

ITEM 4.1	PLANNING PROPOSAL FOR PROPERTY AT 184 WYNDORA AVENUE, FRESHWATER - PEX2014/0005
REPORTING OFFICER	SUSTAINABLE URBAN PLANNING MANAGER
TRIM FILE REF	2014/361905
ATTACHMENTS	1 Applicants Planning Proposal 2 Concept development plans 3 Copies of Submissions 4 Draft Development Controls 5 Relationship to the Strategic Planning Framework

PURPOSE

- Report on the initial Pre-Gateway assessment of the Planning Proposal; and
- Seek the support of the Warringah Development Assessment Panel for the Planning Proposal proceeding to Gateway Determination.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the Warringah Development Assessment Panel:

- A. Advise the Council that it supports the Planning Proposal proceeding to a Gateway Determination.
 - B. Following the Gateway Determination:
 - a. A final suite of Development Controls be determined to guide the future redevelopment of the land.
 - b. If the site proceeds in being planned for 'Attached Dwellings' that appropriate steps be taken to ensure that the physical redevelopment of the land takes place prior to the subdivision of Attached Dwellings on the land in the manner proposed by the indicative development concept.
 - c. The community be further consulted as part of the statutory exhibition of the proposal.
-

Introduction

Site Context and Location

Location	Property No.184 Wyndora Avenue, Freshwater
Legal Description	Lot 1 and 2 of DP 7912 & Lot 33, 34, 35 of DP 7912
Site Area	2,759.2m ² (currently comprises of 5 lots)
WLEP2011 Zoning	Existing R2 Low Density Residential Zone
Frontages	The site has a 90.53m frontage to McDonalds Street (to the west) a 36.57m frontage to Coles Road (to the south) and a 24.38m frontage to Wyndora Avenue (to the north).
Slope	The site slopes from the north/western corner of the site down towards the eastern and southern boundaries of the site.
Views	The site has district and distant ocean views to the east.

Existing development on the site consists of (Figures 1 & 2):

- The existing building on the site was originally constructed to accommodate the Peninsula Private Hospital and was typically used for general surgery and rehabilitation. The hospital is no longer in operation and the building is currently used as accommodation for approximately 18 disabled residents.
- The building is split level, and presents to surrounding streets as a single storey up to a three storey building.
- The current building has a gross floor area of approximately 1,650 m² excluding lower ground floor & sub-floor storage areas.
- The site currently has six access driveways and 2 hard stand carparking areas within the north/west and south/eastern corners of the site. 21 vehicle spaces are accommodated, 18 in the lower carpark off Coles Road, 3 adjacent to the main entry accessible from McDonald Road and Wyndora Avenue.
- The site consists of 5 Torrens Title lots with an average area of approximately 550m².

Surrounding development consists of:

- Along its eastern boundary, the site adjoins two low density residential properties (both containing two storey dwelling houses) being property No.182 Wyndora Avenue, Freshwater and property No.23 Coles Road, Freshwater.
- Development directly to the north, south and west of the site generally comprises of 1-2 storey dwelling houses on lot sizes ranging from approximately 540 m² up to 625 m².
- The suburb of Freshwater is predominantly characterised by low density detached style residential houses that are interspersed with a number of residential flat buildings.

- The site is within convenient walking distance (approximately 200m – 300m) of bus stops on Harbord Road. The land slopes from the site down to Harbord Road, with an approximately 20m drop in contours.
- The site is located in the suburb of Freshwater, which is approximately 15km north east of the Sydney CBD, 3.5km from Manly CBD, 1.5km from Warringah Mall, and 150m from a small neighbourhood retail centre on Harbord Rd.

