
669-683 Old South Head Road, Vaucluse

Statement of Environmental Effects for
Development Application



18 December 2023

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REF: #9637

| Ver | Description | Date | Prepared By | Checked By |
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Executive Summary

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application (DA) made to Waverley Council ('the Council') under Part 4 of the *Environmental Planning and Assessment (EP&A) Act 1979*.

The DA seeks consent to undertake the demolition of all structures on the site and construction of a seniors housing development involving 31 independent living units and ancillary facilities, including a ground floor retail/business premises, associated earthworks, lot consolidation, landscaping and tree removal works, located at No. 669-683 Old South Head Road, Vaucluse ('the site').

The proposed development involves:

- Demolition of all existing structures on site, including seven (7) existing dwellings and one (1) mixed use building on the corner of Old South Head Road and Oceanview Avenue;
- Removal of trees;
- Construction of a seniors housing development, comprising two (2) four storey buildings, of which part of the ground floor level of the southern building will be used as a retail/business premises;
- Construction of ancillary facilities to the seniors housing, including:
 - A reception area, a community lounge, indoor and outdoor dining and kitchen areas, a gym, a cinema, a wine room, a co-working space, a library, and a functional garden;
- Construction of two basement levels for vehicle parking, ancillary storage, loading, plant and services;
- Construction of a porte cochere driveway to access the proposed lobby from Old South Head Road;
- Associated earthworks and landscaping; and
- Consolidation of all existing allotments.

The DA and this SEE have been prepared in accordance with the *EP&A Act 1979* and the Environmental Planning and Assessment (EP&A) Regulation 2021.

This SEE addresses the relevant heads of consideration listed under Section 4.15(1) of the *EP&A Act 1979* and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal.

The key planning controls are included within:

- Waverley Local Environmental Plan (WLEP) 2012;
- State Environmental Planning Policy (Housing) 2021; and
- Waverley Development Control Plan (WDCP) 2022.

The proposed works are permissible with consent under the relevant EPIs and are consistent with the broad objectives of the R3 Medium Density Residential zone and E1 Local Centre zone as prescribed by WLEP 2012.

This Statement demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the neighbourhood.

Based on the assessment undertaken, approval of the DA is sought.

1. Introduction

1.1 Overview

This SEE has been prepared in support of a DA for consent to undertake demolition of all structures on the site and construction of a seniors housing development involving 31 independent living units and ancillary facilities, including a ground floor retail/business premises, associated earthworks, lot consolidation, landscaping and tree removal works.

1.2 Scope and Format of the Statement of Environmental Effects

This Statement has been prepared in accordance with the requirements of Part 3, Division 1 of the EP&A Regulation 2021, and provides an assessment consistent with the heads of consideration under Section 4.15(1) of the *EP&A Act 1979*, which are relevant to the consent authority's assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 - describes the proposed development and provides details of all of the proposed works;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 5 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

1.3 Supporting Plans and Documentation

This Statement has been prepared with input from a number of technical and design documents which have been prepared to accompany this DA. These documents are identified in Table 1 below.

| Document Name | Prepared by |
|---|--|
| Registered Quantity Surveyor's Detailed Cost Report | Berco Consulting |
| Survey Plan | Survplan |
| Architectural Plans | Bates Smart |
| Landscape Plans | Nathan Burkett Landscape Architecture (NBLA) |
| Arboricultural Impact Assessment | Synertree |
| Stormwater Management Plan | Enscape Studio |
| Design Report | Bates Smart |
| Apartment Design Guide (ADG) Compliance Table | Bates Smart |

| | |
|---|--|
| Design Verification Statement | Bates Smart |
| Access Report | Vista Access Architects |
| Acoustic Report | Reef Acoustic Consulting |
| Traffic and Parking Assessment | Transport and Traffic Planning Associates (TTPA) |
| Clause 4.6 Requests to Vary a Development Standards (FSR) | SJB Planning |
| Clause 4.6 Requests to Vary a Development Standards (Building Height) | SJB Planning |
| BASIX Report | Building & Energy Consultants Australia (BECA) |
| BCA Assessment Report | Jensen Hughes |
| Preliminary Fire Engineering Statement | Innova Services Australia |
| DCP Compliance Table | SJB Planning |
| Demolition & Construction Waste Management Plan | Waste Audit & Consultancy Services |
| Operational Waste Management Plan | Waste Audit & Consultancy Services |
| Preliminary and Detailed Site Contamination Investigation | Geo-Environmental Engineering |
| Geotechnical Investigation Advice | Geo-Environmental Engineering |
| Remedial Action Plan | Geo-Environmental Engineering |
| Interim Site Audit Advice | Geo-Logix |
| Structural Report | MPN Structural Design & Engineering |
| Completed DA Form and DA Checklist | |
| Owner's Consent | |

Table 1: Plans and documents prepared to accompany this statement

A 3D digital model has also been prepared and is submitted with the DA.

1.4 Cost of Works

The cost of works for the purpose of determining the DA fee for the proposed development has been calculated in accordance with Clause 251 of the EP&A Regulation 2021 and is \$34,592,777 including GST. The cost of works is detailed in the Registered Quantity Surveyor's Detailed Cost Report prepared by Berco Consulting.

2. Site Description and Context

2.1 Site Description

The site is located at No. 669-683 Old South Head Road, Vaucluse and is comprised of nine (9) allotments that are legally described as the following:

- Lot A, DP 324744;
- Lot B, DP 324744;
- Lot 2, DP 10314;
- Lot 1, DP 169310;
- Lot 4, DP 192614;
- Lot 1, DP 168877;
- Lot 1, DP 167942;
- Lot 1, DP 666626; and
- Lot 2, DP 316716.

A cadastral map of the site is shown in Figure 1 below.

The site has an area of 4,345.03m² and is irregular in shape. The site is located on the north-eastern corner of Old South Head Road and Oceanview Avenue, with a splayed frontage to Old South Head Road of 105.17m in length. The site has a secondary frontage to Oceanview Avenue of 33.53m.

The southern part of the site generally falls from the south-east to the north-west towards Old South Head Road. The northern part of the site falls to the rear of the existing properties on the site from west to east. A detailed Survey Plan prepared by Survplan has been submitted with this application.

Vehicle access to the site is currently achieved via multiple separate driveways located along Old South Head Road and Oceanview Avenue.

The site currently contains vegetation across the front of the site along Old South Head Road within the front setbacks of the existing dwelling houses, with some smaller vegetation at the rear of the dwellings on the eastern side of the site.



Figure 1: Cadastral map of site and locality (Source: SIX Maps)

The location of the site is shown in Figure 2 below.



Figure 2: Aerial location map of site and locality (Source: SIX Maps)

2.2 Existing Development on the Site

The site currently accommodates seven (7) single detached dwellings ranging between one and two storeys, and a two storey shop top building on the corner of Old South Head Road and Oceanview Avenue. All existing structures will be demolished to accommodate the proposal.

Photographs of the site and existing buildings are shown in Figures 3 to 9.



Figure 3: View looking east from Old South Head Road towards the existing residential flat building at No. 685 Old South Head Road (left) and the existing dwellings at No. 683 Old South Head Road (centre) and No. 681 Old South Head Road (right)



Figure 4: View looking east from the front of No. 683 Old South Head Road to its boundary with No. 685 Old South Head Road



Figure 5: View looking east from Old South Head Road to the existing dwelling houses at Nos. 679, 677 and 675 Old South Head Road (to be demolished)



Figure 6: View looking south-east from Old South Head Road towards the existing structures at Nos. 673, 671 and 669 Old South Head Road (to be demolished)



Figure 7: View looking north from the corner of Oceanview Avenue towards the existing two storey development at No. 669 Old South Head Road (to be demolished) and existing development on the western side of Old South Head Road



Figure 8: View looking north from Oceanview Avenue towards the rear of No. 669 Old South Head Road and the existing residential flat building at No. 2 Oceanview Avenue (right)



Figure 9: View looking west from Oceanview Avenue towards the road crest near the corner of Old South Head Road

2.3 Context and Locality

The site is located within a low-to-medium density mixed use locality comprising commercial development along Old South Head Road to the west and south of the site, with residential uses generally surrounding the site. Surrounding residential development typically ranges from one-to-two storey residential dwellings to three-to-four storey residential flat buildings.

The site is located within the Waverley Local Government Area (LGA). The site is located approximately 6.5km to the north-east of the Sydney CBD and is identified as being located within the Rose Bay North Local Village centre as prescribed by Section E3 of the Waverley Development Control Plan 2022.

The site is not identified as being an item of environmental heritage, nor is it located within a heritage conservation area. The site is not identified within Council documentation as being a flood control lot.

The site is well serviced by public transport, including bus stops located along Old South Head Road providing services between Watsons Bay, the Sydney CBD and Bondi Junction (Routes 324, 325, 380, 386 and 387).

The location of the site in this context is shown in Figure 10.

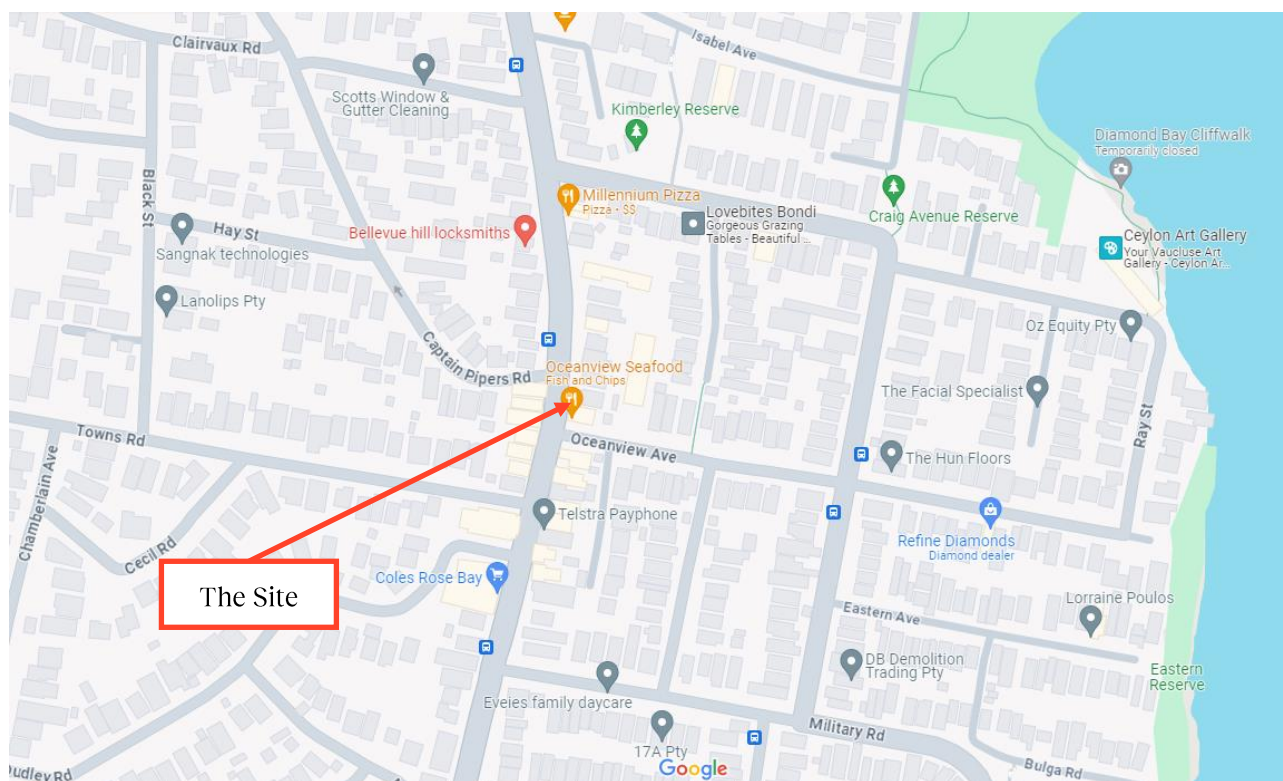


Figure 10 : Location plan (Source: Google Maps)

2.4 Surrounding Development and Land Uses

2.4.1 North

To the north of the site is a three storey residential apartment building located at No. 685 Old South Head Road. As shown in Figure 4, there is a shared boundary between No. 683 Old South Head Road and this building. Further to the north of the site is low-to-medium density development with a mix of residential and small-scale commercial uses.

2.4.2 South

To the south of the site along Old South Head Road is commercial and mixed use development ranging between two and four storeys. This part of Old South Head Road is characterised by valuable community-serving land uses including restaurants, supermarkets, chemists, and the like.

