therefore complies with the provisions of this clause.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.
Safe and convenient parking.

This control requires a minimum of 2 parking spaces for each dwelling having 2 or more bedrooms. The proposal will provide 7 car spaces for the 4 x 3 bedroom dwellings within the basement garage, and therefore presents a minor shortfall to this provision.

Notwithstanding, as noted in the Traffic Impact Assessment prepared by Traffix Traffic & Transport Planners, the proposal will comply with the parking rates specified in Division 4 of the SEPP Housing for Seniors or People with a Disability 2004, and is therefore considered appropriate in this instance.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)
Excavation, landfill and construction not to have an adverse impact. (En)
Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The proposal will require excavation of the site to accommodate the development. All works will be supervised by the consulting Structural and Geotechnical Engineers, to ensure that the proposal maintains compliance with the provisions of this clause. Appropriate soil and sedimentation measures will be implemented.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)
Reduction of waste throughout all phases of development. (En)
Public safety is ensured. (S)
Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site.

6.5.3 Section C Development Type Criteria

The Development Criteria applicable to the proposed Seniors Living development are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

As detailed in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, dated 7 February 2018, the proposal will see the removal of a number of 27 trees, of which two have higher retention value. In order to compensate for the tree removal, the Landscape Plan prepared by Peta Gilliland will include the replacement planting of locally occurring canopy trees and perimeter hedge and screen planting to enhance the landscape character of this development.

The landscaping proposed includes the planting of extensive screening vegetation around the boundaries of the site and replenishment trees to the front and rear of the site.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The proposed new dwellings will address the site's entry, thereby providing casual surveillance.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

The subject and adjoining properties currently enjoy views to the north-east towards Pittwater.

The development complies with the 8m maximum height control under SEPP Seniors Living, which is less than Council's Pittwater LEP height control of 8.5m. The proposed height and scale of the new works will not see any unreasonable or adverse impacts on the views enjoyed by neighbouring properties.

The proposed view impact is considered to be in keeping with Council's view sharing objectives and complies with this control.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)
Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The proposal is accompanied by shadow diagrams which demonstrate the impact of the proposed new dwelling on the solar access of the subject site and adjoining properties. The subject property will receive greater than 3 hours solar access to its internal living and private open space areas, in accordance with this provision.

The modest height of the proposed works and the generous setbacks from the boundaries will see neighbouring properties continue to enjoy a reasonable level of solar access.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)
A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space,

recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed terraces and courtyards incorporate blade walls and privacy screening to minimise any potential overlooking to neighbouring properties.

The proposed roof terrace is centrally located within the site, with a planter box provided along the north-western edge of the terrace to further reduce opportunities for overlooking.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, it is not anticipated that the development will result in any adverse acoustic impacts.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

Multi dwelling development requires a minimum private open space area of 10m² for each dwelling. Each of the proposed units comprises a primary terrace, with excellent access to the northern sun. The proposed private open space areas will provide suitable amenity and meet the recreation needs of the occupants.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Housing for older people and people with a disability are accessible, adaptable and safe. (S)

Equitable access in the public domain. (S)

An Access Report has been prepared by Accessible Public Domain, dated 15 February 2019, which concludes that the suitable access is provided for the development.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient, and integrate with the development. (En)

Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. Sufficient area is available within the site for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

A garbage storage area is provided adjacent to the basement carparking.

6.5.4 Section D Locality Specific Development Controls

The **D4 Church Point and Bayview Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D4 Church Point and Bayview Locality** is provided below:

D4.1 Character as Viewed from a Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The elevations provided with the DA submission demonstrate that the proposed new multi dwelling development will be complementary in terms of bulk and scale to the existing surrounding development.

The proposed new plantings as detailed in the submitted Landscape Plan will assist with softening and screening the built form of the development.

The external colours and finishes of the dwelling comprise earthy tones which will minimise the visual impact of the new works.