Figure 1: Site location plan

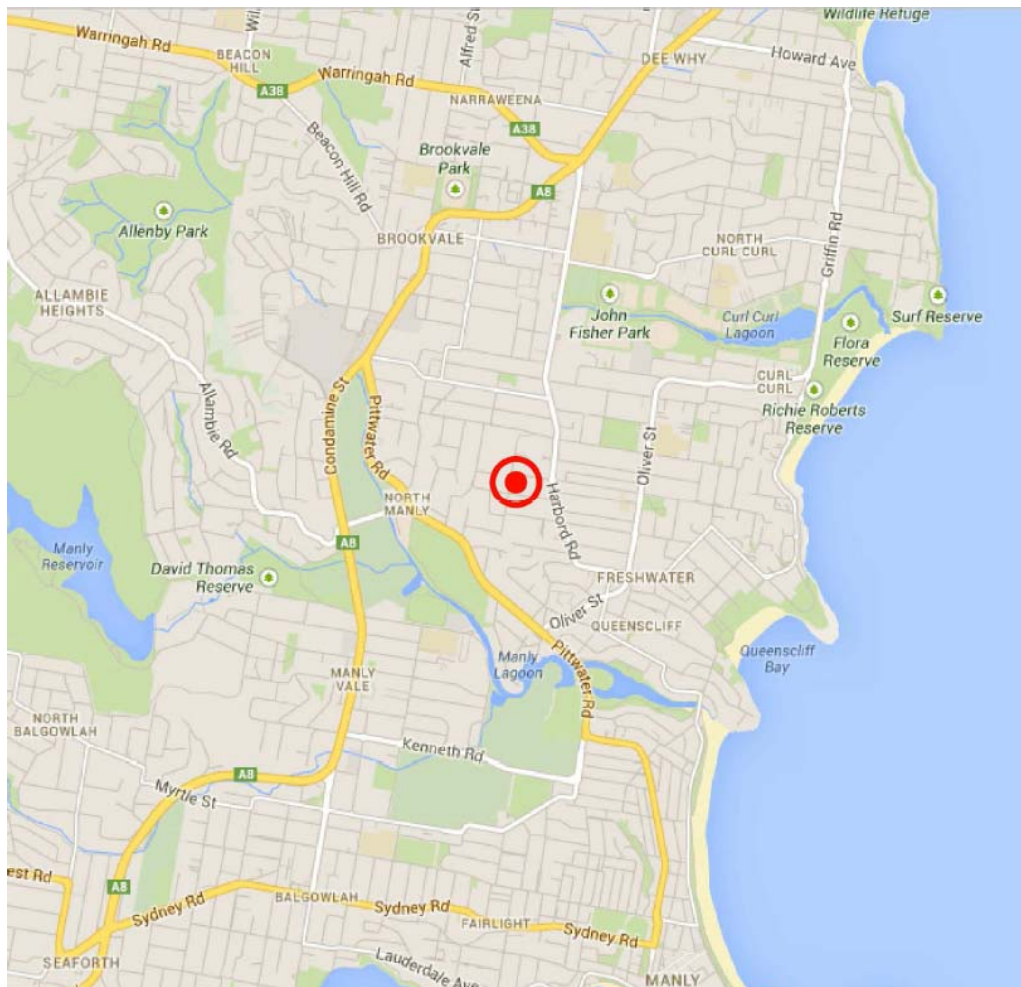


Figure 2: Aerial photograph of the site

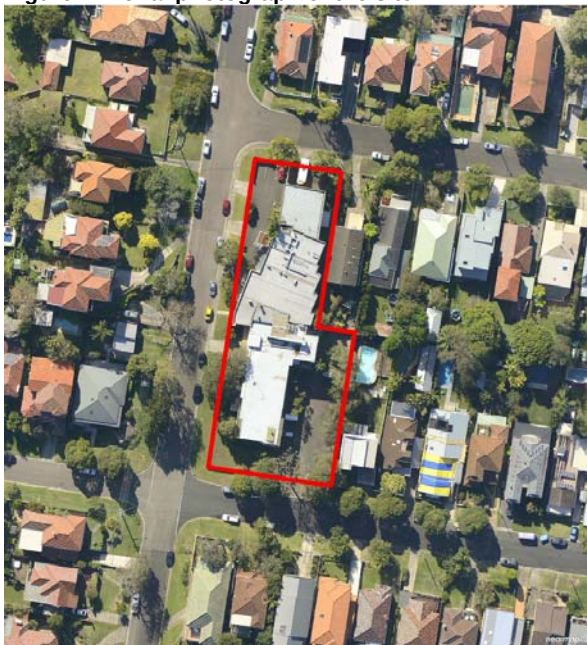


Figure 3: Photos of existing (former hospital) development site on the site and surrounds



South-east corner of the hospital



Western elevation of the hospital near the north-west corner



Northern elevation of the hospital



North-western corner of the hospital



North-east corner & adjoining No.182 Wyndora Ave



South-eastern corner carparking area



Ocean views from the site to the east

The Proposal

The proposal includes an indicative concept development plan for fourteen terrace-style, Torrens Title Attached Dwellings. Each has two off street car parking spaces and their own area of private open space on title.

28 car parking spaces are proposed to be located at basement level, each with direct access to the dwellings.

Landscaped areas are proposed at the front and rear of the site and in some instances between the proposed built forms.

An area of approximately 260 m² communal open space is also proposed within the south east corner of the site.