2.4.3 East

As shown in Figure 11, directly to the east of the site is a four storey residential apartment building at No. 2 Oceanview Avenue. Based on the Survey Plan prepared by Survplan, the existing residential flat building has a flat pitched roof with an RL of 85.17.



Figure 11: View looking north-east from Oceanview Avenue towards existing residential flat building at No. 2 Oceanview Avenue and the rear of No. 669 Old South Head Road (left)

2.4.4 West

To the west of the site is low-density commercial development located on the south-western corner of Captain Pipers Road and Old South Head Road, with residential development ranging between one and two storeys to the north of Captain Pipers Road. Both directions of Old South Head Road currently offer on-street car parking directly to the west of the site.

2.5 Development Approval History

The development approval history for the site relevant to this Development Application is outlined in Table 2 on the following page:

| Development Consent | Date of Issue | Description |
|---|----------------------------|--|
| DA-355/2018 No. 671- 679 Old South Head Road, Vacluse | 27 November 2019 (WLPP) | “Demolition of existing dwellings; construction of a new residential flat building comprising 16 units, basement car park; and Strata subdivision.” |
| DA-374/2020 No. 669 Old South Head Road, Vacluse | 26 May 2021 (WLPP) | “Demolition of all structures on site and construction of a four storey building with retail space at ground floor, residential units above and basement car parking.” |
| DA-455/2021 No. 671-683 Old South Head Road, Vacluse | 18 October 2022 (WLPP) | “Demolition of dwellings and construction of a four-storey seniors living building with 37 units including basement parking and associated landscaping works.” |

Table 2: Relevant development approval history for the site

Reference is made to DA-374/2020 and DA-455/2021, which capture the whole site under two approvals relating to different parcels of land.

The parcels of land to which both of these approvals apply are now held under one ownership, and this application proposes to rationalise these approved developments and remove the residential flat component and expand the seniors housing offering. This will achieve a more holistic development over both sites to enhance the urban design and streetscape outcomes and to maximise the amenity of the future development.

It is considered that the proposal retains the assessed level of impact as part of DA-374/2020 and DA-455/2021 on the basis that it generally maintains the key characteristics of each approval having regard to density, scale and building envelope. A context map of the land captured within DA-374/2020 and DA-455/2021 is shown in Figure 12 below.



Figure 12: Aerial location map of the land captured in DA-374/2020 and DA-455/2021 (Source: SIX Maps)

2.6 Voluntary Planning Agreement

We note that Blare Management, being the developer of the land, is in the process of organising an offer to Council to enter into a Voluntary Planning Agreement (VPA).

The purpose of this VPA is to support the provision of affordable housing within the Waverley LGA following the approval of DA-455/2021, which originally approved the provision of four (4) affordable housing dwellings in accordance with Condition No. 5 and the provisions of the former State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP). This SEPP has since been repealed and these provisions no longer apply.

Nonetheless the VPA seeks to provide for an equivalent amount of affordable housing off site to that which would otherwise have been provided on-site under DA 455/2021.

3. Proposed Development

3.1 Development Description

The DA seeks consent for demolition of all structures on the site and construction of a seniors housing development involving 31 independent living units and ancillary facilities, including a ground floor retail/business premises, associated earthworks, lot consolidation, landscaping and tree removal works. The proposed development comprises:

- Demolition of all existing structures on site, including seven (7) existing dwellings and one (1) mixed use building on the corner of Old South Head Road and Oceanview Avenue;
- Removal of trees;
- Construction of a seniors housing development, comprising two (2) four storey buildings, of which part of the ground floor level of the southern building will be used as a retail/business premises;
- Construction of ancillary facilities to the seniors housing, including:
 - A reception area, a community lounge, indoor and outdoor dining and kitchen areas, a gym, a cinema, a wine room, a co-working space, a library, and a functional garden;
- Construction of two basement levels for vehicle parking, ancillary storage, loading, plant and services;
- Construction of a porte cochere driveway to access the proposed lobby from Old South Head Road;
- Associated earthworks and landscaping; and
- Consolidation of all existing allotments.

The proposal is detailed in the Architectural Plans prepared by Bates Smart and is described in the following sections of this SEE. A photomontage of the proposed development is provided below.



Figure 13: Photomontage of the proposed development looking east from Old South Head Road (Source: Bates Smart)

3.2 Development Statistics

The key statistics for the proposal are summarised in Table 3 below.

| Element | Proposal |
|---|---|
| Site Area | 4,345.03m ² |
| Gross Floor Area (GFA) | 6,221m ² |
| Floor Space Ratio (FSR) | FSR of 1.43:1 across the site FSR of 1.11:1 over the southern portion (E1 zoned land). FSR of 1.51:1 over the northern portion (R3 zoned land) |
| Building Height | 4 storeys Maximum of 14.57m above existing ground level Maximum RL85.70 to AHD (Lift overrun) |
| Dwellings | 31 dwellings |
| Dwelling Mix | 15 x 2 bedroom dwellings (48%) 12 x 3 bedroom dwellings (39%) 4 x 4 bedroom dwellings (13%) |
| Dwelling Sizes | 2 bedroom: 103m ² to 139m ² 3 bedroom: 137m ² to 187m ² 4 bedroom: 237m ² |
| Floor to Floor Heights | Basement 2 3m Basement 1 3.5m Lower Ground 4m Ground 3.2m Level 1 3.2m Level 2 3.2m Level 3 3.4m |
| Open Space (including communal and private) | 2,035m ² (46.8%% of the site area) |
| Landscaped Area | 1,820m ² (42% of the site area) |
| Deep Soil | 1,128.72m ² (25.97% of the site area) |
| Storage | Basement 2 24 storage spaces Basement 1 3 storage spaces Lower Ground 13 storage spaces |
| Car Parking | 48 spaces in total, including 5 visitor spaces and 2 car share spaces |
| Bicycle Parking | 38 spaces |
| Motorcycle Parking | 17 spaces |

Table 3: Key Development Statistics

3.2.1 Development Statistics Comparison

The proposal seeks to rationalise the separate approvals across the site, being DA-374/2020 for No. 669 Old South Head Road, Vaucluse and DA-455/2021 for No. 671-683 Old South Head Road, Vaucluse.

As shown in Table 4, a comparison of the development statistics captured under both approvals with the proposal shows minimal or improved change resulting from the proposal.

| Development Standard | Approved Development on the Site | Consolidated Approved Development Standard | Proposal |
|-------------------------|---|--|--|
| FSR | <p>DA-374/2020 - 1.7:1 <u>Site Area</u> = 436.95m² <u>GFA</u> = 745m² <u>Variation from 1.5:1</u> = 13.7%</p> <p>DA-455/2021 - 1.39:1 * <u>Site Area</u> = 3,867.1m² <u>GFA</u> = 5,388m² <u>Variation</u> = Complies (<i>LEP FSR of 0.9:1 + bonus 0.5:1 under former Seniors SEPP</i>)</p> | Average - 1.42:1 | <p>Average - 1.43:1</p> <p>The proposed GFA over the southern part of the site (zoned E1) is 912m² equating to a FSR of 1.11:1.</p> <p>The proposed GFA over the northern part of the site (zoned R3), is 5309m² equating to a FSR of 1.51:1 and a variation of 1,665.17m² of GFA.</p> |
| Maximum Building Height | <p>DA-374/2020 - 14.08m <u>Variation from 13m</u> = 1.08m (8.3%)</p> <p>DA-455/2021 - 13.5m <u>Variation from 12.5m</u> = 1m (8%)</p> | N/A | <p>The proposed building reaches a height of 14.57m above the ground level (existing) at the northern end of the northern building. This is 2.07m above the WLEP maximum building height of 12.5m and represents a 16.56% variation to the WLEP height standard.</p> <p>The height is however below that which is allowable for seniors housing under the provisions of s87(2)(c) of the Housing SEPP.</p> |
| Number Of Storeys | <p>DA-374/2020 - 4 storeys</p> <p>DA-455/2021 - 3 to 4 storeys</p> | N/A | <p>4 storeys <i>No change</i></p> |
| Number Of Dwellings | DA-374/2020 - 7 dwellings | Combined - 44 dwellings | <p>31 dwellings <i>Decrease of 13 dwellings</i></p> |

| | | | |
|----------------------------|--|---|---|
| | DA-455/2021 - 37 dwellings | | |
| Number of Basement Levels | DA-374/2020 - 2 levels | N/A | 2 levels No change |
| | DA-455/2021 - 2 levels | | |
| Landscaped Area | DA-374/2020 - 175.9m ² (40%) | Combined - 2,163.9m ² (49.8%) | 1,820m² (42%) 15.8% decrease in landscaped area |
| | DA-455/2021 - 1,988m ² (51.4%)* | | |
| Deep Soil | DA-374/2020 - 88m ² | Combined - 668m ² (51.7% of req. Landscaped Area - 30% of site) | 1,128.72m² 69% increase in deep soil coverage |
| | DA-455/2021 - 580m ² * | | |
| Proposed Tree Removal | DA-374/2020 - 3 trees | Combined - 42 trees | 55 trees Proposed removal of 13 additional trees; Refer to Section 3.7 of SEE |
| | DA-455/2021 - 39 trees | | |
| Car Parking Spaces (Total) | DA-374/2020 - 9 spaces | Combined - 64 spaces | 48 spaces 16 less car parking spaces based on reduced traffic generation |
| | DA-455/2021 - 55 spaces | | |
| Front Setback | DA-374/2020 - Nil | N/A | Nil to >4m No change |
| | DA-455/2021 - 4m | | |
| Rear Setback | DA-374/2020 - 2.6m | N/A | 8m No change |
| | DA-455/2021 - 8m | | |
| Side Setbacks | DA-374/2020 - 1.5m and nil (to Oceanview Ave) | N/A | Nil to 4.5m No change |
| | DA-455/2021 - 4.5m | | |

* Note: Area of Lot B DP 324744 excluded from DA-455/2021 site area calculations

Table 4: Comparison of Key Development Statistics with Previously Approved DA-374/2020 (top) and DA-455/2021 (bottom)

3.3 Land Use

The proposal will accommodate the following land uses:

- Seniors housing, specifically independent living units; and
- A retail premises use on part of the ground floor level of the site with independent living units above.

The proposal will be changing the use of general shop top housing accommodation approved under DA-374/2020 to seniors housing.

3.4 External Materials and Finishes

The proposal incorporates high quality materials and finishes, as detailed in the Material Schedule, Drawing No. DA41.001, which is included in the Architectural Plans prepared by Bates Smart.

3.5 Internal Layout and Apartment Design

The proposal incorporates an internal layout for the independent living units that will produce high internal amenity for future residents. The Apartment Layout Plans from Drawings Nos. DA13.001 to DA13.009 included in the Architectural Plans details the internal layout of the apartments.

3.6 Landscaping and Open Space

Landscaping works are detailed in the Landscape Report and Landscape Plans prepared by NBLA. Key elements of the landscape design include:

- Removal of trees;
- Comprehensive tree planting schedule, including the introduction of new canopy trees across the site;
- Construction of balcony balustrade planter beds for Juliet and standard balconies to enhance private residential amenity;
- Introduction of new deep soil areas throughout ranging from 400mm to more than 900mm in depth;
- Landscaping works to the communal open space, including a swimming pool, ornamental lawn and public garden;
- Landscaping works to the roof of the proposed port cochere driveway entry; and
- Retention of the majority of street trees via the relocation of the approved porte cochere to the middle of the site to utilise existing road openings.

A total landscaped area of 1,820m² is provided, equating to 42% of the site area. 1,128.72m² of deep soil zone is provided, which is 62% of the total landscaped area. Whilst a minor decrease in landscaped area of the site is noted, the proposal substantially increases deep soil coverage in comparison to what has been previously approved.

3.6.1 Private Open Space

The proposal provides 940m² of private open space.

3.6.2 Communal Open Space

The proposal provides 1,095m² of communal open space, which is generally sited in the Lower Ground Level of the seniors housing development for ease of access associated with the on-site ancillary facilities to be provided.

3.7 Tree Removal

The proposal involves the removal of 55 existing trees on the site, including two (2) located in the public landscaped strip adjacent to Old South Head Road.

The Arboricultural Impact Assessment prepared by Synertree notes that, provided that the development is carried out in accordance with the associated arboricultural Tree Protection Plan prepared for the site, the proposal is not expected to adversely affect the contribution of the retained trees to the local amenity.