D4.2 Scenic protection - General

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

It is considered that the development is appropriate as the proposal will provide a selection of colours and finishes comprising recessive tones which are compatible with the DCP and the surrounding properties.

D4.3 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment. (En, S)
The visual prominence of the development is minimised. (S)
Damage to existing native vegetation and habitat is minimised. (En)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposal will provide a selection of colours and finishes which are recessive tones and are compatible with the DCP, the existing dwelling and surrounding properties.

D4.5 Front Building Line

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle manoeuvring in a forward direction is facilitated. (S)*

To enhance the existing streetscapes and promote and scale and density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment

The control to achieve this outcome is to provide a setback of 10m, or the established building line to the street frontage. As noted on the submitted Site Plan (Drawing No. DA-01), the proposed building is consistent with the established building line and therefore complies with this control.

D4.6 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

To ensure a landscaped buffer between commercial and residential zones is established.

For residential flat buildings and multi dwelling housing:

Where the wall height is 3 metres or less, the minimum side and rear boundary setback shall be 3 metres.

Where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:

$$S = 3 + \frac{H - 2}{4}$$

where

S = the distance in metres

H = the height of the wall at that point measured in metres above existing ground level

Based on the maximum wall height of the proposed side elevations, the development is subject to north-western and south-eastern side setbacks of 3.825m and 3.875m respectively. The proposed new multi dwelling development will stand a minimum of 3m and 2.7m from the north-western and south-eastern boundaries respectively. The proposed setbacks therefore present a minor variation to the control.

The development does exceed Council's setback controls for single residential development in this locality, which are 2.5m & 1m respectively.

The proposed development has been designed to minimise the bulk and scale as it presents to Pittwater Road, and respects the sloping topography of the site.

The proposal will not result in any unreasonable loss of views, privacy, solar access or general amenity for neighbouring properties. The side boundaries are capable of accommodating plantings, as demonstrated in the submitted Landscape Concept Plan prepared by Peta Gilliland Landscape Design.

The proposal provides a minimum set back of 6m from the rear building line, which complies with the 2.95m requirement.

The siting of the proposed new multi dwelling development will achieve the outcomes of this clause.

D4.8 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposed new works are modest in bulk and scale and readily comply with this control.

The proposal is not considered to result in any unreasonable impacts on neighbouring properties in terms of view loss, solar access or amenity.

Accordingly, the proposal is considered to achieve the desired outcomes of this control.

D4.9 Landscaped Area – General

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)

To preserve and enhance the rural and bushland character of the area. (En, S)

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 50% of the site area.

The proposal will retain up to 675.6m² or 52% of the site as landscaped area, without the application of the 6% concession for functional outdoor recreation space.

The curtilage to the development will support good areas for increased screen planting to supplement the existing perimeter planting, as noted in the Landscape Concept Plan prepared by Peta Gilliland Landscape Design.

The proposal therefore complies with the provisions of this clause.

D4.11 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

Unhindered travel for native animals and pedestrians. (S)

To ensure the heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

New boundary fencing is to be provided to the rear and side boundaries, and will not exceed 1.8m in height.

D4.13 Construction, retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

The proposal satisfactorily responds to the topography of the site. The works will be carried out in accordance with the directions of the consulting Structural and Geotechnical Engineers.

D4.14 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).

Maintenance and enhancement of the tree canopy. (En, S)

Colours and materials recede into a well vegetated natural environment. (En, S)

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)

To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.

Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The proposal's modest height, bulk and scale will see the preservation of scenic views and encourage view sharing. The colours and finishes of the new works have been designed to match those of existing dwelling and the surrounding locality.

Whilst the proposal seeks to remove a number of trees to accommodate the development, the majority of the significant trees on site will be retained and protected. Additional plantings will be provided throughout the site to assist with softening and screening the built form of the development, as detailed in the Landscape Concept Plan prepared by Peta Gilliland Landscape Design.