Under WLEP2011 the site is zoned as R2 Low Density Residential. The zoning and associated development standards currently prohibit the redevelopment of the site to provide attached dwelling houses, which is a form of medium density development. In order for the site to be redeveloped as envisaged by the proponent, amendments to the WLEP2011 are proposed by:

- Including the site in Schedule 1 (and associated Additional Permitted Uses map), permitting 'Attached Dwelling' on the site.
- Permitting a maximum density of 14 dwellings across the site.

(Concept development plans are provided at Attachment 2)

Assessment of the Planning Proposal

Relationship to the Strategic Planning Framework

The Planning Proposal is assessed as being consistent with key strategic planning policy considerations that are applicable to the land (summarised below).

The site is assessed as being in an appropriate location. It is approximately 150 metres from a Neighborhood shopping centre on Harbord Road; 70 metres from local bus services operating along Harbord Road.

Slightly further afield, the site is approximately 1 kilometer from Brookvale (classified by State Planning as a 'combined' Major Centre with Dee Why) and Warringah Mall. The Freshwater Village is also within 800 metres of the site.

The size, shape and proportions of the site (being 2,759.2m² and 5 contiguous allotments), with three street frontages, is assessed as being capable of accommodating the proposed form of housing.

The proposal offers the public benefits of revitalizing an under-utilised site and increasing opportunities for housing supply and diversity within Warringah; both supply and diversity being needs of the current and future Warringah community.

In summary these characteristics support the strategic planning justification of the proposal.

In addition, it is assessed that the indicative proposed development is in line with the directions of the following strategic planning documents:

- The Draft Metropolitan Strategy for Sydney to 2031
- The Metropolitan Plan for Sydney 2036
- Draft North East Subregional Strategy (2007)
- Warringah Community Strategic Plan 2023
- S117(2) Ministerial Directions of the EP&A Act, 1979

Refer to Attachment 5 for a more detailed assessment of the Planning Proposal against the above listed documents.

Land use permissibility – WLEP2011

Under WLEP2011 the site and surrounding area is zoned R2 Low Density Residential. Attached Dwellings are not permitted in the zone. In order for the site to be redeveloped, the application proposes the following amendments to the WLEP2011:

- Including the site in Schedule 1 (and associated Additional Permitted Uses map), permitting 'Attached Dwelling' on the site.
- Permitting a maximum dwelling density on the site.

Zone Objectives

Given it is proposed to maintain the current zoning of the land and use Schedule 1 to permit the proposed use, it is relevant to consider whether the proposal is consistent with the R2 Zone objectives. The objectives are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

In response:

The proposal will provide for the housing needs of the community, and subject to compliance with draft development controls:

- the proposal will provide housing within a landscaped setting.
- the proposed form of development, being low scale residential is compatible with the *low density residential environment*, including the character of residential development within the local context of the site.
- the land is generally capable of accommodating the form of proposed development. This aspect will be the subject of further and more detailed consideration during confirmation of a suite of development controls, and further again during the Development Assessment phase.

Proposed Built Form compared to Draft Development Controls

The proposal is for Attached Dwellings, but theoretically either Attached Dwellings or Multi Dwelling Housing (both defined in the Standard Instrument) could be used to define the proposed housing development. This matter is further discussed below under the heading Attached Dwellings or Multi Dwelling Housing.

Warringah does not have either Attached Dwellings or Multi Dwelling Housing as permitted housing forms within the R2 Low Density Residential Zone of WLEP2011. The WDCP is also lacking in development controls for this form of development. As a result the assessment of the application has involved researching a range of other authority planning controls in relation to this form of development.

From this review examples of different planning controls have been collected from a review of other DCPs in an effort to establish an appropriate set of controls to apply the subject land. In summary, most of the recommended controls have the potential to be applied more widely, but some have been tailored specific to the consideration of this proposal and its potential environmental impacts.

The draft summary of development controls are provided at Attachment 4. The proposal conforms with most of the draft development controls with the exception of the following:

LEP development standards

1. Housing Density - recommended maximum of 13 dwellings. Proposed 14 dwellings.
2. Floor Space Ratio – recommended maximum of 0.65 to 1. Proposed 0.76 to 1.

DCP controls

3. Visitor Car Parking - recommended requirement of three additional visitor car spaces. Proposed zero visitor car parking provision.
4. Rear Setback - Improved provision of landscape planting along the eastern boundary of the property where it adjoins 182 Wyndora Avenue, principally by means of a 2 metre wide rear setback to the basement car parking level that is clear on above or below ground structures. The proposal currently provides a zero setback from basement level to this boundary.
5. Maximum length of building frontage to McDonald Street - recommended maximum of 22 metres; proposed approximately 27metres.

A summary of each of these is provided below.

