

**PROPOSED SECTION 96AA APPLICATION
TO MODIFY APPROVED RETIREMENT VILLAGE (DA2009/0800)
AT NO.8 LADY PENRHYN DRIVE BEACON HILL**

STATEMENT OF ENVIRONMENTAL EFFECTS

February 2018

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1.0 INTRODUCTION

Vigor Master Pty Ltd has been engaged by the property owner to prepare a Statement of Environmental Effects in relation to proposed Section 96 application to modify the approved housing for older people at 8 Lady Penrhyn Drive, Beacon Hill (Lot 806 DP752038).

The proposed development involves the alterations and additions to community centre and extension of internal accessway to provide vehicular access to community centre.

This report addresses the nature of the proposed development and the characteristics of the site and surrounding area. It also provides an assessment of the proposed development under the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

This report should be read in conjunction with the other reports and plans prepared to support the application.

1.1 Background

The site is classified as being within B2 – Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000 with the proposal being permissible with consent.

Development application (DA2009/0800) involving the construction of 32 units for older people was approved by Land and Environment Court on 14 July 2011. The construction of Building B2, B3, B4 and internal accessway has been started.

Modification application (Mod2016/0334) involves the changes of consent conditions was approved by Council on 14 March 2017.

Modification application (Mod2017/0080) involves the relocation of buildings C1 and C2, and an additional level to the community centre was approved by Land and Environment Court on 2 January 2018.

The operator of the retirement village received complaint from the village purchaser regarding the design of the approved community centre. The new design aims to address all the complaints and concerns from future village residence. A copy of one of the letters from future residents is annexed with this report.

1.2 Supporting Documentation

Accompanying this application is the following documentation:

- Site Analysis
- Architectural Plan
- Shadow Diagrams
- Bushfire Assessment Report
- Section J Report
- Landscape Plan
- Stormwater Management Plan
- Access Report

2.0 THE SITE AND SURROUNDS

2.1 The Subject Site

The site has a legal description of lot 806 in DP 752038 and is located at No.8 Lady Penrhyn Drive. The site is in an irregular shape and has an area of 2.6 hectares. The site is bounded by Lady Penrhyn Drive to the south and west, Willandra Road to the east and undeveloped bushland (72 Willandra Road and Lot 808 DP 752038) to the north.

There is an existing dwelling house retained situated at the north-west corner of the site. Soil translation and vegetation clearance has been carried out to the rest part of the site. Construction of building B2, B3, B4 and internal accessway is undergoing.

The site has been identified being located in bushfire prone area.



Figure 1: Subject Site

2.2 Existing Development

The site contains an existing single dwelling located at the north-west corner. The construction of building B2, B3, B4 and internal accessway is undergoing.

2.3 Local Context



Figure 2: Local Context

The development site is located approximately 900m to the north of Warringah Road and is accessed via Lady Penrhyn Drive.

The surrounding development includes normal residential use and housing for older people to the northeast and opposite Willandra Road. The site is also located in close proximity to local schools, local shops, playing fields and a number of community facilities.

2.4 Site Constraints

The following site constraints have been identified.

ADVISORY	YES/NO	COMMENT
Is the land identified as being possible contaminated?	No	No issue

Is the land identified as being Flood Prone?	No	No issue
Is the land identified as being Bush Fire?	Yes	A Bushfire Assessment Report has been provided.
Is a Traffic Impact Assessment required?	No	No issue to this application
Are there Flora and Fauna, Threatened Species or Native Vegetation Issues?	No	No issue to this application
Are there Aboriginal Significance Issues?	No	No issue
Are there Heritage Issues?	No	No issue
Is the land identified as being land slip risk area?	No	No Issue
Is the land identified as being potentially affected by Acid Sulphate Soils?	No	No issue
Is the land identified as wetland buffer zone?	No	No issue