The new works are considered appropriate and can be seen to meet the objectives of this control.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that

the variation to the side setback control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the side setback requirement.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for proposed demolition of the existing structures and the construction of a multi dwelling development comprising 4 dwellings pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Church Point and Bayview Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Any Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the proposed demolition of the existing structures and the construction of a multi dwelling development comprising 4 dwellings pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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APPENDIX 1 - DESIGN REVIEW UNDER SENIORS LIVING POLICY - URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT

SENIORS LIVING POLICY

Urban Design Guidelines for infill development

The following assessment considers the NSW Governments' Urban Design Guidelines:

1. RESPONDING TO CONTEXT

The proposal seeks consent for a two storey multi dwelling development within the Bayview locality, within an area that is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The local context is characterised by a predominantly one – three storey residential scale dwellings with a mix of single and medium density uses in the form of Seniors Living development.

The proposed development will present a compatible height and scale to the other medium density uses in the vicinity, with a streetscape appearance which reflects the single residential form and rhythm facing Pittwater Road.

The lot has a general slope towards Pittwater Road and will provide for functional driveway access with generous landscaped area surrounding the development.

The area is conveniently located to the Pittwater waterway and the nearby low scale commercial uses including restaurants and cafes', with bus services to the Mona Vale Shopping and Commercial Precincts. The area is recognised by Council in its R2 Low Density Residential zoning as having been identified for range of low density housing opportunities.

2. SITE PLANNING AND DESIGN

Design principles and better practice

General

- *Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the maximum development yield.*
- *Cater for the broad range of needs from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned parking. This can also provide variety in massing and scale of built form within the development.*

Built form:

- *Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a public street*

- *Parts of the development towards the rear of the site should be more modest in scale to limit the impact on adjoining properties*
- *Design and orient dwellings to respond to environmental conditions:*
- *orient dwellings on the site to maximise solar access to living areas and private open space (see figure 2)*
- *Locate dwellings to buffer quiet areas within the development from noise*

Comment

This application proposes to provide four single levels dwellings in a one -two storey style built form and with driveway access to the under building parking.

The dwellings have the opportunity to overlook either the primary frontage to Pittwater Road and the driveway and pedestrian access.

All dwellings enjoy a north-easterly- north-westerly aspect and will have excellent access to sunlight throughout the day.

Trees, landscaping and deep soil zones;

Maintain existing patterns and character of gardens and trees:

- *retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape*
- *retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep soil planting*
- *retain large or otherwise significant trees on other parts of the site through sensitive site planning*
- *where it is not possible or desirable to retain existing trees, replace with new mature or semi-mature trees*

Improve amenity by increasing the proportion of the site that is landscaped area by:

- *increasing the width of landscaped areas between driveways and boundary fences, and between driveways and new dwellings*
- *providing pedestrian paths*
- *reducing the width of driveways*
- *providing additional private open space above the minimum requirements*
- *providing communal open space*
- *increasing front, rear and .or rear setbacks*
- *providing small landscaped areas between garages, dwelling entries, pedestrian paths, driveways, etc.*

Provide deep soil zones for absorption of run-off and to sustain vegetation, including large trees

- *it is preferable that at least 10% of the site area is provided as a single area at the rear of the site, where there is the opportunity to provide a mid-block corridor of trees within a*

neighbourhood

- *where the pattern of neighbourhood development has deep soil planting at the front of the site, it may be desirable to replicate this pattern.*

Minimise the impact of higher site cover on stormwater runoff by:

- *using semi-pervious materials for driveways, paths and other paved areas*
- *using on-site detention to retain stormwater on site for re-use.*

Parking, garaging and vehicular circulation:

- *Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages.*
- *Where possible maintain existing crossings and driveway locations on the street.*

SEPP Controls

Minimum site area: 1000m²

Minimum site width: 20 metres

Development cannot be refused if:

- *proposed buildings do not exceed 8 metres in height*

Comment

The site area, site width and the building height complies with the required controls.