1. Housing Density

The current proposal would involve approximately 36.5 dwellings per hectare (per hectare calculation includes road access). Density at or above 35 dwellings per hectare is typically applied to land adjoining a town centre or significant public facilities. The subject site does not adjoin a town centre or significant public facility.

It is recommended that an appropriate density (i.e. dwellings per ha) for the site should be determined based on the developments ability to meet pre-determined Planning Controls. A draft suite of controls has been developed and provided in Attachment 4. There may be options available in the application of these to achieving an appropriate development outcome. This can take place after Gateway Determination prior to the statutory public exhibition.

2. Floor Space Ratio

Setting a Floor Space Ratio (FSR) control is one means of limiting the extent and intensity of development on the site. Similar to the issues discussed above in relation to housing density, it may appropriate to use a Floor Space Ratio control to guide the future redevelopment of the land. It is suggested that this be approximately 0.65 or 0.7 to 1.

By way of comparison it appears that the current hospital has an FSR of approximately 0.6 to 1 and is located 900mm from the boundary of 182 Wyndora Ave (this figure may need to be confirmed as the assessment progresses).

The proposed FSR is approximately 0.76 to 1 (possibly higher), comprising 14 two storey dwellings at 75 m² per story, 150 m² per dwelling, totalling a 'Net' floor area of 2,100 m². It appears this is a 'net' figure that doesn't account for the width of external enclosing walls. An FSR control would be measured as a 'gross' figure to include the width of external enclosing walls

A reduction in the proposed gross floor area will assist in achieving a development outcome appropriate to the context of density and building form.

3. Visitor Car Parking

The concept plan provides 2 car parking spaces per dwelling but makes no provision for visitor car parking. Consideration of other council DCPs (and our own DCP, which is based on the RMS Guidelines) reveals that they require visitor car parking for this form of housing. It's considered an appropriate provision and one that Council should look to apply to future similar housing forms.

This requirement would result in the need for approximately three visitor car parking spaces. This could be readily achieved within the proposed scheme with the deletion of a dwelling (proposed by *Housing Density* above) and potentially partial use of the proposed Common Landscaped Area for 1 space.

This would increase on-site car parking so long as a site specific requirement was imposed; the best means of achieving this would need to be further investigated e.g. LEP- Schedule 1). There is the ability to have complimentary requirement for dual use of at least one visitor space as an onsite vehicle wash-bay.

4. Rear Setback to 182 Wyndora Avenue

The site's interface with 182 Wyndora Avenue (the adjoining eastern property) is a relevant assessment issue. This is despite the owners / residents not making a submission to the proposal.

182 Wyndora Avenue is a single detached dwelling. The existing hospital is 2 storeys where it adjoins 182 and built close (900mm) to the shared boundary.

The proposal provides a 6m setback to the 9 proposed dwellings, but a zero setback to the basement carpark thereby limiting the potential for deep soil planting. Seven private open space

areas are proposed on top of this basement garage and are orientated towards to side boundary of the property at 182 Wyndora Avenue.

A comparison with other comparable development controls / standards indicate that rear setback areas should contain some provision for deep soil planting to support landscaping and screen vegetation. For these reasons a 2 metre setback is recommended to the basement level car park from this boundary.

5. Maximum Length of Building Frontage to McDonald Street

Several councils have controls relating to a 'maximum length of building frontage'. The intent of the control is to 'break-up' the continuation of building form, achieve some building separation and opportunities for landscaping within the streetscape frontage.

Inclusion of a similar planning control in this instance (possibly 22m maximum length of building frontage) for development along McDonald Road, could result in a reduction in lot yield/dwellings from 14 down to 13 dwellings.

The proposed development frontage to Coles Road is approximately 27.5 m. The dwelling widths are approximately 5.5 m and cannot be reduced any further due to the proposed double car parking arrangement beneath them.

It is suggested that this only be imposed on the McDonald Road frontage which proposes 9 dwellings fronting it. This could be visually 'read' from acute angles within the streetscape as a row of 9 dwellings. Whereas the 5 dwellings fronting McDonald Road can only be 'read' as 5 dwellings and there are opportunities for landscaping at either end.

This requirement would be aligned with the intent of other recommended controls discussed above in points 1, 2 and 3. A built form that is more compatible with the surrounding residential character is likely to result.

Attached Dwellings or Multi Dwelling Housing

As previously noted the proposal is for Attached Dwellings, but theoretically either Attached Dwellings or Multi Dwelling Housing could be used to define the proposed housing development.