Where relevant, these issues have been addressed throughout the report

3.0 PROPOSED DEVELOPMENT

3.1 Details of the Proposal

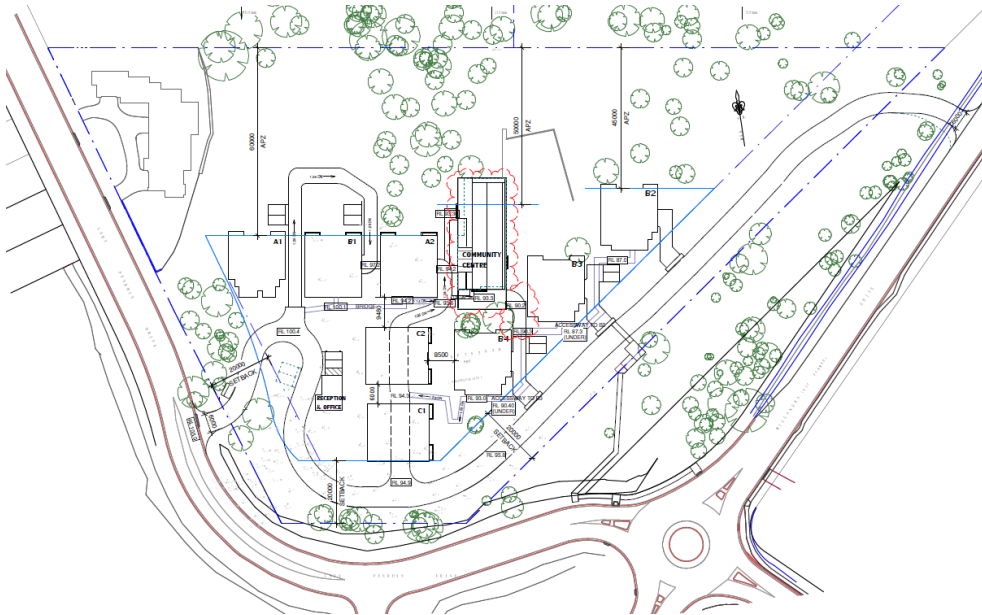


Figure 3: Site Plan

This application seeks consent to enlarging the community centre building and extend the driveway (serving building B4) to provide vehicular access to community centre.

The proposed community centre building includes:

- Lower ground level – disabled parking space, movie room, craft room, multi-function room, library/meeting room, gymnasium, change rooms/toilets, sauna room, indoor swimming pool;
- Ground level – reception/office, sitting, toilets, kitchen and bar, dining, balcony;
- Roof top – bowling green, garden, BBQ area.

The following issues have been considered and will be assessed in details

- Bushfire Risk
- Accessibility
- BCA Compliance
- Sewerage and Stormwater Disposal

- External appearance

3.2 Accompanying Information

The application is accompanied by a range of consultant's reports to support the application.

4.0 PLANNING CONTROLS

The proposed development has evolved from the requirements and guidelines of the current planning controls. The instruments that have guided the proposal include:

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Warringah Local Environmental Plan 2000

4.1 State Environmental Planning Policy 55 – Remediation of Land

An inspection was carried out and no potential contamination risk was identified.

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

BASIX is not applicable to the community centre. A Section J has been prepared for the community centre building.

4.3 State Environmental Planning Policy (Infrastructure) 2007

The detailed designs in relation to the infrastructure will comply with the objectives and requirements contained in SEPP (Infrastructure) 2007.

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

The approved development has been lodged under the provisions of WLEP 2000 not the SEPP HSPD. The proposed modification will not affect the assessment against the relevant parts of SEPP HSPD. The modified proposal is consistent with the aims and key concepts of the policy.

4.5 Warringah Local Environmental Plan 2000

The following is an assessment of the community centre building against all of the Built Form Controls applying to development within the B2 Locality.

Control	Requirement	Proposed	Compliance
Housing Density	1 dwelling per 2ha Not required for housing for older people	N/A	N/A
Building Height	Maximum height: 8.5m	8.5m	Yes
Front Building Setback	20m 10m to secondary road	20m	Yes, no change
Rear Building Setback	10m	47m	Yes
Side Boundary Setback	10m	20m	Yes, no change
Landscape Open Space	Minimum of 30%	72%	Yes

The following clauses of the LEP are also considered to be relevant to the proposed development.

Clause 29 – On what grounds can application for housing for older people or people with disabilities not be refused?