Accordingly this application complies with the requirements of this control.

- *the floor space ratio does not exceed 0.5:1*

Comment

This development will provide for a maximum FSR of 0.449:1 which complies with the control.

- *the landscaped area is a minimum of 30% of the site*

Comment

Please refer to earlier comments under the SEPP heading that indicate that the proposed soft landscaped area will be 675.6m² or 52.1% and comfortably exceeds the 30% minimum specification as indicated on the Landscape Plan prepared by Peta Gilliland. Accordingly this application meets the landscaped area requirements.

- *the deep soil zone area is a minimum of 15% of the site (must have minimum dimension of 3 metres and it is preferable that two thirds of the deep soil area is at the rear of the site)*

Comment

The deep soil zone exceeds 15% and is generously spread throughout the site. Given the required setback from Pittwater Road in order to observe the established building line of the neighbouring properties, the majority of the front setback is retained as deep soil planting.

- *one visitor parking space is provided for development of 6 or less dwelling or two visitor parking spaces for development of 7 or 8 dwellings*

Comment

This application does not include a visitor car space, however as it is apparent that on street parking is available in the area. The development is supported by a Traffic Impact Statement prepared by Traffix Traffic & Transport Planners, dated 15 February 2019.

- *0.5 resident parking spaces per bedroom are provided*

Comment

This application proposes 3 x 3 bedroom dwellings and 1 x 2 bedroom dwelling, with seven resident spaces within the under building single, enclosed garages.

The control requires a minimum of three resident parking spaces and accordingly the parking provision complies with the SEPP controls.

Additional site-related requirements requiring access to services, bush fire land, and water and sewerage are contained in Clauses 25 to 27

Comment

The site is not located in a bush fire area and will be serviced by water and sewerage.

3 IMPACTS ON STREETScape

Design principles and better practice

Objectives

The design objectives in relation to streetscape impacts are:

- *To minimise impacts on the existing streetscape and enhance its desirable characteristics*
- *To ensure that new development, including the built form, front and side setbacks, trees, planning and front fences, is designed and scaled appropriately in relation to the existing streetscape*
- *To minimise dominance of driveways and car park entries to the streetscape*
- *To provide for a high level activation and passive surveillance to the street*

Built form

Reduce the visual bulk of the development by:

- *breaking up the building massing and articulating building facades*
- *allowing breaks in rows of attached dwellings*
- *using variation in materials, colours and openings (doors, windows and balconies) to order building facades with scale and proportions that respond to the desired contextual character*
- *setting back upper levels behind the front building facade*
- *where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses*
- *reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof elements*
- *using roof pitch sympathetic to that of existing buildings in the street*
- *avoiding uninterrupted building facades including large areas of painted render.*

Comment

This application as indicated earlier will reduce the visual bulk through the articulation of the building facades, variation of roof forms through stepping of ridge planes, use of different construction materials and colours, differing opening sizes and projecting wall elements.

Trees, landscaping and deep soil zones:

Retain existing trees and planting in front and rear setback and the road reserve:

- *where this is not possible or not desirable use new planting in front setback and road reserve*
- *plant in front of front fences to reduce their impact and improve the quality of the public domain.*

Comment

The landscape plan prepared by Peta Gilliland details a managed re-planting of the site, with significant screen planting to the perimeter of the site.

Residential amenity:

- *Clearly design open space in front setbacks as either private or communal open space.*
- *Define the threshold between public and private space, for example by level change.*
- *Design dwellings at the front of the site to address the street.*
- *Provide a high quality transition between in public and private domains by:*
 - *designing pedestrian entries where possible to be directly off the street*
 - *for rear residents, providing a pedestrian entry that is separate from vehicular entries*
 - *designing front fences to provide privacy where necessary, but also allow for surveillance of the street*
 - *ensuring that new front fences have a consistent character with front fences in the street*
 - *orienting mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings*
 - *locating and treating garbage storage areas and switchboards so that their visual impact on the public domain is minimised.*

Comment

The landscape plan prepared by Peta Gilliland details how the proposal meets the control requirements.