In addition, the Landscape Plans prepared by NBLA includes a planting schedule to compensate for potential amenity loss, which involves the planting of four (4) different canopy tree species, being the following:

- *Jacaranda mimosifolia* (Jacaranda);
- *Phoenix canariensis* (Canary Island Date Palm);
- *Ficus macrocarpa* var. *hillii* (Hill's Weeping Fig); and
- *Hymenosporum flavum* (Native Frangipani).

The heights of the above canopy tree species will be between 6m and 15m once matured.

3.8 Stormwater

On-site water detention is proposed within the excavated area at the front of the site adjacent to Old South Head Road beneath the porte cochere and vehicle access ramp. Stormwater drainage works are detailed in the Stormwater Management Plan prepared by Enscape Studio.

3.9 Demolition and Excavation

The proposed development requires the demolition of existing structures and removal of some vegetation on the site. A demolition plan has been submitted with the Architectural Plans.

All demolition and excavation works will be undertaken in accordance with the provisions of Australian Standard – AS 2601.

Geotechnical documentation prepared by Geo-Environmental Engineering provides an assessment of the current conditions of the site and concludes that the site is considered suitable for the proposed demolition and excavation works, subject to the inclusion of the geotechnical recommendations and associated Remedial Action Plan.

3.10 Parking and Vehicular Access

The proposal includes a car parking garage at the basement levels of the development.

The proposed on-site parking can accommodate 48 car spaces and is to be accessed from Old South Head Road via an associated vehicle access ramp on the northern extent of the site. The proposal also includes the construction of a porte cochere driveway at the centre of the site along Old South Head Road, which will be associated with the seniors housing reception area on the ground floor.

A Traffic and Parking Assessment prepared by TTPA concludes that the proposed traffic management and parking arrangements for the site are consistent with the relevant Australian standards and complies with the provisions of the Waverley Development Control Plan (WDCP) 2022.

3.10.1 Basement Vehicle Access

Access to the basement levels of the development will occur via a vehicle access ramp on the northern extent of the site along Old South Head Road. The Architectural Plans prepared by Bates Smart includes the following traffic control devices within the development:

- Traffic signal serving the Old South Head Road entry point;
- Garage door to the basement level providing secure access;
- Traffic signal and mirror at the bottom of the ramp access driveway to the Basement 1 Level;

- Mirrors at the top and bottom of the ramp to the Basement 2 Level; and
- Stop sign, stop line and speed hump at the Old South Head Road exit point.

3.10.2 Car Parking

The development will accommodate 48 car parking spaces, which includes 5 visitor spaces and 2 car share spaces.

3.10.3 Bicycle and Motorcycle Parking

The proposal will accommodate 38 bicycle spaces in the Basement 1 Level, and 17 motorcycle parking spaces in the Basement 2 Level.

3.11 Waste Management

A Demolition & Construction Waste Management Plan prepared by Waste Audit & Consultancy Services has been submitted, which details the management of waste materials during the demolition and construction phases of the proposed development.

The Operational Waste Management Plan prepared by Waste Audit & Consultancy Services indicates the ongoing management of waste on site, including the location of waste storage areas and waste collection.

3.12 Building Code of Australia (BCA)

The proposal is capable of achieving compliance with the relevant Australian Standards and provisions of the building Code of Australia (BCA).

As detailed in the BCA Assessment Report prepared by Jensen Hughes, the proposal is capable of complying with the BCA subject to the implementation of performance solutions. In addition to the BCA Assessment Report, a Preliminary Fire Engineering Statement prepared by Innova Services Australia sets out the approach of the development to comply with these requirements.

3.13 Accessibility

The Access Report prepared by Vista Access Architects provides an assessment of the accessibility of the proposal in accordance with the relevant provisions of:

- The Building Code of Australia (BCA) 2022, Volume 1;
- The Disability (Access to Premises-Buildings) Standards 2010;
- Schedule 4 of State Environmental Planning Policy (Housing) 2021 relevant to Part 5 – Housing for Seniors and People with a Disability; and
- The relevant Australian Standards.

3.14 Services and Infrastructure

The proposal has undergone detailed design development to accommodate the relevant essential services and infrastructure on the site. Specifically, the Ground Upper Plan, Drawing No. DA03.004 in the Architectural Plans prepared by Bates Smart details the provision of a substation kiosk in the south-eastern corner of the site.

3.15 Pre-Development Application Consultation

The proposal was the subject of pre-DA advice with Council following a meeting of the Waverley Design Excellence Advisory Panel (DEAP) held on 8 March 2023 under Pre-DA Advice No. PD-5/2023. This advice refers to two (2) design approaches explored in the architectural concept design package prepared by Bates Smart submitted with the pre-DA.

Table 5 on the following page provides an overview of the matters raised by Council and the ways these have been addressed in the DA and this Statement.

| Council Comment | Response / SEE Reference |
|---|---|
| Urban Design | |
| <i>The preliminary proposal was presented to the Design Excellence Advisory Panel on 8 March 2023. The Panel was supportive of the amalgamation of the sites and the decision to not proceed with the approved mixed use development at 669 Old South Head Road (DA-374/2020) was praised.</i> | This item is acknowledged. The proposal has generally retained the concept design presented to the DEAP. |
| <i>The Panel supports the proposed split built form, with two defined elements centred around a lobby entrance that manages resident drop-off and pedestrian access.</i> | The design submitted with this application will continue to make a valuable contribution to the streetscape. |
| <i>The 'shop-top' typology at the corner of Oceanview Avenue is an important element of the proposal.</i> | |
| <i>As presented, the massing and design of the development are considered to make a valuable contribution to the streetscape. It is recommended that further sustainable initiatives be demonstrated in any future development application.</i> | |
| Floor Space Ratio | |
| <i>The submitted documentation indicates the site has a total area of 4,345.03sqm. This encompasses the site at 671-683 Old South Head Road measuring 3,867.1sqm and the site at 669 Old South Head Road measuring 477.93sqm. Two approaches to the allocation of GFA across the sites have been provided. Noting that both approaches result in the same proposed combined FSR of 1.432:1.</i> | This item is acknowledged. The proposal results in: <ul style="list-style-type: none"> - an FSR of 1.43:1 across the site. - an FSR of 1.11:1 over the southern portion (E1 zoned land). - an FSR of 1.51:1 over the northern portion (R3 zoned land) This has been calculated in accordance with the approach identified by Council. |
| <i><u>Approach 1</u> includes retaining the two separate sites. This results in 5398sqm GFA (1.396:1) at 671-683 Old South Head Road, and 824.43sqm GFA (1.725:1) at 669 Old South Head Road.</i> | |
| <i><u>Approach 2</u> includes consolidating the two sites. This results in 6222.43sqm GFA (1.432:1) across the entire site.</i> | |
| <i>Council staff confirm that the preferred approach involves amalgamating all sites, calculating the maximum GFA permissible under the controls, including any bonuses allowed for under the SEPP (Housing) 2021, then distributing this across the entire site as needed.</i> | On this basis, a Clause 4.6 Request to Vary a Development Standard (Clause 4.4) has been prepared by SJB Planning in support of this application. |
| <i>SEPP (Housing) 2021 Clause 87 (2)(b)(i) allows for an additional 15% floor space ratio for development involving independent living units.</i> | |

Clause 87(2)(b)(iii) allows for an additional 25% floor space ratio for development involving independent living units and residential care facilities. It is noted that residential care facilities have the same meaning as in the Aged Care Act 1997.

It is recommended that any future development on the site not exceed the maximum FSR permitted, including any applicable bonus under the SEPP (Housing) 2021.

Should the proposal exceed the maximum FSR permitted for the site, a written request to vary the development standard is required to be submitted pursuant to Clause 4.6 of Waverley LEP 2012. No assurance of support for an exceedance to a development standard can be provided without an assessment against the provisions of WLEP Clause 4.6.

Land Contamination and Remediation

Prior to consent being granted for the previous development application DA-455/2021, documentation was required to be submitted in accordance with Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021. Satisfaction of this SEPP is required prior to determination of an application involving a change of use of the land, so it is recommended that this documentation be updated as required and submitted with any future development application.

This item is acknowledged. Reference is made to the following documents submitted in support of this application:

- Preliminary and Detailed Site Contamination Investigation;
- Geotechnical Investigation Advice;
- Remedial Action Plan; and
- Interim Site Audit Advice.

An assessment of the proposal with respect to Section 4.6 of the Resilience and Hazards SEPP is included in Section 4.7 of this Statement.

Public Domain

No objections are raised from a Public Domain perspective. Given the extent of the redevelopment Council will likely recommend the upgrade of both street frontages outside the site. The upgrade may include but not be limited to the following:

- Reconstruction of Kerb and Gutter (including removal of any 'Double/Triple Kerb' sections)
- Reconstruction of footpath
- Removal of redundant driveways
- Construction of new driveways
- Planting of new street trees
- Lighting upgrades
- Drainage upgrades
- Replacement of street furniture

The driveway arrangement including recommended number and locations are to be recommended by the traffic team and be in accordance with the DCP requirements.

It is also recommended that the proposal be forwarded to the RMS for comment given Old South Head Road is a State Road.

This item is acknowledged.

Full assessment of the detailed proposal will be undertaken when the full DA is lodged with Council.

Stormwater

Following a quick assessment from a stormwater perspective, the following recommendations are provided:

- A suitably qualified and practising Civil Engineer shall be engaged to undertake the stormwater management plan for the proposed development in accordance with the Waverley Council Development Control Plan (WCDCP) and Waverley Council Water Management Technical Manual (WCWMTM). The plan shall be submitted to Council during the lodgement of the Development Application;
- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The stormwater management plan shall include the location, surface and invert level of all pits and the grade of all pipes;
- The engaged Engineer should carefully review Council's policies to determine if the development is subject to on-site stormwater detention (OSD). If OSD is required, the stormwater management plan shall provide details of the proposed OSD system and its details for each lot e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate detail including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan.
- The BASIX Certificate and its requirements shall be complied with; and
- Please note that after reviewing the submitted stormwater management plans, Council may request for more information.

This item is acknowledged. Reference is made to the Stormwater Management Plan prepared by Enscape Studio in support of this application.

Traffic and Transport

Previous development application for the site were assessed under SEPP (Housing for Seniors or People with a Disability) 2004. This no longer applies.

Clause 108 (2) (k) of the 2021 SEPP requires the provision of at least 0.5 parking spaces for each bedroom.

Clause 5 of Part 1 of Schedule 4 of the 2021 SEPP states:

If car parking (not being car parking for employees) is provided—

- (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and
- (b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and

This item is acknowledged. In light of Council's comments, refer to the below response:

- The proposal includes 82 bedrooms, thus requiring 41 spaces under the Housing SEPP. A total of 48 spaces have been provided;
- Reference is made to the Access Report prepared by Vista Access Architects, which notes that the proposal complies with Section 5 of Schedule 4;
- The proposal provides a total of 38 bicycle parking spaces and 17 motorcycle parking spaces;
- Port cochere access will be provided in the centre of the site, which

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

Motorcycle and bicycle parking requirements will be assessed against Councils DCP and the previous approval DA-455/2021 for 671-683 Old South Head Road.

The Porte Cochere and access off Old South Head Road shall be designed as previously approved for DA-455/2021 for 671-683 Old South Head Road (or something similar).

Provision shall be made for waste collection and deliveries by small rigid vehicles as defined in AS2890.2. Minimum head clearance requirements shall be the same as for the previous approval DA-455/2021 for 671-683 Old South Head Road.

Further to the above, considerations must be given to matters outlined in clause 2.119(2) under SEPP Transport and Infrastructure) 2021 in relation to development with frontage to a classified Road.

creates positive visual impact and a sense of address. It is similar to that which was previously approved under DA-455/2021 on the basis that access off Old South Head Road will be maintained.

- Clearances will be generally maintained in line with that which was approved under DA-455/2021.
- An assessment of the proposal with respect to Section 2.119 of the Transport and Infrastructure SEPP is included in Section 4.10 of this Statement.

Table 5: Overview of the issues raised by Council in Pre-DA Advice No. PD-5/2023

4. Statutory Assessment

4.1 Section 4.15

Section 4.15 of the *EP&A Act 1979* sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

“(1) Matter for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) 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*
- (iii) any development control plan, and*
- (iiia) 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*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (vi) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

The matters for consideration identified in S4.15(1)(a) of the *EP&A Act 1979* are addressed in the following section. Subsections (b) to (e) of S4.15(1) of the *EP&A Act 1979* are addressed in Section 5 of this SEE.