Control	Requirement	Proposed	Compliance
Building Height	8m or less (measured vertically from ceiling of topmost floor to ground level immediately below)	8.5m	No
Density and Scale	Self care – 0.5:1	0.28:1	Yes
Landscaped Area	35m ² per dwelling for self care units	N/A	N/A
Parking	0.5 space per bedroom	N/A	N/A
Visitor Parking	1 space per 5 units	10 outdoor visitor parking, 1 visitor parking in community centre, 2 visitor parking in the reception	Yes
Landscaped Area	Width x 15% of length	Well in excess of 15% of the site	Yes
Private Open Space	Ground floor 15m ² First floor 6m ²	N/A	N/A

Clause 40 – Housing for older people or people with disabilities

Control	Requirement	Proposed	Compliance
Adequate access to facilities	Site within 400m of a shopping centre or bus stop	No change to approved arrangement	Yes, no change
Adequate access to services	Reasonable access to meals, nursing and housework	The proposal provides a bigger community centre which provides better services and more functions.	Yes
Wheelchair access	Site Gradient 100% of dwelling to have continuous path of travel to public road, internal road or driveway	No change to approved arrangement.	Yes, no change
	Road Access 10% of dwellings to have continuous path of travel to public road	No change to approved arrangement.	Yes, no change
	Common Areas Access to be provided to all common areas and facilities	All dwellings have a continuous path of travel to community centre.	Yes
	Adaptability 10% of dwellings to have a continuous path to all essential areas and facilities in the dwelling	No change to approved arrangement.	Yes, no change

Schedule 16 – Principles and standards for housing for older people or people with disabilities

Control	Requirement	Proposed	Compliance
1. Identification	If more than one (1) street, street signage incorporating house numbers at each intersection	No change to approved plan	Yes, no change
2. Security	Pathway lighting to be positioned at a low height and to be a minimum of 50 lux	No change to approved plan	Yes, no change
3. Letterboxes in multi-dwelling developments	Must be lockable, located together in a central location adjacent to the street entry and be situated	No change to approved plan	Yes, no change

	on a hard standing area with wheelchair access.		
4. Private car accommodation	Spaces are to be not less than 6m x 3.2m and garages are to have an internal clearance of 2.5m and must have a power operated roller door.	No change to approved plan	Yes, no change
5. Accessible entry	All entries must have a slope that does not exceed 1: 40 and must comply with Clauses 4.3.1 and 4.3.2 of AS4299 and must have an entry door handle and other hardware that complies with AS 1428	All entries have a slope that does not exceed 1:40.	Yes
6. Exterior – general	All external doors to any one (1) dwelling must be keyed alike.	All external doors are keyed alike.	Yes
7. Interior general	Internal doors must have a clearance of at least 820mm and internal corridors must have a width of at least 1000mm and the width of internal door approaches must be at least 1200mm.	All comply.	Yes
8. Living & dining room	A living room must have a circulation space of at least 2250mm in diameter and as set out in Clause 4.7 of AS 4299 and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.	All comply.	Yes
9. Kitchen	A kitchen in a self-contained dwelling must have a width of at least 2.7m and a clear space between	All comply.	Yes

	benches of at least 1450mm, and additional requirements as specified in the schedule		
10. Main bedroom	The main bedroom must have an area sufficient to accommodate a wardrobe and a queen size bed and a minimum of 1200mm clear space at the foot of the bed, etc.	No change to approved plan	Yes, no change
11. Bathroom	A bathroom must have an area in compliance with AS 1428 and a slip resistant floor surface and a shower complying with requirements of schedule 16, etc.	All comply.	Yes
12. Toilet	A dwelling must have a toilet that is a visitable toilet within the meaning of Clause 1.4.12 of AS 4299, with a slip resistant floor surface, and additional requirements as per the schedule	All comply.	Yes
13. Access to kitchen, main bedroom, bathroom & toilet	Kitchen, main bedroom, bathroom and toilet must be located on the ground floor, etc.	No change to approved plan	Yes, no change
14. Laundry	A self contained dwelling must have a laundry that has provision for the installation of an automatic washing machine, etc.	No change to approved plan	Yes, no change
15. Storage	Dwelling must have a linen cupboard that is at least 600mm wide and has adjustable shelving.	No change to approved plan	Yes, no change