The waste storage area is located within the under building parking area and well screened from the street. Waste can be readily transferred to the kerb for collection by Council's waste contractors.

It is considered that the proposed design meets the requirements of this control.

Parking, garaging and vehicular circulation:

Avoid unrelieved, long, straight, driveways that are visually dominant by:

- *varying the alignment of driveways to avoid a "gunbarrel" effect*
- *setting back garages behind the predominant building line to reduce their visibility from the street*
- *considering alternative site designs that avoid driveways running the length of the site,*

Comment

As previously discussed, the car parking is to be provided in an under building parking area, with the garage door opening to be perpendicular to the street to reduce the visual dominance of the garaging.

The driveway will gain access from Pittwater Road, with the perimeter of the driveway provided with landscaping to screen the view of the driveway.

It is considered that the application meets the requirement of the control.

Minimise the impact of driveways of streetscape by:

- *terminating vistas with trees, vegetation, open spaces or a dwelling, not garages or parking (see figure 3)*
- *using planting to soften driveway edges*
- *varying the driveway surface material to break it up into a series of smaller spaces (for example to delineate individual dwellings)*
- *limiting driveway widths on narrow sites to single carriage width with passing point*
- *providing gates at the head of driveways to minimise visual "pull" of the driveway*

Comment

The driveway does not propose any gates to the street entry, with new landscaping within the front setback.

As discussed, the driveway is not visually prominent and is accessed from the primary street frontage.

Where basement car parking is used minimise in impact of the entry by:

- *reducing the width where possible to single vehicle width rather than double*

- *locating it to one side of the site, not the centre where it is visually prominent*
- *recessing it from the main building facade*
- *where a development has a secondary street frontage, providing vehicular access from the secondary street*
- *providing security doors to avoid the appearance of a “black hole” in the streetscape*
- *returning facade material into the visible area of the car park entry.*

Comment

The proposal incorporates basement parking which has been designed to be screened from the street by the new planting in order to reduce the visual prominence of the garage opening and driveway.

Locate or screen all parking to minimise visibility from the street

Comment

The proposal incorporates basement parking which has been designed to be screened from the street by the new planting in order to reduce the visual prominence of the garage opening and driveway.

Landscape screen planting is to be provided between the new building and the Pittwater Road frontage.

SEPP Controls

For development 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,
-a building that is adjacent to a boundary of the site must be not more than 2 storeys in height

Comment

As indicated earlier, the proposed maximum height of this development is to be less than 8m and one and two 2 storeys in height and therefore will be compliant with this control.

4. IMPACT ON NEIGHBOURS

Objectives

The design objectives in relation to minimising impacts on neighbours are:

- *To minimise impacts on the privacy and amenity of existing neighbouring dwellings*
- *To minimise overshadowing of existing dwellings and private open space by new dwellings*
- *To retain neighbour’s views and outlook to existing mature planting and tree canopy*
- *To reduce the apparent bulk of development and its impact on neighbouring properties.*
- *To provide adequate building separation*

Design principles and better practice

Built form:

Design the relationship between buildings and open space to be consistent with the existing patterns in the block:

- *where possible maintain the existing orientation of dwelling “fronts” and “backs” (see figure 4a)*
- *where the dwelling must be orientated at 90 degrees to the existing pattern of development, be particularly sensitive to the potential for impact on privacy of neighbours.*

Protect neighbour’s amenity by carefully designing the bulk and scale of the new development to relate to the existing residential character, for example:

- *setting upper storeys back behind the side or rear building line.*

Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure.