4.2 Overview of Statutory and Policy Controls

The EPIs and other statutory planning documents and policies which are relevant to the assessment of the proposed development pursuant to S4.15(1)(a) are identified below.

4.2.1 State Environmental Planning Policies

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP);
- State Environmental Planning Policy (Housing) 2021 (Housing SEPP);
- State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), in force under SEPP 65;

- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP);
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP);
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP); and
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

4.2.2 Local Environmental Plans

- Waverley Local Environmental Plan (WLEP) 2012.

4.2.3 Development Control Plans

- Waverley Development Control Plan (WDGP) 2022.

4.2.4 Provisions of any planning agreement

- Reference is made to Section 2.6 of this Statement.

4.3 State Environmental Planning Policy (Planning Systems) 2021

As prescribed by Subsection 2.19(1) of the Planning Systems SEPP, development specified in Schedule 6 is declared to be regionally significant development.

Schedule 6, Section 2 of the Planning Systems SEPP declares “*development that has a capital investment value of more than \$30 million*” is regionally significant development. We note that the development has a CIV of under \$30 million. Accordingly, the Waverley Local Planning Panel (WLPP) is the consent authority for this application.

4.4 State Environmental Planning Policy (Housing) 2021

4.4.1 Chapter 3, Part 5 – Housing for Seniors and People with a Disability

The proposal involves seniors housing on land within both the R3 Medium Density Residential zone and the E1 Local Centre zone, and therefore Chapter 3, Part 5 of the Housing SEPP applies.

We note that the previously approved developments captured in both DA-372/2020 and DA-455/2021 were assessed under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This SEPP has since been repealed and its provisions are transferred to Chapter 3, Part 5 of the Housing SEPP, with some changes made to the planning rules for seniors housing and independent living units.

Table 6 on the following page comments on the compliance of the proposal with the relevant sections of Part 5 of the Housing SEPP.

| Standard | Comment |
|--|--|
| Division 3 – Development standards | |
| 84 Development standards—general | This section applies. |
| <p>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</p> <p>(2) Development consent must not be granted for development to which this section applies unless—</p> <p>(a) the site area of the development is at least 1,000m², and</p> <p>(b) the frontage of the site area of the development is at least 20m measured at the building line, and</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted—</p> <p>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and</p> <p>(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p> <p>(3) The servicing equipment must—</p> <p>(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p> <p>(4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following—</p> <p>(a) the Aboriginal Housing Office or the Land and Housing Corporation,</p> <p>(b) another social housing provider.</p> | <p>Complies. The proposed development:</p> <ul style="list-style-type: none"> – Has a site area greater than 1,000m² (4,345.03m²); – Has a frontage of at least 20m measured at the building line along Old South Head Road; and – Is partly sited within the R3 Medium Density Residential zone, whereby residential flat buildings are permitted under WLEP 2012, and therefore subclause (c) does not apply. <p>Complies. Whilst the maximum height of the building will be greater than 11.5m, (noting that WLEP 2012 sets a maximum building height control of 12.5m and 13m respectively for the different parts of the site) the servicing equipment is:</p> <ul style="list-style-type: none"> – Substantially setback from the roof edge and is concealed by a screened plant enclosure, thereby reducing visibility from the street level; and – Limited to approximately 12% of the roof surface area. <p>The proposed rooftop servicing equipment in and of itself does not result in the building having a height of more than 11.5m and is acceptable in this regard.</p> <p>Not applicable.</p> |
| 85 Development standards for hostels and independent living units | This item is acknowledged. Reference is made to Pages 48 to 57 of the Access Report |

| | |
|--|--|
| <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p> | <p>prepared by Vista Access Architects submitted in support of this application, which details the compliance of the proposal with Schedule 4 of this SEPP.</p> |
| <p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7-13 and 15-20 if the development application is made by, or by a person jointly with, a social housing provider.</p> | <p>Not applicable.</p> |
| <p>87 Additional floor space ratios</p> <p>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—</p> <ul style="list-style-type: none"> (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or (b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core. <p>(2) Development consent may be granted for development to which this section applies if—</p> <ul style="list-style-type: none"> (a) the site area of the development is at least 1,500m², and (b) the development will result in a building with the maximum permissible floor space ratio plus— <ul style="list-style-type: none"> (i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or (ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or (iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and (c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height. | <p>This section applies. The site is located within both the R3 Medium Density Residential zone and the E1 Local Centre zone.</p> <p>Under WLEP 2012, residential flat buildings are permitted in the R3 zone, and shop top housing is permitted in the E1 zone.</p> <p>Complies. The site area is 4,345.03m².</p> <p>Does not comply. The proposal will have an FSR of</p> <ul style="list-style-type: none"> - 1.43:1 across the site. - 1.11:1 over the southern portion (E1 zoned land). - 1.51:1 over the northern portion (R3 zoned land) <p>A Clause 4.6 Request to Vary a Development Standard has been prepared by SJB Planning in support of the contravention of the standard at s87(2)(b)(i) standard.</p> <p>Complies. The development will not have a maximum height of more than 3.8m above the maximum permissible height standards expressed under WLEP 2012.</p> |
| <p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. | <p>Complies. The proposal intends to accommodate seniors, as defined by the SEPP.</p> |

| | |
|---|--|
| (2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates. | Complies. |
| 89 Use of ground floor of seniors housing in business zones | This section applies. Part of the site used for the purposes of seniors housing is within the E1 Local Centre zone. |
| (1) This section applies to a building used for the purposes of seniors housing on land in a business zone. | |
| (2) Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes. | Complies. The ground floor level of the part of the site within the E1 Local Centre zone is to be used as a retail premises. |
| (3) Subsection (2) does not apply to a part of a building that— (a) faces a service lane that does not require active street frontages, or (b) is used for 1 or more of the following purposes— (i) a lobby for a residential, serviced apartment, hotel or tenanted component of the building, (ii) access for fire services, (iii) vehicular access. | Not applicable. |
| (4) Subsection (2) does not apply if another environmental planning instrument permits the use of the ground floor of the building for residential purposes. | Not applicable. |
| 91 Fire sprinkler systems in residential care facilities | Not applicable. The proposal does not include residential care facility. |
| (1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system. | |
| (2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent. | |
| Division 4 - Site-related requirements | |
| 93 Location and access to facilities and services— independent living units | Complies. The proposed development effectively involves the rationalisation of DA-374/2020 and DA-455/2021, which will achieve a more holistic development across the site that will result in high amenity outcomes for residents. |
| (1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services— (a) by a transport service that complies with subsection (2), or (b) on-site. | The proposed facilities and services within the lower ground floor areas of the seniors housing development ensures the needs of future residents are met on-site. |
| (2) The transport service must— (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land within the Greater Sydney region— (i) not be an on-demand booking service for the | Not applicable. It is considered that appropriate facilities and services are able to be provided for residents on site. |

- transport of passengers for a fare, and
- (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and
- (b) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.

- (3) For the purposes of subsections (1) and (2), access is adequate if—
- (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and
 - (b) the distance is accessible by means of a suitable access pathway, and
 - (c) the gradient along the pathway complies with subsection (4)(c).

Complies.

95 Water and sewer

Able to comply.

- (1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—
- (a) be connected to a reticulated water system, and
 - (b) have adequate facilities for the removal or disposal of sewage.
- (2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—
- (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or
 - (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.
- (3) In this section—
relevant authority means the public authority responsible for water and sewerage services in the area in which the seniors housing is located.

Able to comply.

This item is acknowledged.

Division 5 – Design requirements

97 Design of in-fill self-care housing

In determining a development application for development for the purposes of in-fill self-care housing, a consent authority must consider the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004, published on the Department's website.

This item is acknowledged. It is noted that Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004 was replaced by the new Seniors Housing Design Guide that was published by the Department in December 2023.

The proposal has regard to the Seniors Housing Design Guide.

98 Design of seniors housing

A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is

This item is acknowledged. Refer to the below assessment of Division 6 which demonstrates that the proposal has

satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.

incorporated the seniors housing principles to a high degree.

Division 6 – Design principles

99 Neighbourhood amenity and streetscape

Seniors housing should be designed to—

- (a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and
- (b) recognise the desirable elements of—
 - (i) the location's current character, or
 - (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and
- (c) complement heritage conservation areas and heritage items in the area, and
- (d) maintain reasonable neighbourhood amenity and appropriate residential character by—
 - (i) providing building setbacks to reduce bulk and overshadowing, and
 - (ii) using building form and siting that relates to the site's land form, and
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
 - (v) set back the front building on the site generally in line with the existing building line, and
 - (vi) include plants reasonably similar to other plants in the street, and
 - (vii) retain, wherever reasonable, significant trees, and prevent the construction of a building in a riparian zone.

Complies. The proposal directly contributes to the desired future character of the area by way it is high-quality design that responds to the streetscape.

The proposal will generally maintain existing approved setbacks, which will continue to ensure there are no bulk and overshadowing impacts.

The proposal has considered its interface with the street and surrounding development. Detailed building articulation and landscaping has been provided to create positive visual impact and maintain residential amenity.

100 Visual and acoustic privacy

Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by—

- (a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Complies. The proposal utilises detailed landscaping and different balcony types to ensure the visual privacy of neighbours and residents is maintained. The proposal is considered to be acceptable with respect to acoustic privacy.

101 Solar access and design for climate

The design of seniors housing should—

- (a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight

Complies. The proposal is fully compliant with the solar access requirements of the ADG, and appropriate solar access is provided to the communal open space associated with the seniors housing

| | |
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| <p>in neighbouring buildings, and</p> <p>(b) <i>involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i></p> | <p>development without creating overshadowing impacts for surrounding development.</p> <p>The proposal has appropriately considered energy conservation in its design.</p> |
| <p>102 Stormwater</p> <p><i>The design of seniors housing should aim to—</i></p> <p>(a) <i>control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</i></p> <p>(b) <i>include, where practical, on-site stormwater detention or re-use for second quality water uses.</i></p> | <p>Complies. Reference is made to the Stormwater Management Plan prepared by Enscape Design in support of the proposal.</p> |
| <p>103 Crime prevention</p> <p><i>Seniors housing should—</i></p> <p>(a) <i>be designed in accordance with environmental design principles relating to crime prevention, and</i></p> <p>(b) <i>provide personal property security for residents and visitors, and</i></p> <p>(c) <i>encourage crime prevention by—</i></p> <p>(i) <i>site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and</i></p> <p>(ii) <i>providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</i></p> <p>(iii) <i>providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i></p> | <p>Complies. The proposal has regard to the principles of CPTED by providing secure internal storage for residents, creating demarcations between the public domain and ground level private open space, and by providing a consolidated street-level entry via the proposed lobby.</p> |
| <p>104 Accessibility</p> <p><i>Seniors housing should—</i></p> <p>(a) <i>have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</i></p> <p>(b) <i>provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i></p> | <p>Complies. The proposal has considered accessibility principles throughout design development and provides safe and equitable access to all parts of the site.</p> |
| <p>105 Waste management</p> <p><i>Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</i></p> | <p>Complies. The proposal makes appropriate provision for waste management and collection on the site.</p> |

Division 7 – Non-discretionary development standards

106 Interrelationship of Division with design principles in Division 6

Nothing in this Division permits the granting of consent to development under this Part if the consent authority is satisfied that the design of the seniors housing does not demonstrate that adequate consideration has been given to the principles set out in Division 6.

Complies. The proposal has appropriately demonstrated that substantial consideration has been given to the design principles of Division 6.

108 Non-discretionary development standards for independent living units—the Act, s 4.15

This section applies.

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.
- (2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—
- (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,
 - (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—
 - (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and
 - (ii) is limited to an area of no more than 20% of the surface area of the roof, and
 - (iii) does not result in the building having a height of more than 11.5m,
 - (c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,
 - (d) for a development application made by a social housing provider—at least 35m² of landscaped area per dwelling,
 - (e) if paragraph (d) does not apply—at least 30% of the site area is landscaped,
 - (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,

Does not comply. The proposal will have a maximum height greater than 9.5m.

Whilst the maximum height of the building will be greater than 11.5m, the servicing equipment is:

- Substantially setback from the roof edge and is concealed by a screened plant enclosure, thereby reducing visibility from the street level; and
- Limited to approximately 12% of the roof surface area.

The building is greater in height than 11.5m, however this is not as a result of the rooftop servicing equipment, and the proposal is acceptable in this regard.