This is a relevant assessment issue, principally because once the LEP amendment permits Attached Dwellings at the nominated density; there is the potential for the land owner (current or future) to seek approval for the subdivision of the land. This could result in the sale of the land without the construction of the development concept, upon which the assessment has been based.

With proposed lot sizes of close to 200 square metres, and the development concept being contingent upon a common basement car parking level this is an outcome that steps should be taken to avoid.

The definitions of each are provided below, however a distinguishing difference is in the manner they are able to be subdivided:

- The definition of Attached Dwellings permits Torrens Title Subdivision; it states:
***Attached dwelling** means a building containing 3 or more dwellings, where: (a) each dwelling is attached to another dwelling by a common wall, and (b) each of the dwellings is on its own lot of land, and (c) none of the dwellings is located above any part of another dwelling.*
- The definition of Multi Dwelling Housing permits Strata Subdivision; it states:
***Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

The Strata Subdivision of Multi Dwelling Housing development is contingent upon its construction whereas Torrens Title Subdivision can occur prior to Attached Dwelling construction taking place. There appears to be potential options to further investigate in resolving the issue, for example, applying (through a legal mechanism) the requirement for an integrated redevelopment outcome

i.e. the sub division approval won't be granted until the whole development is built. Possibly the use of wording within Schedule 1 of the LEP amendment may be able to address the issue.

Whilst use of a legal instrument (VPA, 88B or 88E) for this purpose is not familiar to Council, it is a planning method adopted by the Growth Centres Amendment DCP (No1) 2014 (p26) requires the integration of development approvals when housing lots are less than 225 m² and less than 9.0m wide.

As the Relevant Planning Authority, there will be opportunity during the post Gateway assessment to determine the appropriate means to overcome this issue. Alternatively if there is no legal mechanism to overcome this, the amendment proceeds for only Multi Dwelling Housing.

Comparison of Potential Development Outcomes

The assessment has taken into account the potential impacts of the proposed development compared to existing Hospital and the currently permitted development on the site (5 residential allotments).

Consideration has been given to:

- The extent of development currently located on the site; the development being a singular, monolithic, 1-3 storey formed hospital building.
- The potential nature and scale of development that could occur under the current planning controls on the existing five residential housing lots that comprise the land.
- Land uses that are currently permissible on the site under the existing R2 zoning including but not limited to:

Boarding houses; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities Exhibition homes; Group homes; Health consulting rooms; Hospitals; Places of public worship; Respite day care centres; Veterinary hospitals and Secondary Dwellings (under the SEPP)

The following table compares the floor area, height and carparking provisions of the proposed town house style development to the existing hospital development on the site and that which could be theoretically built on the existing five lots under current planning controls in terms of dwelling houses and secondary dwellings.

	Maximum Floor Area	Number of Dwellings	Building Height	Car parking	Additional Details
Existing Hospital Development	1,646m ²	N/A	1-3 storeys	Undetermined	Max Floor Area - Excludes lower ground floor and sub-floor storage areas
Current Planning Controls for Dwelling Houses and Secondary Dwellings	1,650m ²	10 dwellings (max) (i.e. 1 dwelling and 1 (60m ²) secondary dwelling per lot (over 5 lots).	8.5m height	Likely to be 10 Two (2) car parking spaces per dwelling under WDCP	Five (5) lots with at total 330m ² floor area permitted per dwelling house on each lot, including a 60m ² secondary dwelling per lot (under the SEPP)
Proposed Town House Style Development	2,100m ²	14 Torrens title dwellings	8.5m height	28 proposed	Approx. 150m ² floor area per dwelling

The above development scenarios are depicted in illustrations provided by the proponent (provided at Attachment 2). In this way the assessment has sought to take into consideration the current and potential environmental impacts attributable to the different development outcomes on the land. They are of assistance in understanding the nature of impacts in comparative terms.

In consideration of these development scenarios, on balance, the nature and scale of the proposed development whilst incorporating the modifications recommended via the draft development controls (Attachment 4) is assessed as a reasonable and appropriate development outcome for the land.

Community Consultation – Submissions Overview

Council placed the Planning Proposal on non-statutory public exhibition from Monday 14 July 2014 until Monday 28 July 2014. Notification included:

- Advertisements over three Saturdays (12/7/14; 19/7/14 and 26/7/14) in the Manly Daily notifying of the public exhibition.
- Notification letters to surrounding land owners.
- Advertising signs on site.
- Information provided on Council website and at Council Civic Centre of the planning proposal as submitted to Council.