Design second storeys to reduce overlooking of neighbourhood properties, for example by:

- *incorporating them with the roof space and providing dormer windows*
- *offsetting openings from existing neighbouring windows or doors.*

Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks.

Comment

The proposed design of the dwellings will provide for the traditional frontage to be from Pittwater Road. The units will gain access from the street front and all facades have been designed to provide for an articulated, interesting appearance.

It is considered that the design basis adopted meets the intention of this control.

Trees, landscaping and deep soil zones:

Use vegetation and mature planting to provide a buffer between new and existing dwellings

Locate deep soil zones where they will provide privacy between new and existing dwellings

Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings.

For new planting, if possible, use species that are characteristic of the local area.

Comment

The landscape plan prepared by Peta Gilliland details compliance with the controls

Residential amenity:

Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by

ensuring adequate building separation.

Design dwellings so that they do not directly overlook neighbour's private open space or look into existing dwellings.

When providing new private open space minimise negative impacts on neighbours, for example by:

- *locating it in front setbacks where possible*
- *ensuring that it is not adjacent to quiet neighbour uses, for example bedrooms*
- *designing dwellings around internal courtyards*
- *providing adequate screening*

Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation.

Comment

This application seeks to provide for the modest one and two storey form, which allows for the northern face of the buildings to receive excellent solar access.

It is considered that the suitable building setbacks and the proposed landscaping treatment in the setback areas will ensure that the current levels of amenity enjoyed by the neighbouring properties will be maintained.

- *Parking, garaging and vehicular circulation:*
- *Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts*
- *Position driveways so as to be a buffer between new and existing adjacent dwellings.*

Comment

The car parking is to be provided in an under building parking area, that is set back from Pittwater Road. Further, the landscape plan prepared by Peta Gilliland details the introduction of significant planting to the front and side setback areas.

SEPP Controls

In zones where residential flat buildings are not permitted, development of the rear 25% of the site must not exceed one storey.

Comment

This application proposes to provide for a one storey development to within 6m of the rear boundary. The 25% of the site depth zone extends from 12.86m to the rear boundary.

Rules of Thumb

Where side setbacks are less than 1.2 m, a maximum of 50% of the development should be built to this alignment.

The length of unrelieved wall along narrow side or rear setbacks should not exceed 8 metres

Living rooms of neighbouring dwellings should receive a minimum 3 hours direct sunlight between 9.00-3.00 in mid-winter neighbouring dwellings

Solar access to the private open space of neighbouring dwellings should not be unreasonably reduced.

Comment

The proposed side setbacks will all exceed 2.7-3.0 metres.

The orientation of the site is that the northern face of all dwellings and the adjoining developments to the east and west will all enjoy excellent solar access.

Given the articulated form of the development, together with the modest scale and overall height as viewed from the surrounding properties, the proposal is considered to successfully achieve the objectives of the control.

5. INTERNAL SITE AMENITY

Design principles and better practice

Built form:

Design dwellings to maximise solar access to living areas and private opens spaces.

In villa or townhouses style development, provide dwellings with sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation:

- *provide buffer spaces and/or barriers between the dwellings and driveways, or between dwellings and communal areas*
- *use trees, vegetation, fencings or screening devices to establish curtilages for individual dwellings.*

Comment

The development faces north, therefore all living areas have been, where practicable, orientated to receive solar access throughout the day.

The living areas and principal private open space areas will receive sunlight access throughout the day

Design dwelling entries so that they:

- *are clear and identifiable from the street or driveway*
- *provide a buffer between public/communal space and private dwellings*
- *provide a sense of address for each dwelling*
- *are orientated to not look directly into other dwellings*

Comment

All dwellings have a clear, identifiable entry point from Pittwater Road.

The entry is oriented to restrict direct overlooking to the neighbouring dwellings.

Parking, garaging and vehicular circulation:

Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths:

- *where this is not possible use physical separation, planting screening devices or louvers to achieve adequate privacy.*

Avoid large uninterrupted areas of hard surface (driveways, garages walls). Small areas of planting can break these up and soften their 'hard edge' appearance.