16. Doors	Door hardware provided as the means for opening doors must be able to be operated with one (1) hand and located between 900mm and 1100mm above floor level.	All comply.	Yes
17. Surface finishes	Balconies and external paved areas must have slip resistant surfaces.	All comply.	Yes
18. Ancillary items	Switches must be located between 900mm and 1100mm above floor level and general purpose outlets must be located at least 600mm above floor level.	All comply.	Yes
19. Garbage	An outside garbage storage area must be provided in an accessible location.	No change to approved plan	Yes, no change
20. Applications by certain housing providers	N/A	N/A	N/A
21. Neighbourhood amenity and streetscape	The proposed development should maintain neighbourhood amenity and streetscape.	No change to approved plan	Yes, no change

Other relevant provisions

Control	Proposed	Compliance
CL38 Glare & reflection	Similar colour scheme applies to the community centre.	Yes
CL42 Construction Sites	A construction management plan complying with all relevant requirements will be prepared before construction.	Yes
CL43 Noise	Construction Noise will be managed to an acceptable level during construction.	Yes
CL48 Potentially Contaminated Land	Contamination report has been prepared and approved with original DA application.	Yes

CL50 Safety & Security	The amended design enables reasonable level of passive surveillance to the proposed road access and associated pedestrian pathways.	Yes
CL51 Front Fences and Walls	No change to approved plan.	Yes
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No change to approved plan.	Yes
CL54 Provision and Location of Utility Services	No change to approved plan.	Yes
CL56 Retaining Unique Environmental Features on Site	No change to approved plan.	Yes
CL57 Development on Sloping Land	The modified building design follows the existing contour.	Yes
CL58 Protection of Existing Flora	No change to approved plan.	Yes
CL59 Koala Habitat Protection	No change to approved plan.	Yes
CL61 Views	The proposal will allow for the reasonable sharing of views.	Yes
CL62 Access to sunlight	The shadow diagrams indicates that the proposal will achieve compliance with the requirement of this Clause.	Yes
CL63 Landscaped Open Space	The development provides landscaped area, well in excess of the requirement of this Clause.	Yes
CL63A Rear Building Setback	Adequate landscaped open space is proposed within the rear building setback to meet the objectives of the rear building setback control.	Yes
CL64 Private open space	No change to approved plan.	Yes
CL65 Privacy	The siting and internal layout of the proposed dwellings are unlikely to have adverse impact on the visual and/or acoustic privacy of potential residents of the development.	Yes
CL66 Building bulk	The amended buildings are of similar building bulk to approved development.	Yes
CL67 Roofs	The proposed roof form is integral to the style of the building.	Yes
CL68 Conservation of Energy and Water	Section J for amended community centre building has been provided.	Yes
CL69 Accessibility – Public and Semi-Public Buildings	All dwellings have to a continuous path of travel to community centre.	Yes
CL70 Site facilities	No change to approved plan.	Yes

CL71 Parking facilities (visual impact)	The parking facilities are sited and designed to not dominate the street frontage or other public spaces	Yes
CL72 Traffic access & safety	No change to approved plan.	Yes
CL74 Provision of Carparking	The carparking provision complies with Schedule 17.	Yes
CL75 Design of Carparking Areas	No change to approved plan.	Yes
CL76 Management of Stormwater	No substantial change to approved plan.	Yes
CL77 Landfill	No change to approved plan.	Yes
CL78 Erosion & Sedimentation	No substantial change to approved plan.	Yes
CL80 Notice to Metropolitan Aboriginal Land Council and the Department of Environment and Conservation	No substantial change to approved plan.	Yes
CL83 Development of Known or Potential Archaeological Sites	No change to approved plan.	Yes
Schedule 17	The proposal number of parking spaces comply with schedule 17.	Yes

5.0 ENVIROMENTAL PLANNING ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

5.1 Section 79C(1)(a)(i) - Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 79C(1)(a)(ii) - Draft Environmental Planning Instruments

There are no known drafts Environment Planning Instruments applicable to the subject site. Warringah Council has lodged planning proposal to rezone deferred land within the Oxford Falls Valley and Belrose North area to the Department for approval. However it has not obtained Gateway Approval since lodged in early 2015.