Does not comply. The proposal will have an FSR of greater than 0.5:1. Notwithstanding that the WLEP 2012 and the s87(2)(b)(i) provide for an FSR considerably higher than that stated under s108(2)(c), a Clause 4.6 Request to Vary a Development Standard has been prepared by SJB Planning in support of the contravention of this standard as a precaution.

Not applicable.

Complies. The proposal results in landscaped area comprising 42% of the site area.

Complies. The proposal provides 1,128.72m² of deep soil zone, which is 25.97% of the site area and is approximately 73% above what is required by this standard. The deep soil coverage is practicably distributed across the site to provide appropriate landscaping for dwellings that have an interface with both the front and rear of the site.

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| | The proposal results in a 69% increase in deep soil coverage compared to what was previously approved under both DA-374/2020 and DA-455/2021. |
| (g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces, | Complies. Reference is made to the ADG Compliance Table prepared by Bates Smart. 94% of dwellings will receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces, which is well in excess of this requirement. |
| (h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— | Complies. It is considered that the following dwellings are considered to be located either wholly or in part on the ground floor of both multi-storey buildings: |
| (i) at least 15m ² of private open space per dwelling, and | – LG.01, UG.05, UG.06 and UG.07. |
| (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor, | The above dwellings are considered to comply with this private open space standard. |
| (i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— | Complies. Not applicable. The proposal does not include 1 bedroom dwellings. |
| (i) an area of at least 10m ² , or | |
| (ii) for each dwelling containing 1 bedroom—an area of at least 6m ² , | |
| (j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings, | Not applicable. |
| (k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom. | Complies. The proposal includes 82 bedrooms, which requires 41 spaces based on this control. The proposal provides a total of 48 parking spaces, 41 of which will be for residents. |

Table 6: Housing SEPP Part 5 Assessment Table

4.4.2 Schedule 4 – Standards Concerning Accessibility and Usability for Hostels and Independent Living Units

Reference is made to Pages 48 to 57 of the Access Report prepared by Vista Access Architects submitted in support of this application, which details the compliance of the proposal with Schedule 4 of this SEPP in relation to standards applying to independent living units.

It has been demonstrated that, where applicable, the proposal either complies or is capable of complying with the relevant standards following more detailed design development at the Construction Certificate stage.

4.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Section 4 of SEPP 65 states the following:

- “(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—*
- (a) the development consists of any of the following—*
 - (i) the erection of a new building,*
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
 - (iii) the conversion of an existing building, and*
 - (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
 - (c) the building concerned contains at least 4 or more dwellings.”*

The proposal comprises the erection of two new buildings for seniors housing as the principal use, with part of the ground level of the southern building accommodating a retail/business premises use. The buildings are greater than 3 storeys in height and will contain more than 4 dwellings. SEPP 65 therefore applies to the proposal.

Reference is made to the following documents which support the proposal with respect to the requirements of SEPP 65:

- Design Report prepared by Bates Smart;
- ADG Compliance Table prepared by Bates Smart; and
- Design Verification Statement prepared by Bates Smart.

It is considered that the site and proposal is consistent with the requirements of SEPP 65.

4.6 State Environmental Planning Policy (Resilience and Hazards) 2021

4.6.1 Chapter 4 – Remediation of Land

Chapter 4 of the Resilience and Hazards SEPP prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Section 4.6 of the Resilience and Hazards SEPP provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The site currently comprises low density residential accommodation and a corner shop with a history of small-scale retail uses.

The following documentation has been prepared in relation to the site:

- Preliminary and Detailed Site Contamination Investigation prepared by Geo-Environmental Engineering;
- Geotechnical Investigation Advice prepared by Geo-Environmental Engineering;

- Remedial Action Plan (RAP) prepared by Geo-Environmental Engineering; and
- Interim Site Audit Advice prepared by Geo-Logix.

The Preliminary and Detailed Site Contamination Investigation identified that near surface topsoil/fill material across the site is sporadically contaminated with lead at concentrations greater than those permissible for the proposed land use.

Geo-Environmental Engineering also considered that excavation to a depth of between approximately 5m and 12m will be required for the proposed basement levels. It is noted that the proposal will result in a net increase in excavation as a result of the consolidation of both sites subject to DA-374/2020 and DA-455/2021, which is to primarily consolidate both sites which were previously subject to a 6m building separation. In the context of consolidating both sites and approved building footprints, the proposal is generally comparable in this regard.

Notwithstanding, it has been concluded that the site can be made suitable for the purpose of seniors housing via the implementation of the RAP prepared by Geo-Environmental Engineering.

In addition to Geo-Environmental Engineering's findings, the application is supported by an NSW EPA Contaminated Site Auditor. The Interim Site Audit Advice prepared by Geo-Logix confirms that, "the RAP is practicable and if implemented will render the site suitable for the proposed land use."

Having regard to above, it is considered that the site is consistent with the requirements of Resilience and Hazards SEPP and can be made suitable for the proposed land use.

4.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.7.1 Chapter 2 – Vegetation in Non-Rural Areas

Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 of the SEPP states that a Development Control Plan may make a declaration in any manner relating to species, size, location, and presence of vegetation. Accordingly, Chapter B3 of WDCP 2022 prescribes works that can be undertaken with or without consent to trees and objectives for tree management.

The proposal seeks consent for the removal of 55 trees as outlined in the Arboricultural Impact Assessment prepared by Synertree.

Accordingly, further consideration of Chapter 2 of the Biodiversity and Conservation SEPP is not required.

4.7.2 Chapter 6 – Water Catchments

As shown in Figure 14 below, the site is not identified as being within the Sydney Harbour Catchment, and as such, is not subject to assessment under Chapter 6 of the Biodiversity and Conservation SEPP.

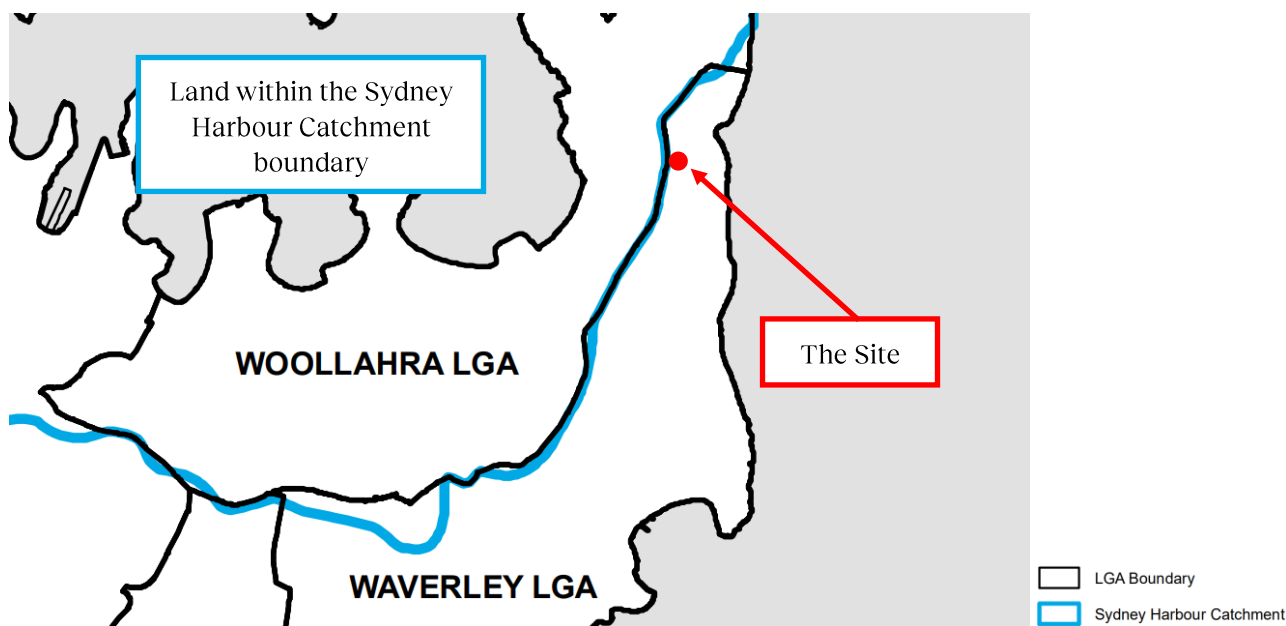


Figure 14: Extract from the Sydney Harbour Catchment Map SHC_001 (Source: DPE)

4.8 State Environmental Planning Policy (Sustainable Buildings) 2022

4.8.1 Chapter 2 – Standards for Residential Development - BASIX

This SEPP operates in conjunction with the EP&A Regulation 2021 to ensure the delivery of sustainable development through the introduction of BASIX in NSW. As defined by the Regulation, the proposal satisfies 'BASIX development' as it involves the erection of two (2) BASIX buildings.

A BASIX Report prepared by BECA has been prepared for the proposal and demonstrates that the building is able to satisfy the relevant requirements of the Sustainable Buildings SEPP.

4.8.2 Chapter 3 – Standards for Non-Residential Development

Chapter 3 of the Sustainable Buildings SEPP applies to development, other than development for the purposes of residential accommodation, that involves the erection of a new building, if the development has a CIV of \$5 million or more.

The proposal is for the purposes of a seniors housing development, whereby part of the ground floor level of the southern building will be used as a retail/business premises. The non-residential development does not have a CIV of more than \$5 million. The Sustainable Buildings SEPP does not contain provisions for non-residential development as small as the proposed retail/business premises floor space, and therefore further consideration of Chapter 3 of the SEPP is not required.

4.9 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.9.1 Chapter 2 – Infrastructure

Chapter 2 of the Transport and Infrastructure SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The SEPP applies to the State and therefore applies to the subject site.

Chapter 2 is divided into three (3) parts being preliminary, general and development controls. The Development Controls in Part 2.3 are divided into several use based divisions. Each of the divisions have been considered and the proposal is subject to the following:

- Section 2.119 – Development with frontage to a classified road;
- Section 2.120 – Impact of road noise or vibration on non-road development;

Section 2.119 – Development with Frontage to Classified Road

The site of the proposal has frontage to Old South Head Road, which is a classified road. The proposal is considered acceptable with regard to the provisions of Section 2.119 given that:

- Vehicle access to the land from Old South Head Road generally reflects the arrangement approved under DA-455/2021, which has been demonstrated to be a safer and more practicable option than access from Oceanview Avenue (see discussion below);
- The proposal will not compromise the effective and ongoing operation and function of Old South Head Road on the basis that the porte cochere will enable vehicles to utilise the site for temporary stopping/parking off the classified road;
- The reduced number of dwellings to that which was approved under DA-455/2021 suggests that the proposal will have a reduced volume of vehicles accessing the site, and consequently less vehicles will use Old South Head Road to gain access to the land; and
- The proposed land use incorporates appropriate acoustic attenuation measures so as not to be affected by traffic noise or vehicular emissions, as demonstrated in the Acoustic Report prepared by Reef Acoustic Consulting.

Reference is made to Section 6.1 of the Traffic and Parking Assessment prepared by TTPA submitted in support of the proposed traffic and transport arrangements made as part of this application.

The proposal has considered the possibility of creating a driveway entry point to the development from Oceanview Avenue instead of Old South Head Road. The proposed driveway entry point from Old South Head Road has been previously approved by DA-455/2021. It is considered that it is not safe or practicable to have a driveway along Oceanview Avenue for the following reasons:

- The provision of a driveway at this point in the development will result in the loss of landscaped area/deep soil in close proximity to dwellings;
- The existing driveway at No. 683 Old South Head Road, which already contains basement access, would need to be removed and filled, which will significantly alter existing ground levels in that part of the site adjacent to the primary frontage;
- The position of a potential Oceanview Avenue driveway does not comply with AS2890.1 in terms of site distance; and
- The adverse impacts of any driveway along Oceanview Avenue would be exacerbated by an existing crest near the corner of Old South Head Road (see Figure 9).

The proposal is therefore acceptable in regard to Section 2.119 of the SEPP.

Section 2.120 - Impact of Road Noise or Vibration on Non-Road Development

Section 2.120 of the SEPP applies to development for the purposes of residential accommodation on land that is adjacent to any road with an annual average daily traffic (AADT) volume of more than 20,000 vehicles and that the consent authority considers is likely to be adversely affected by road noise or vibration.

The proposed seniors housing development is located along Old South Head Road north of Newcastle Street, which is identified by Section 3.3 of the Traffic and Parking Assessment prepared by TTPA to have an AADT volume of 25,317. This section therefore applies.