Comment

All car parking is to be located in an under building parking level that is set back from the Pittwater Road boundary.

The living spaces and private open spaces are not unduly affected by the driveway and complemented by planting zones to maintain the amenity to the yard areas, as detailed within the landscape plan prepared by Peta Gilliland.

Screen parking from views and outlooks from dwellings.

Comment

As previously discussed, all car parking is to be located in an under building parking level that is set back from the Pittwater Road boundary and screened by landscaping.

Reduce the dominance of areas of vehicular circulation and parking by considering:

- *single rather than double width driveways with passing bays*
- *communal car courts rather than individual garages*
- *single rather than double garages*
- *tandem parking or a single garage with single carport in tandem*
- *the provision of some dwellings without any car parking for residents without cars*

Comment

See above comments in relation to car parking which address these issues.

Residential amenity:

Provide distinct and separate and vehicular circulation on the site:

- *where this is not possible shared driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely*
- *provide pedestrian routes to all public and semi-public areas including lobbies, dwelling entries, communal facilities and visitor parking spaces.*

Comment

As previously discussed, all car parking is to be located in an under building parking level that is set back from the Pittwater Road boundary and screened by landscaping.

The shared vehicle/pedestrian paths are adequate for safe movement by cars and pedestrians.

Ensure that adequate consideration is given to safety and security by:

- *avoiding ambiguous spaces in building and dwelling entries that are not obviously designated as public or private*
- *minimising opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts and foyers and at the entrance to or within indoor car parks*
- *clearly defining thresholds between public and private spaces (for example by level change, change in materials, fencing, planting and/or signage).*

Comment

The landscape plan details the proposed landscape layout and indicates that there will not be any opportunities for concealment by providing “blind or dark areas”. Additionally, the architectural drawings clearly demonstrate that no opportunities will be provided as blind or dark spaces between buildings, with the entry clearly defined.

Provide private open space that:

- *generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen)*
- *is oriented predominantly north, east or west to provide solar access*
- *comprises multiple spaces for larger dwellings*
- *uses screening for privacy but also allows casual surveillance when located adjacent to public and communal areas (including streets and driveways)*
- *provides both paved and planted areas when located at ground level*
- *retains existing vegetation where practical*
- *uses pervious pavers where private open space is predominately hard surfaces, to allow for water percolation and reduced runoff.*

Comment

Please refer to the Landscape Plan that demonstrates compliance with the requirements of this control.

Site and/or treat common services facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any private or communal open space.

Comment

The architectural plans indicate that letter box facility is provided at the street level and a suitable waste storage area is provided within the under building parking level, which is in the case of the parking level, is well screened from the street by landscape planting to reduce any visual dominance.

SEPP Controls

Development cannot be refused if:

- *living rooms and private open spaces for a minimum of 70% of dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter-cl.81(e)*
- *private open space is not less than 15 square metres and minimum dimension 3 metres for ground floor dwellings; 10 square metres and minimum dimension 2 metres for other dwellings; or 6 square metres and minimum dimension 2 metres for other dwellings with only one bedroom-cl. 81(f)(i-ii)*

Comment

For details on private open space please refer to the landscape plans and architectural plans, which demonstrate compliance with these controls.

Rules of Thumb

Separation of 1.2 metres should be achieved between habitable rooms and driveway or car parks of other dwellings:

- *this can be reduced if adequate screening is provided.*

Comment

As previously discussed, all car parking is to be located in an under building parking level that is set back from the Pittwater Road boundary and located clear of the individual dwelling entries, which are internally accessed via accessed via a lift.

Conclusion

In view of the above assessment, it is considered that the development achieves compliance with the relevant controls of the Seniors Living Policy and Urban Design Guidelines for Infill Development.