Eight submissions were received in response to the public exhibition period (Attachment 3). A general summary of issues raised are outlined below:

- Several of the submissions expressed concern regarding the dwelling density (i.e. 14 dwellings proposed for the five lots) which is believed to be out of character with surrounding low density residential environment. These submissions generally called for a reduction in the proposed dwelling density.
- The majority of concerns raised were in regard to the proposed density, height, bulk and scale, setbacks, landscaping and resultant impacts on views, traffic, parking, overshadowing and incompatibility with the low density character of the area.
- Two submissions were not opposed to the addition of 'Attached Dwellings' as a permitted use for the property, noting one of these submissions is supportive of medium density development on the site compared to a residential flat building or other non-residential uses.
- Two submissions questioned the appropriateness of spot rezoning via Schedule 1 to achieve medium density development. These submissions implied that medium density development should occur by rezoning areas of land in appropriate locations not via spot rezonings.
- One concern was also raised regarding the establishment of a precedent for spot rezoning via Schedule 1, resulting in development that is incompatible with the surrounding area.
- Two submissions do not support the proposal and believe either low density residential is appropriate for the site or the continuation of the existing (or similar) land use on the site.
- Specifically in relation to view Impacts:
 - 2 submissions within McDonald Road, opposite the site, have raised concern regarding view impacts.
 - The assessment to date has considered the potential for view impacts resulting from a complying development on the site, that is, the construction of five, two-storey residential dwellings on the existing five lots.
 - Conceptually, it is concluded, that such an outcome is likely to have similar view impacts to that which is proposed. This is a matter to be further assessment at Development Application stage.

In summary, issues raised in submission have been addressed under relevant sections of this report and above. There have been no matters raised of such significance that should prevent the proposal proceeding to Gateway determination.

There will be further opportunity after the Gateway Determination to refine the proposed development controls to guide the sites redevelopment. Further, there'll be opportunity for the

community to review the proposal and have further input during the statutory public exhibition of the proposal.

Conclusion

The Planning Proposal is assessed as being consistent with relevant strategic planning policy. It offers the public benefits of revitalising an under-utilised site and increasing opportunities for housing supply and diversity within Warringah.

The site is assessed as being in an appropriate location in reasonable access to services and public transport. The size, shape and proportions of the site, supported by having three street frontages, is assessed as being capable of accommodating the proposed form of housing.

For these reasons the proposal is recommended to proceed to Gateway Determination. Following the Gateway Determination, further assessment is needed with regards to the following:

- To determine an appropriate set of development controls to guide the future development of Attached Dwellings on the land.
- To establish a requirement for the physical construction of the building (generally in the manner proposed) to precede the subdivision and the land.

This is needed to ensure the LEP amendment does not result in the land being subdivided, sold and individually developed. There may be options for achieving this outcome (for example by use of a legal instrument like VPA, S88 Instrument). These will need to be investigated as the assessment proceeds.

Alternatively if an appropriate legal mechanism cannot be established the LEP amendment may proceed only to permit Multi Dwelling Housing as an additional permitted land use on the site.

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Preliminary Planning Proposal



184 Wyndora Avenue, Freshwater

Terrace Style Dwellings

Submitted to Warringah Council

On Behalf of St Andrew's Healthcare & Peninsular 1 Pty Ltd

June 2014 ■ 13333

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JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System that is ISO 9001:2008 Certified. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:



Robert Stark

23/06/2014

This report has been reviewed by:



Vivienne Goldschmidt

23/06/2014

Contents

1.0	Introduction	1
2.0	Background	3
3.0	The Site	5
3.1	Site Location	5
3.2	Site Description	5
3.3	Existing Development	6
3.4	Topography	9
3.5	Vegetation	9
3.6	Site Access	9
3.7	Surrounding Development	9
3.8	Key Planning Controls	10
4.0	The Indicative Scheme	13
4.1	Urban Design Principles	13
4.2	Residential Development Options	14
4.3	Indicative Dwellings	14
4.4	Proposed Amendments to Warringah LEP	16
5.0	Strategic and Statutory Planning Framework	17
5.1	Strategic Planning Policies	17
5.2	State Legislation	22
5.3	Warringah LEP 2011	23
6.0	Environmental Analysis	26
6.1	Social and Economic Benefits	26
6.2	Built Form of Indicative Scheme	26
6.3	Visual Impacts	27
6.4	Traffic, Parking and Access	27
6.5	Public Transport	28
6.6	Infrastructure and Servicing	28
7.0	Assessment of Planning Proposal against NSW Department of Planning and Infrastructure Guidelines	29
7.1	Parts 1 and 2	29
7.2	Part 3 - Justification	29
7.3	Part 4 – Mapping	31
7.4	Part 5 – Community Consultation	32
8.0	Conclusion	33