Reference is made to the Acoustic Report prepared by Reef Acoustic Consulting, which assesses preliminary noise impacts against Subsection 2.120(3) of the SEPP, as well as the requirements of Development Near Rail Corridors and Busy Roads - Interim Guideline. The acoustic assessment concluded that all areas of the proposal are able to comply with all required controls, and therefore the proposal is acceptable in regard to Section 2.120.

Section 2.122 - Traffic Generating Development

Pursuant to Schedule 3 of the SEPP, the proposal is not a traffic generating development. 75 or more dwellings is the threshold for residential accommodation for sites with access to a classified road, whereby the proposal will only produce 31 dwellings.

As such, the proposal is considered acceptable with regard to the relevant objectives and provisions of Chapter 2 of the Transport and Infrastructure SEPP.

4.10 Waverley Local Environmental Plan 2012

4.10.1 Land Use and Permissibility

The site is partly located within both the R3 Medium Density Residential zone and the E1 Local Centre zone under WLEP 2012 as illustrated in the extract of the Land Zoning Map in Figure 15.

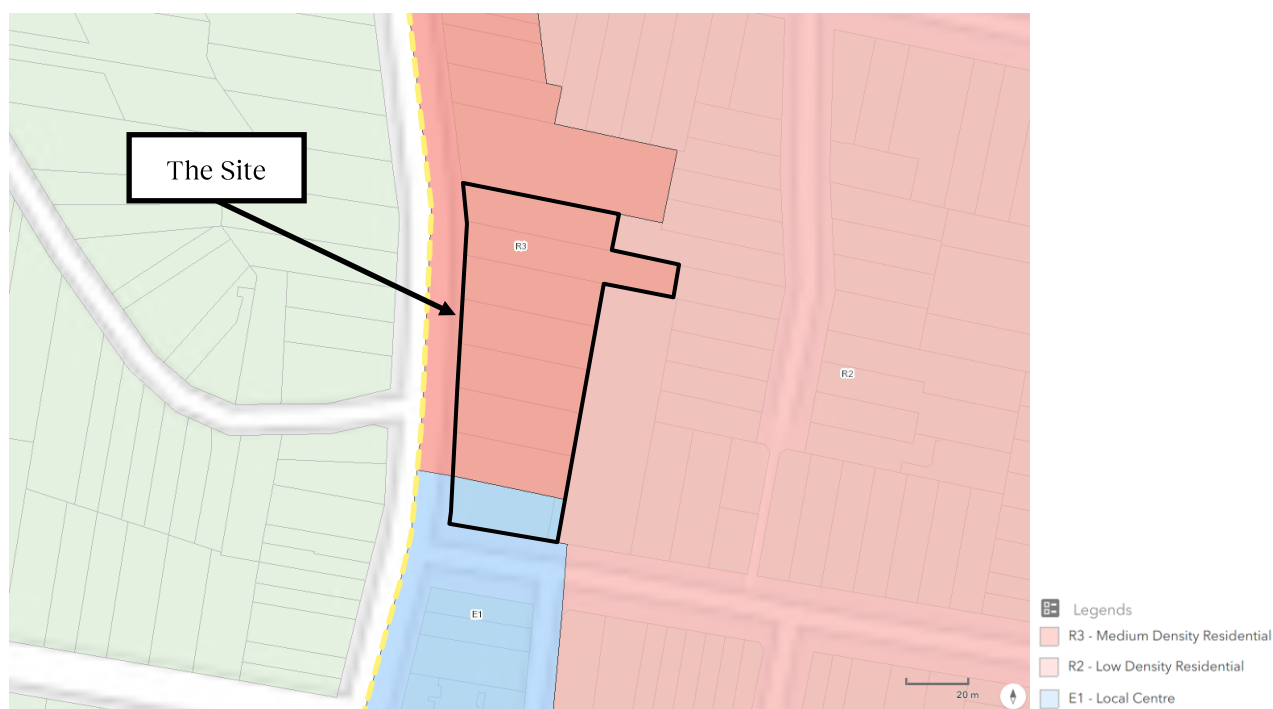


Figure 15: Extract of WLEP 2012 Zoning Map (Source: NSW Planning Portal Digital EPI Viewer)

No. 669 Old South Head Road and part of No. 671 Old South Head Road is located within the E1 Local Centre zone on the southern extent of the site.

The proposal involves the construction of a seniors housing development (involving independent living units) comprising two buildings, with the part of the ground floor level of the southern building that is within the E1 Local Centre zone to be used as a retail/business premises.

Section 79 of the Housing SEPP states that Chapter 3, Part 5 relevant to housing for seniors and people with a disability applies to land in both the R3 Medium Density Residential zone and the E1 Local Centre zone. Section 81 of the Housing SEPP states the following:

“81 Seniors housing permitted with consent

Development for the purposes of seniors housing may be carried out with development consent—

- (a) on land to which this Part applies, or*
- (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.”*

Subject to Section 81 of the Housing SEPP, development for the purposes of seniors housing is permitted with consent on the subject site.

The ground floor level of the part of the site in the E1 Local Centre zone will be used as a retail/business premises. In the land use table of WLEP 2012 under the E1 Local Centre zone, commercial premises (which captures retail or business premises) are permitted with consent.

The proposal is therefore permissible with development consent.

In satisfaction of Subclause 2.3(2) of WLEP 2012, the proposal is also consistent with the objectives of each zone as detailed in Tables 6 and 7.

R3 Medium Density Residential Zone

| R3 Zone Objective | Comment |
|--|--|
| <i>To provide for the housing needs of the community within a medium density residential environment</i> | The proposal will result in the construction of 31 new independent living units for seniors, including ancillary facilities to accommodate their needs. The proposed development is of a land use, scale and density that is commensurate with a medium density residential environment. |
| <i>To provide a variety of housing types within a medium density residential environment</i> | The proposal results in a diverse dwelling mix across the site to accommodate a variety of housing types for seniors. |
| <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i> | The proposal accommodates ancillary facilities to the seniors housing which are generally located within the Lower Ground Level of the development. The retail/business premises on the southern extent of the site will create additional services following its establishment. |
| <i>To maximise public transport patronage and encourage walking and cycling</i> | The site is within close proximity to public transport routes (i.e. bus routes) along Old South Head Road immediately in front of the site. The site proposes to accommodate 38 |

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| | bicycle parking spaces in the Basement 1 Level to provide opportunities for cycling to and from the site. Section 7 of the Traffic and Parking Assessment prepared by TTPA includes a Green Travel Plan to encourage sustainable transport outcomes by way of encouraging active transport options. |
| <i>To increase or preserve residential dwelling density</i> | The site currently accommodates seven (7) detached dwellings, which will be replaced with a seniors housing development that provides a total of 31 independent living units, thereby increasing residential dwelling density. |
| <i>To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability</i> | <p>The supply of independent living units will provide housing for older people and therefore contributing to the housing needs of the population.</p> <p>It is noted that the current proposal is not subject to the requirements of the former Seniors Housing SEPP, which required the provision of affordable housing places in order to achieve bonus floor space.</p> <p>Notwithstanding, the applicant has submitted a VPA to Council seeking to provide a monetary contribution for the purpose of the provision of Affordable Housing and has been prepared in accordance with Waverley Council's Planning Agreement Policy 2014.</p> <p>The VPA seeks to provide similar positive affordable housing outcomes as that which were previously approved under Condition No. 5 of DA-455/2021.</p> |
| <i>To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood</i> | The proposal is consistent with the desired future character of both the Rose Bay North Centre and the medium density residential zone as set out within Parts C2 and E3 of the WDCP 2022. The proposed massing and design of the development, which is similar to that which was approved under DA-455/2021, will continue to make a valuable (if not improved) contribution to the streetscape and one that is consistent with the relevant provisions of the WDCP 2022. |
| <i>To promote development that incorporates planning and design measures that reduce the urban heat island effect</i> | The proposal incorporates building design measures to improve sustainable development outcomes, which also includes a comprehensive tree planting schedule to support the canopy coverage of the proposal. |
| <i>To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping</i> | Reference is made to the Landscape Plans prepared by NBLs. The proposal will result in a 69% increase in deep soil coverage for the site above what was approved under DA-455/2021 and DA-374/2020. The proposal is consistent with the provisions of deep soil and landscaped area provisions of the Housing SEPP as they apply for seniors housing and also the relevant provisions of the ADG. |

Table 7: Medium Density Residential Zone Objectives Assessment Table

E1 Local Centre Zone

| E1 Zone Objective | Comment |
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| <i>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area</i> | The proposed seniors housing development incorporates a retail/business premises component on part of the ground floor, thereby providing a mix of uses that cater to the local community. |
| <i>To encourage investment in local commercial development that generates employment opportunities and economic growth</i> | The development will create employment within both the seniors housing component and retail/business premises component of the southern building. The proposal will also generate short-term employment growth by way of the construction of the proposed development. |
| <i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area</i> | The part of the site that is identified within the E1 Local Centre zone contains independent living units above the ground floor level. The design of the residential accommodation creates visual interest and strong articulation on the corner of Old South Head Road and Oceanview Avenue which will promote vibrancy for the area. The proposal to provide seniors housing across the site is consistent with Waverley Local Housing Strategy. In particular it is noted that within Part 6.4 of the Strategy, there is identified an ongoing need and increasing demand (and potential ongoing shortfall) for seniors housing. The proposed development will assist in meeting the identified demand through the provision of high quality seniors housing within the LGA. |
| <i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings</i> | The proposal will include a retail/business premises on part of the ground floor level of the southern building that is within the E1 Local Centre zone. |
| <i>To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity</i> | The nature and scale of the proposed retail/business premises use on the ground floor level will not detract from the hierarchy of Waverley's existing business centres. |
| <i>To maximise public transport patronage and encourage walking and cycling</i> | The proposal will satisfy this objective in the same manner as the public transport patronage objectives identified for the R3 Medium Residential zone. |
| <i>To encourage the provision of affordable housing</i> | <p>We note that there is no requirement under the relevant parts of the current LEP or Housing SEPP to provide affordable housing on-site.</p> <p>It is noted that the current proposal is not subject to the requirements of the former Seniors Housing SEPP, which required the provision of affordable housing places in order to achieve bonus floor space.</p> <p>Notwithstanding, the applicant has submitted a VPA to</p> |

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| | <p>Council, seeking to provide a monetary contribution for the purpose of the provision of Affordable Housing. The VPA has been prepared in accordance with Waverley Council's Planning Agreement Policy.</p> <p>The VPA seeks to provide similar positive affordable housing outcomes as that which were previously approved under Condition No. 5 of DA-455/2021.</p> |
| <i>To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses</i> | The proposal does not include uses that will adversely impact the amenity of adjoining land. The seniors housing is a type of residential accommodation that is consistent with land uses at adjacent sites to the north and east. The proposed ground floor retail/business space over the E1 zoned land is consistent with the site's zoning and with the approved retail/business land that has operated at the site for a considerable time. |
| <i>To ensure development is of a height and scale that achieves the desired future character of the neighbourhood</i> | The height and scale of the proposal is similar to that which has been previously approved on the site. The design and visual interest created by the proposal will help to positively develop the future character of the neighbourhood. The proposal will not result in adverse view loss or overshadowing and is consistent with the desired future character of the Rose Bay North Village Centre controls (at 3.1.11 of the WDCP 2022) and the "Building Design and Streetscape" and "Site, Scale and Frontage" controls under C2 of the WDCP 2022. |
| <i>To promote employment growth by giving preference to commercial development over residential development</i> | <p>The proposal is primarily for the purposes of seniors housing, with the retail/business premises use serving an ancillary function on part of the ground floor level of the southern building.</p> <p>The development captures part of land in the E1 Local Centre zone to produce a consolidated mixed use development that has been previously supported by Council as part of the pre-DA process, and via previous approvals. It is considered that the proposed function of the parcel of land within this zone better serves the needs and amenity of the local community over a dominant commercial land use.</p> |
| <i>To provide active ground floor uses to create vibrant centres</i> | As defined by Clause 6.5 of WLEP 2012, the proposal includes an active ground floor use with the retail/business premises facing Old South Head Road. The design of the proposal and its prominent corner location will create vibrancy along the street. |

Table 8: E1 Local Centre Zone Objectives Assessment Table

4.10.2 Demolition (Clause 2.7)

Clause 2.7 of WLEP 2012 states that the demolition of a building or work may be carried out only with development consent.

Development consent is sought for the demolition of all existing structures on the site, as identified by the Demolition Plan, Drawing No. DA01.002 included in the Architectural Plans prepared by Bates Smart.