5.3 Section 79C(1)(a)(iii) - Development Control Plan

There is no DCP currently applicable to the site.

5.4 Section 79C(1)(a)(iia) - Planning Agreement or Draft Planning Agreement Entered Into Under Section 93F

There are no known planning agreements that apply to the site or development.

5.5 Section 79C(1)(a)(iv) - Regulations

There are no sections of the regulations that are relevant to the proposed development at this stage.

5.6 Section 79C(1)(b) - Impacts of The Development

The following impacts have been considered in the preparation of this development proposal.

5.6.1 Bushfire Risk

The subject site has been identified as bushfire prone land.

A Bushfire Report has been prepared and suggests that modified design satisfies the aims, objectives and performance requirements of Planning for Bushfire Protection 2006 and Section 79BA of the EP&A Act.

5.6.2 Accessibility

Special consideration is given to address access issue. All dwellings have a continuous path of travel to community centre. The internal design of the community centre complies with all relevant controls regarding accessibility.

5.6.3 BCA Compliance

A Section J Report has been prepared to confirm the compliance of Section J of the Building Codes of Australia.

5.6.4 Sewerage and Stormwater Disposal

No change to sewerage and stormwater disposal. A new drainage plan is prepared to show the adjustments within the modified area.

5.6.5 External appearance and Photomontages

No change to approved external colours and finishes scheme. Adjustments have been made to the modified building design.

5.7 Section 79C(1)(c) - Site Suitability

The proposal is consistent with the planning intent that applies in the B2 – Oxford Falls Valley Locality. For the reasons outlined in this report the site is considered suitable for this development proposal.

5.8 Section 79C(1)(d) – Submissions

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.9 Section 79C(1)(e) - The Public Interest

Given the type of development, its compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

5.10 Section 79C(3A) - Development Control Plans

There is no DCP currently applicable to the site.

6.0 CONCLUTION AND RECOMMENDATION

The proposed modifications have been assessed against the requirements of the Warringah LEP and is considered to represent a form of development that is acceptable.

The proposed modifications would not result in any unacceptable impact on the site and surrounding area. The modifications are considered consistent with what have been previously approved on the subject site.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly it is recommended that the proposed modifications to approved housing for older people on the site be approved.

Appendix

Subject: FW: Marston Living community centre

From: [REDACTED]
Subject: Marston Living community centre
To: Kevin Wu <kevin.wu@marstonliving.com.au>
Cc: [REDACTED]

Dear Mr Wu,

Having bought into a 'luxury retirement village' we are incredibly disappointed in the proposed community centre's lack of facilities.

We are concerned and upset that an outdoor pool has been approved, which will be practically unusable for at least half the year, and then only by those willing to risk added skin damage. Without a covered pool, this could impact on health, wellbeing and lifestyle for the residents, who, due to age, find it easier, or can only, exercise in water.

The extensive uncovered deck area adjacent to the pool would also be of little use to many of our age, due to its lack of cover, engendering the possibility of further sun damage to elderly skins, thus creating absolutely minimal use of this facility, as currently proposed by the council.

An enclosed, temperature controlled pool, would certainly be considered a prerequisite for any 'luxury retirement village', where activities such as aquarobics could be undertaken.

We have visited a number of villages in our search for a suitable over 55's retirement complex, and have noted that the community centre is in fact the heart of each complex, each geared to the activities and wellbeing of the elderly residents, for example, the Anzac Village. In none of the places we have visited, has there been an open-air pool.

Due to the relative remoteness of Marston Living, and with minimal public transport servicing the area for those that can no longer drive, additional facilities such as lawn bowls, perhaps croquet, plus a gymnasium to maintain fitness, would be considered minimal activities for an older person's wellbeing. Many people, when seeking retirement options, are greatly influenced by the community facilities offered, thus improving their health and lifestyle.

Unfortunately, the currently proposed pool, would be suitable only for occasional use by visiting grandchildren, but sadly, totally useless, regarding the needs of the residents of Marston Living. In addition, more generous spaces in the building for recreation, relaxation and community use, would make this complex more appropriate for socialising and maintaining enhanced mental health.

Regards

[REDACTED]

[REDACTED]



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