Contents

Figures

1	Site context	5
2	Aerial view of the site (outlined in red)	6
3	Existing building and (disused) car park	7
4	Existing building and site entrance	8
5	Existing landscaped grounds and building	8
6	Extract of Warringah LEP Zoning Map	10
7	Attached dwellings and residential flat buildings surrounding the site	11
8	Extract of Warringah Minimum Subdivision Lot Size Map	11
9	Extract of Warringah Height of Buildings Map	12
10	Draft Metropolitan Strategy for Sydney to 2031	18

Tables

1	Permissible Land Uses	10
2	Consistency with overall aims of Warringah LEP	23
3	Consistency with Zone objectives of R2 zone	24
4	Consistency with minimum subdivision lot area of Warringah LEP	25

Appendices

A	Urban Design Study <i>Baseline</i>
B	Assessment of Section 117 Directions <i>JBA</i>
C	Traffic Assessment <i>Traffic</i>
D	Consultation Summary <i>JBA</i>

1.0 Introduction

This report has been prepared by JBA on behalf of St Andrew's Healthcare and Peninsular 1 Pty Ltd (the proponent) in relation to the former Peninsula Private Hospital site at 184 Wyndora Avenue, Freshwater (the site).

This Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the guidelines prepared by the Department of Planning and Infrastructure entitled "A guide to preparing Planning Proposals", dated October 2012. Specific matters that address the statutory guidelines for the rezoning are:

- Objectives and intended outcomes;
- Explanation of Provisions;
- Justification;
- Community Consultation.

The Planning Proposal has had regard to the physical characteristics of the site and the social context of the surrounding area and canvasses the key planning issues associated with the site to a level of detail appropriate to support a LEP Gateway determination by the Department of Planning & Infrastructure (DP&I).

St Andrew's Healthcare is a specialist accommodation provider. It provides low cost housing for disadvantaged and vulnerable residents and long term accommodation for approximately 120 residents that have a variety of intellectual and complex physical disabilities (with 20 residing at the site).

The previous use of the site as a medical/surgical private hospital, and its existing use as a residential care facility for people with a disability, are no longer feasible within the current buildings on site without a significant expansion, upgrade or redevelopment.

After much investigation by the proponent, three main options for redevelopment emerged:

- Expansion of the existing hospital building and conversion to an aged care nursing home. This would entail a significant increase in the bulk and scale of the existing building to achieve a feasible size of a minimum 80 rooms.
- Expansion of the existing hospital building and conversion to a specialist psychiatric facility. This would involve an increase in the bulk and scale of the existing building, and concern was raised in relation to this potential use during the community consultation process.
- Demolition of the existing hospital building and the construction of 14 terrace style dwellings, with the funds generated used to construct a smaller, purpose built care facility in the local community.

It has become apparent to the owners of the site that their resources would be far better utilised if this site was converted to a residential use and the proceeds of the sale used to develop a specialised facility for the existing residents in a more appropriate location.

The proponent has developed a vision for the site that seeks to maintain the desirable characteristics of the surrounding residential area whilst providing much needed terrace style housing. This form of housing is smaller and easy to maintain, and therefore is suitable for smaller households, particularly older people who wish to remain in the area when their current housing is no longer suitable for their requirements.

Specifically, the proposal comprises fourteen terrace style Torrens title dwellings, each with two off street car parking spaces and an area of private open space on title. The car parking is to be located at basement level underneath the dwellings above.

The site is subject to the *Warringah Local Environmental Plan 2011* (Warringah LEP). Under the Warringah LEP, the site is zoned as R2 Low Density Residential. The zoning and associated development standards prohibit the redevelopment of site to provide attached dwelling housing, a form of medium density development.

In order for the site is to be redeveloped as envisaged by the proponent, amendments to the LEP are required. These changes would most effectively be implemented by:

- Including the site in Schedule 1 (and associated Additional Permitted Uses map), permitting attached dwellings on the site; and
- Permitting a maximum density of 14 dwellings across the site.

Residential flat buildings would continue to be prohibited on the site.

This planning proposal describes the site, the proposed changes to the Warringah LEP and provides an environmental assessment. The report should be read in conjunction with the urban design study/indicative concept plans prepared by Baseline at **Appendix A** and specialist consultant reports appended to this proposal (refer Table of Contents). The report is written in accordance with the (former) Department of Planning and Infrastructure's published *A guide to Preparing a Planning Proposal* (October 2012) and *A guide to preparing local environmental plans* (April 2013).

2.0 Background

The site was acquired by St Andrew's Healthcare in 2007 as a vacant private hospital (including 45 overnight beds and two operating theatres) and consulting suites (with separate car park and entrance). The 45 beds (which is very low by private hospital standards) were provided in various configurations (single rooms, doubles and some four bed wards).