4.10.3 Minimum Subdivision Lot Size (Clause 4.1)

Clause 4.1 of WLEP 2012 establishes a minimum subdivision lot size of 232m² for the site. The proposal involves the consolidation of all existing allotments and therefore does not include subdivision. Further consideration of Clause 4.1 of WLEP 2012 is not required.

4.10.4 Height of Buildings (Clause 4.3)

Clause 4.3 of WLEP 2012 establishes a 12.5m and 13m maximum building height for the northern and southern parts of the site, respectively, as illustrated in the extract of the Height of Buildings Map included in Figure 16.

The development proposes a maximum building height of 14.57m, which creates a 2.07m (16.56%) exceedance to the relevant height standard. A Clause 4.6 Request to Vary a Development Standard (Clause 4.3) prepared by SJB Planning has been submitted in support of the non-compliant building height of the proposal.

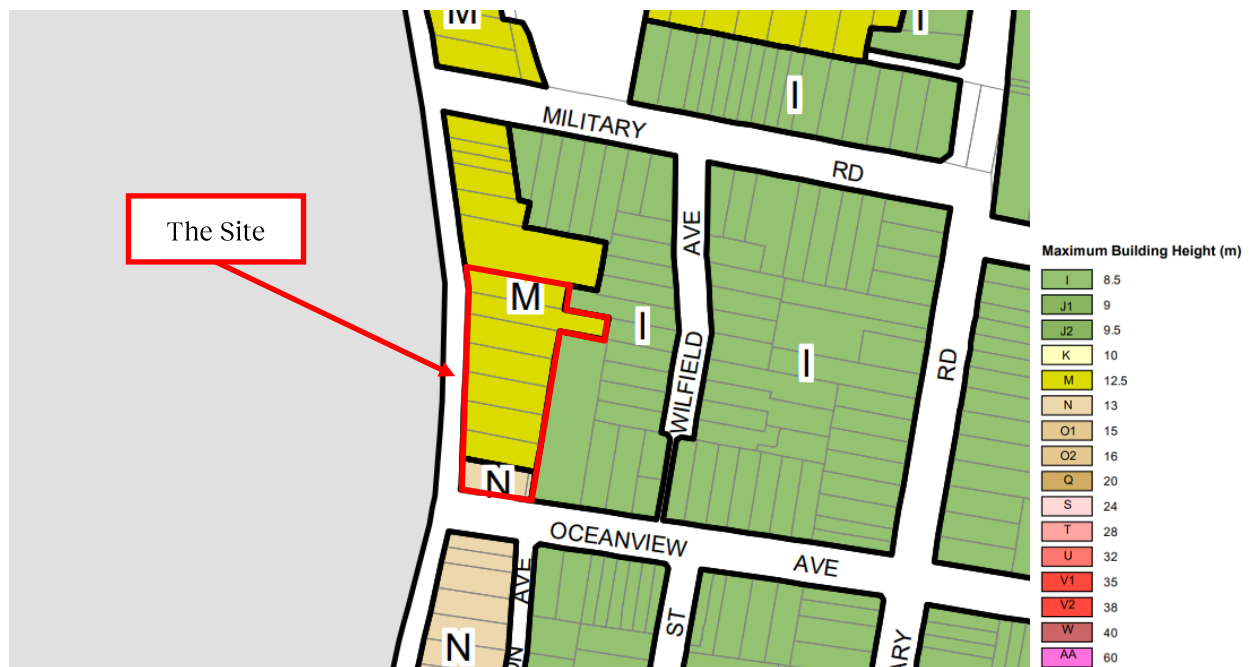


Figure 16: Extract of WLEP 2012 Height of Buildings Map

4.10.5 Floor Space Ratio (Clause 4.4)

Clause 4.4 of WLEP 2012 specifies a maximum floor space ratio of 0.9:1 and 1.5:1 to the northern and southern parts of the site, respectively, as illustrated in the extract of the Floor Space Ratio Map included in Figure 17.

The application proposes a total GFA of 6621m², which equates to a FSR of 1.43:1 across the site, equating to a variation of 1,555.05m² GFA if the FSR is applied pro rata across the entire site.

The proposed GFA over the southern part of the site (zoned E1) is 912m² equating to a FSR of 1.11:1. This complies and is less than the maximum allowable FSR for the southern portion of the site.

The proposed GFA over the northern part of the site (zoned R3), is 5309m² equating to a FSR of 1.51:1 and a variation of 1,665.17m² of GFA.

A Clause 4.6 Request to Vary a Development Standard (Clause 4.4) prepared by SJB Planning has been submitted in support of the non-compliant building height of the proposal.

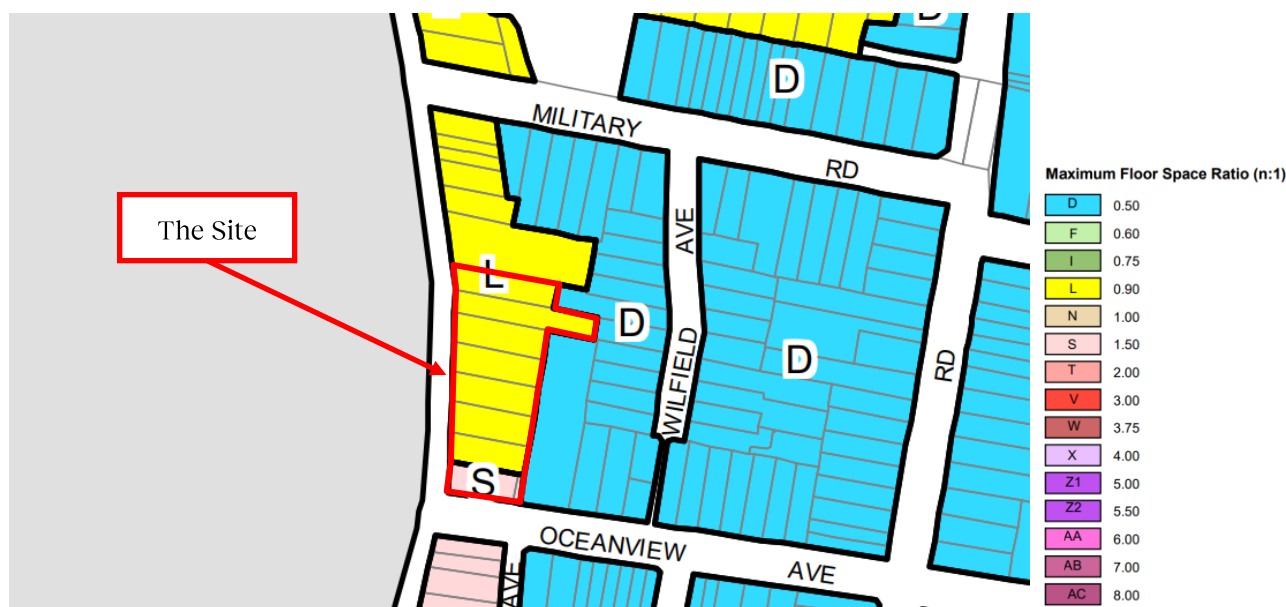


Figure 17: Extract of WLEP 2012 Floor Space Ratio Map

4.10.6 Exceptions to Development Standards (Clause 4.6)

The following Clause 4.6 Requests to Vary a Development Standard prepared by SJB Planning has been submitted in support of the proposed non-compliances with the following principal development standards:

- WLEP 2012 - Height of Buildings (Clause 4.3);
- WLEP 2012 - Floor Space Ratio (Clause 4.4);
- Housing SEPP - Building Height (Section 108); and
- Housing SEPP - Floor Space Ratio (Section 87 & 108).

4.10.7 Heritage Conservation (Clause 5.10)

The site is not a listed item of heritage within Schedule 5 of WLEP 2012, nor is it within an identified conservation area. The site is not in the immediate proximity of any listed heritage items. Further consideration of Clause 5.10 of WLEP 2012 is not considered to be required.

4.10.8 Acid Sulfate Soils (Clause 6.1)

The site is not identified as being located within an Acid Sulfate Soils area as prescribed by Clause 6.1 of WLEP 2012. Further consideration of Clause 6.1 of WLEP 2012 is not considered to be required.

4.10.9 Earthworks (Clause 6.2)

Clause 6.2 requires consent for earthworks and identifies matters for consideration to ensure development involving earthworks will not have a detrimental impact on environmental functions and processes, neighbouring development, heritage, or features of surrounding land.

The proposal involves ancillary earthworks to facilitate the construction of two (2) four storey buildings as well as two basement levels for vehicle parking, ancillary storage, loading, plant and services. Similar to DA-374/2020 and DA-455/2021, the proposal involves the excavation of the site for basement levels within the building footprint, with the Basement 2 level being built to the northern site boundary.

All excavation works that will be undertaken are capable of complying with similar Conditions of Consent to those provided previously under DA-374/2020 and DA-455/2021 in relation to the maintaining the integrity of adjacent development.

The geotechnical documentation prepared by Geo-Environmental Engineering submitted with this application concludes that the site is suitable for the proposed excavation works, subject to the inclusion of their recommendations and the associated Remedial Action Plan.

Accordingly, it is considered that the proposal is consistent with the provisions of Clause 6.2.

4.10.10 Active Street Frontages (Clause 6.5)

Clause 6.5 contains provisions to promote uses that attract pedestrian traffic along certain ground floor street frontages in the E2 Commercial Centre zone and the MU1 Mixed Use zone. Whilst the site is not located in either of these zones, the south-western portion of the site fronting Old South Head Road is identified on the Active Street Frontages Map (Figure 18).

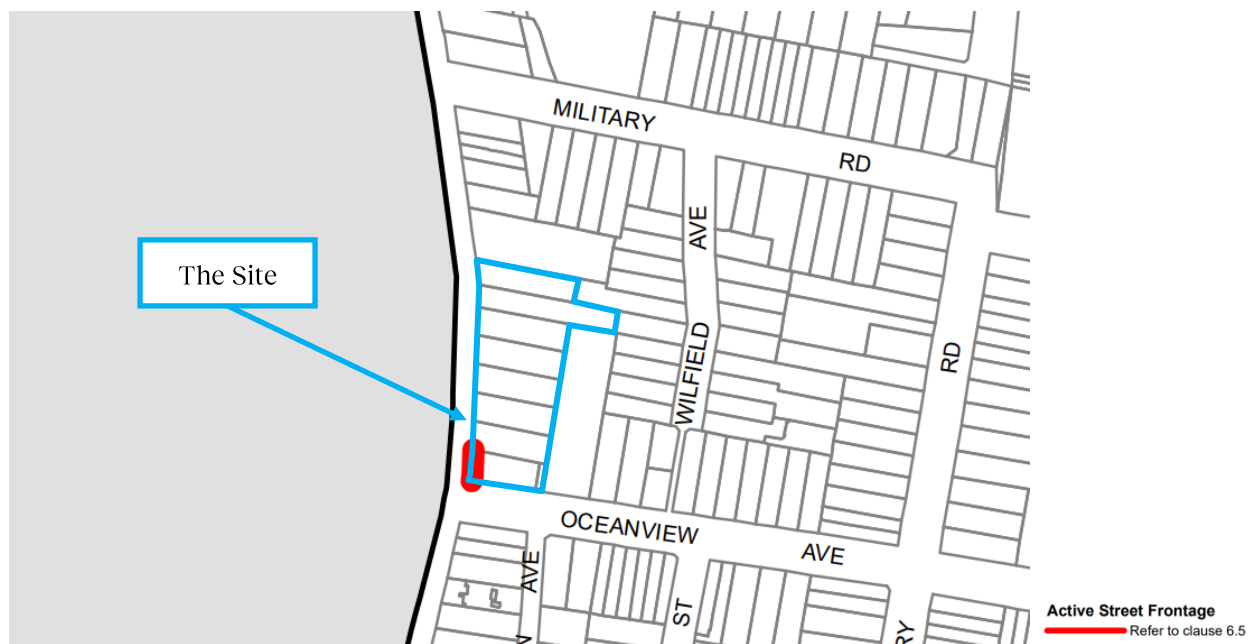


Figure 18: Extract of WLEP 2012 Active Street Frontages Map

The aspect of the development that is subject to this clause will contain a retail/business premises use on the ground floor fronting Old South Head Road. Development consent pursuant to Clause 6.4 of WLEP 2012 is therefore able to be granted on this basis.

4.10.11 Design Excellence (Clause 6.9)

Clause 6.9 of WLEP 2012 applies to development within the E1 Local Centre zone which involves the erection of a new building that has a building height equal to, or greater than, 15 metres.

The proposal has a maximum building height of 14.57, which is less than 15m. On this basis, the provisions of Clause 6.9 of WLEP 2012 do not apply to the proposed development. Notwithstanding, the proposal demonstrates high levels of design excellence with the provisions outlined in in Subclause 6.9(4).

4.10.12 Waste Minimisation and Recycling (Clause 6.14)

Clause 6.14 of WLEP 2012 applies to the erection of a building for the purposes of a mixed use or shop top housing development, which is captured within the proposal.

Reference is made to both the Demolition & Construction Waste Management Plan and the Operational Waste Management Plan prepared by Waste Audit & Consultancy Services submitted in support of this application.

With respect to Subclause 6.14(3) of WLEP 2012, the proposal is acceptable on waste minimisation grounds for the following reasons:

- The submitted documentation identifies the location of waste storage areas across the development and the ongoing management of waste collection;
- The submitted documentation has forecasted waste generation of the residential and non-residential aspects of the development in line with Council's waste management requirements; and
- The proposal is able to comply with Council's requirements for waste storage rooms and collection facilities.

4.10.13 Stormwater Management (Clause 6.15)

Clause 6.15 of WLEP 2012 relates to the management of urban stormwater in mitigating potential impacts.

The site is located in both the R3 Medium Density Residential zone and the E1 Local Centre zone and therefore the provisions of Clause 6.15 apply to the proposed development.

Reference is made to the Stormwater Management Plan prepared by Enscape Studio, which details the conceptual aspects of the proposal relevant to stormwater design.

It is considered that the proposal is able to appropriately satisfy the provisions of Subclause 6.15(3) of WLEP 2012 via the implementation of the Stormwater Management Plan.

4.10.14 Development in Zone E1 (Clause 6.16)

Clause 6.16 of WLEP 2012 applies to development in the E1 Local Centre zone to ensure the scale and function of development in this zone is appropriate for its location.

The southern extent of the site, being No. 669 Old South Head Road and part of No. 671 Old South Head Road, is located in the E1 Local Centre zone. The proposal is consistent with Clause 6.16 of WLEP 2012 for the following reasons:

- The proposal will have minimal overall impacts on the amenity of surrounding residential areas by way of its similarity with previous approvals on the site that this application seeks to rationalise;
- The proposal is consistent with, and contributes, to the desired future character of the area as a result of its contemporary design and strong articulation; and
- The proposal is consistent with the hierarchy of centres as the ground floor retail/business premises it is not the dominant use of the land. It will provide offerings consistent with a corner site in the E1 Local Centre zone along a main road, being Old South Head Road.

4.11 Waverley Development Control Plan 2022

WDCP 2022 is the primary development control plan applicable to development within the Waverley local government area (LGA).

WDCP 2022 contains detailed guidelines and controls for development, which supplement the development standards and provisions contained in WLEP 2012. An assessment of the proposal against the provisions of WDCP 2022 is provided as a separate document as part of the DA package.

It is considered that the proposal satisfies the relevant provisions of WDCP 2022, noting that the proposal is generally consistent with the development previously approved under DA-374/2020 and DA-455/2021 which will create overall positive planning outcomes.

5. Impacts of the Development

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under S4.15(1)(b) to (e) of the *EP&A Act 1979*.

5.1 Amenity Impacts on Neighbouring Properties

The proposal will continue to have overall acceptable impacts on the amenity of surrounding residential areas by way of its consistency with previously approved development on the site that this application seeks to rationalise.

5.1.1 Bulk, Scale and Visual Impact

Through the consolidation of all lots on the site, the resultant proposal creates better urban design outcomes in terms of bulk and scale. Whilst the proposal keeps a similar built form extent to what has been previously approved in terms of setbacks, the gap between the two primary built forms creates visual relief, which is supported by high landscape design quality interspersed throughout the development.

The gateway corner site design of the part of the land within the E1 Local Centre zone is now more suitably integrated with development along Old South Head Road. The proposal results in overall positive visual impacts.

5.1.2 Privacy Impacts

The proposal maintains appropriate building separations to residential developments to the north and east. Potential privacy impacts between dwellings and associated private open spaces are addressed by high quality landscaping and the construction of Juliet balconies so that the function of some spaces is changed to minimise overlooking. The proposal results in overall minimal privacy impacts.

5.1.3 Solar Access and Overshadowing

Compared to the development approved under DA-455/2021, the proposal results in similar solar access impacts for residents and surrounding buildings, whereby 94% of dwellings will receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces. The proposal results in overall minimal solar access and overshadowing impacts.

5.2 View Impacts

The proposal retains similar setbacks as that which was approved under DA-374/2020 and DA-455/2021, which produces a relatively similar built form envelope. It is considered that the proposal will not result in any detrimental view impacts in addition to what has been previously approved.

5.3 Acoustic Impacts

Reference is made to the Acoustic Report prepared by Reef Acoustic Consulting, which concluded that all areas of the proposed development are able to comply with all required controls. The proposal is therefore acceptable in regard to acoustic impacts.

5.4 Traffic and Parking

For all intents and purposes, it is considered that the proposal will result in more improved traffic and parking impacts by way of reduced traffic generation when compared to the developments approved under DA-374/2020 and DA-455/2021, which this application seeks to rationalise.

The utilisation of the existing ramp entrance at No. 683 Old South Head Road to the basement levels improves feasibility for internal circulation and safety within the local road network, which is consistent with the ramp's location under DA-455/2021.

Aside from positive urban design outcomes that improve legibility, the siting of the porte cochere along Old South Head Road to the centre of the site ensures the majority of street trees along Old South Head Road are able to be retained as road openings associated with the existing dwellings are able to be utilised for the proposal.

For these reasons, the proposal will result in improve traffic and parking impacts compared to what was previously approved as a result of site consolidation.

5.5 Natural Environmental Impacts

The proposal results in a 69% increase in deep soil coverage across the site, providing more opportunities for tree planting that will create net overall positive natural environmental impacts as a result of the development.

The Arboricultural Impact Assessment prepared by Synertree notes that, provided that the development is carried out in accordance with the associated Arboricultural Tree Protection Plan prepared for the site, the proposal is not expected to adversely affect the contribution of the retained trees to the local amenity.

The proposal involves detailed and high-quality landscaping works that intend to respond to natural landscape character of Vaucluse. It is considered that the proposal results in minimal natural environmental impacts when compared to previously approved development.

5.6 Stormwater Impacts

Stormwater impacts for the site have been considered suitable, subject to the implementation of the Stormwater Management Plan prepared by Enscape Studio.

5.7 Access Impacts

The design of the proposal has considered the accessibility needs of future residents, which will be seniors and may include people with a disability. The Access Report by Vista Access Architects confirms that the proposal either complies or is capable of compliance with the relevant accessibility requirements, which are able to be detailed and verified at the Construction Certificate stage. The proposal creates overall positive accessibility impacts for its future residents.

5.8 Geotechnical and Construction Impacts

All demolition and excavation works will be undertaken in accordance with the provisions of Australian Standard – AS 2601. Hours of construction will be undertaken in accordance with Council's requirements and adjoining properties will be notified prior to commencement of works on site.

The geotechnical documentation prepared by Geo-Environmental Engineering provides an assessment of the conditions of the site and concludes that the site is considered suitable for the proposed construction

works, subject to the inclusion of the recommendations contained in the documentation and the implementation of a RAP.

In accordance with relevant waste management regulations and policies, all construction waste will be disposed of in an appropriate manner.

5.9 Social Impacts and Economic Impacts

The proposal will not give rise to any adverse social impacts. The proposal will have an overall positive social impact resulting from the associated benefits of the development of seniors housing. The high quality design of the development will serve a purpose of creating a sense of community amongst senior residents. The proposal provides an abundance of communal spaces that improve health, wellbeing and engagement, and the associated facilities ensures a high level of support for residents.

The proposal provides a contemporary development for a community that requires generous and varied spaces to promote social inclusion, comfortability, and wellness to improve overall quality of life.

No adverse economic impacts are expected as a result of the proposal. In the short term, the proposal will have a positive economic impact by providing construction employment. In the long-term, the provision of retail/business floor space is appropriate for the context of the site at the corner of the Rose Bay North Local Village centre to serve the residents and local community.

5.10 The Suitability of the Site for the Development

The preceding sections of this report demonstrate that the site is suitable for the proposed development. The proposal development is permissible under the relevant EPIs and is consistent with the objectives of both the R3 Medium Density Residential zone and the E1 Local Centre zone as prescribed by WLEP 2012. The proposal will result in a well-designed, well-sited, and well-configured development to support the provision of seniors housing in the area.

The proposal will maintain the land uses that were previously approved under Development Consents Nos. DA-374/2020 and DA-455/2021, which apply to the land in question. The proposal is made more suitable by the consolidation of land which will produce more holistic planning and urban design outcomes.

There are no significant constraints that would hinder the proposed development and the proposed development does not result in significant impacts on neighbouring properties or the surrounding area. Accordingly, the site is considered suitable for the proposed development.

5.11 Consultation and Submissions

The proposal will be notified in accordance with Council's notification policy. Any submissions received as a result of this public engagement process can be assessed at that time and responded to in the appropriate way.

5.12 The Public Interest

The development of land in an orderly and economic way is in the public interest.

The public interest in the proposed development of this site is achieved in the provision of a well-organised seniors housing development with high amenity, useable retail/business premises floor space, and minimal impact on the amenity of surrounding properties. The proposal delivers a building of high architectural merit and visual interest in a prominent location.

6. Conclusion

The DA seeks consent to undertake the demolition of all structures on the site and construction of a seniors housing development involving 31 independent living units and ancillary facilities, including a ground floor retail/business premises in part of one building, associated earthworks, lot consolidation, landscaping and tree removal works, located at No. 669-683 Old South Head Road, Vaucluse ('the site').

The proposed development involves:

- Demolition of all existing structures on site, including seven (7) existing dwellings and one (1) mixed use building on the corner of Old South Head Road and Oceanview Avenue;
- Removal of trees;
- Construction of a seniors housing development, comprising two (2) four storey buildings, of which part of the ground floor level of the southern building will be used as a retail/business premises;
- Construction of ancillary facilities to the seniors housing, including:
 - A reception area, a community lounge, indoor and outdoor dining and kitchen areas, a gym, a cinema, a wine room, a co-working space, a library, and a functional garden;
- Construction of two basement levels for vehicle parking, ancillary storage, loading, plant and services;
- Construction of a porte cochere driveway to access the proposed lobby from Old South Head Road;
- Associated earthworks and landscaping; and
- Consolidation of all existing allotments.

The application seeks development consent under Section 4.12 of the *EP&A Act 1979* and has been assessed against the provisions of Section 4.15 of the *EP&A Act 1979*.

The proposed works are permissible with consent under the relevant EPIs and are consistent with the broad objectives of the R3 Medium Density Residential zone and E1 Local Centre zone as prescribed by WLEP 2012. In addition, the proposal demonstrates consistency with provisions of the Housing SEPP relevant to seniors housing, and the requirements of WDCP 2022.

The proposal makes a variation to the maximum building height and FSR controls under WLEP 2012, and the height and FSR standards under the Housing SEPP. These variations are deemed to be acceptable based on the fact that the proposed development is generally consistent with the density and scale of existing approved development at the site, however the proposal will result in an improved streetscape and urban design outcome compared to the approved development. Additionally, the proposal will increase the offering of seniors housing at the site, improve the residential amenity for future residents at the site and also adjacent residential properties and provide a unified architectural response across the site.

These Clause 4.6 Variation Requests are considered to be well founded on environmental planning grounds, and the imposition of these standards is considered to be unreasonable and unnecessary in the circumstances of this development.

For all intents and purposes, the proposal rationalises the developments approved under DA-374/2020 and DA-455/2021 to create a better planning and urban design outcome for the site. The proposal is consistent

with, and by way of its high quality architectural design, contributes to the desired future character of the locality.

The proposal delivers additional housing to meet the needs of an aging population in a manner that is able to serve as an example for well-designed seniors housing with regard to the new Seniors Housing Design Guide which was recently published.

The proposal provides an appropriate response to the site's context, including the topography of the locality. The height, scale, and density of the development is compatible with and responds to existing and emerging development within the locality.

The proposed development will display high architectural merit and will deliver a seniors housing development that is in the public interest.

The Statement demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the neighbourhood.

Based on the assessment undertaken, the site is suitable for the proposed development and approval of this application is sought.