Initially, it was planned to refurbish the facility and convert it to a smaller psychiatric facility specialising in eating disorders. This would entail some of the surgical areas (operating theatres, recovery ward and so on) being converted into group therapy areas. The internal refurbishment work was undertaken, however the hospital was never licensed and consequently no patients were ever admitted. The lease was subsequently terminated with the operator as they went into receivership and then liquidation. A new lease with a reduced rent was due to be signed with an alternative operator to also use the building as a hospital, however a viable business case could not be demonstrated and as such this option was not pursued.

Investigations into alternative permitted uses were undertaken, and a new lease with a South Australian not-for-profit disability service provider was signed. While the business opened, and is currently home to approximately 20 residents, an independent report commissioned in early 2014 highlighted a number of fundamental issues with its current use:

- The NSW *Disabilities Services Act 1993* requires that a person with disabilities has the same basic rights as other members of Australian society. As such, services must be designed and administered to achieve increased independence and integration into the community and ensure that the conditions of everyday life are the same or as close as possible to the norms and patterns of the general community. The current building does not facilitate the provision of conditions experienced by wider society.
- The building generally does not conform with the *Disability Services Act 1993* Schedule 1 'Principles and application of principles', and the guidelines of the NSW Government's "Stronger Together 2" policy. These require smaller, group home establishments (usually 4-6 residents in each) rather than larger "institutional" style accommodation options.
- These principles also indicate a need to ensure that no single organisation providing services exercises control over all or most aspects of a person's life. This has resulted in the ongoing closure of larger residential centres across NSW in line with public policy.
- Lack of support from the State Government (Department of Ageing, Disability and Home Care) evidenced through a lack of direct referrals and anecdotal feedback from key individuals within the Department.
- The service operates under a special "Minister's exemption" rather than a normal license. This carries commercial and regulatory risks and highlights the issues raised above.
- The layout of the building is inefficient for the provision of 24/7 care, as it is large and additional staff need to be employed to properly monitor residents

- The retro-fitting of required technology is not commercially viable in such an old building in the context of the current 18 room configuration.
- The building needs significant upgrade works to make it compliant with its current use (Group Home – BCA class 3, compared to hospital BCA class 9a), principally relating to the provision of fire sprinklers and the compartmentalisation of residential accommodation units.

As a result, the most commercially viable solution is to re-establish the service on more affordable land, consistent with government guidelines (i.e. a number of smaller group homes). This would increase the referral of residents on government funded packages, provide new and market leading purpose built buildings for the current residents, and allow the rent to be reduced to a more sustainable level.

The owners have also investigated the use of the site for a licensed residential aged care facility (a nursing home). Concept plans have been prepared, showing that a maximum of 62 beds could be provided on the site, if the building was constructed over the car park at the south eastern corner of the site and a mixture of single and double rooms were provided.

However, the industry sees the optimum size of an aged care facility as 80 or more beds, with new buildings also generally consisting of single rooms with ensuite bathrooms. (The design of aged care buildings is highly regulated, with minimum room sizes, sufficient corridor widths, specific layouts of kitchens and laundries and the like all controlled which increases the difficulty of converting the existing building).

Consequently, an aged care development on the site is considered marginal at best and would still require a significant increase in the footprint of the building. Furthermore, it is also very difficult to obtain bed licences from the Commonwealth Government in the Metropolitan North area of Sydney. Finally, the general location of the site is not ideal, as it does not provide a level walk to the bus stop.

The final option considered was the conversion back to a psychiatric facility, likely as either an eating disorder clinic or a drug and alcohol rehabilitation centre. These types of facilities can operate on lower numbers, and do not have the capital intensive plant and equipment that are normally required in medical-surgical hospitals. However, a significant capital works program would still be required to bring the existing building up to standard internally and would result in the building remaining in its current form for the foreseeable future. Based on initial consultation with the surrounding community, this is not a favoured option.

A conversion of the site to residential housing and transferring the residents to new purpose built group homes would likely represent the best solution for all stakeholders, including the site owners, service provider, residents and the government bodies overseeing disability care in NSW.

3.0 The Site

3.1 Site Location

The site is located in the suburb of Freshwater, within the Warringah Local Government Area (LGA), approximately 12 kilometres north east of the Sydney CBD and 3 kilometres north of the Manly CBD (see **Figure 1**). The suburb of Freshwater has a population of approximately 8,250 (ABS Census 2011). The suburb is predominantly residential in nature, characterised by low density detached houses interspersed with a number of residential flat buildings.

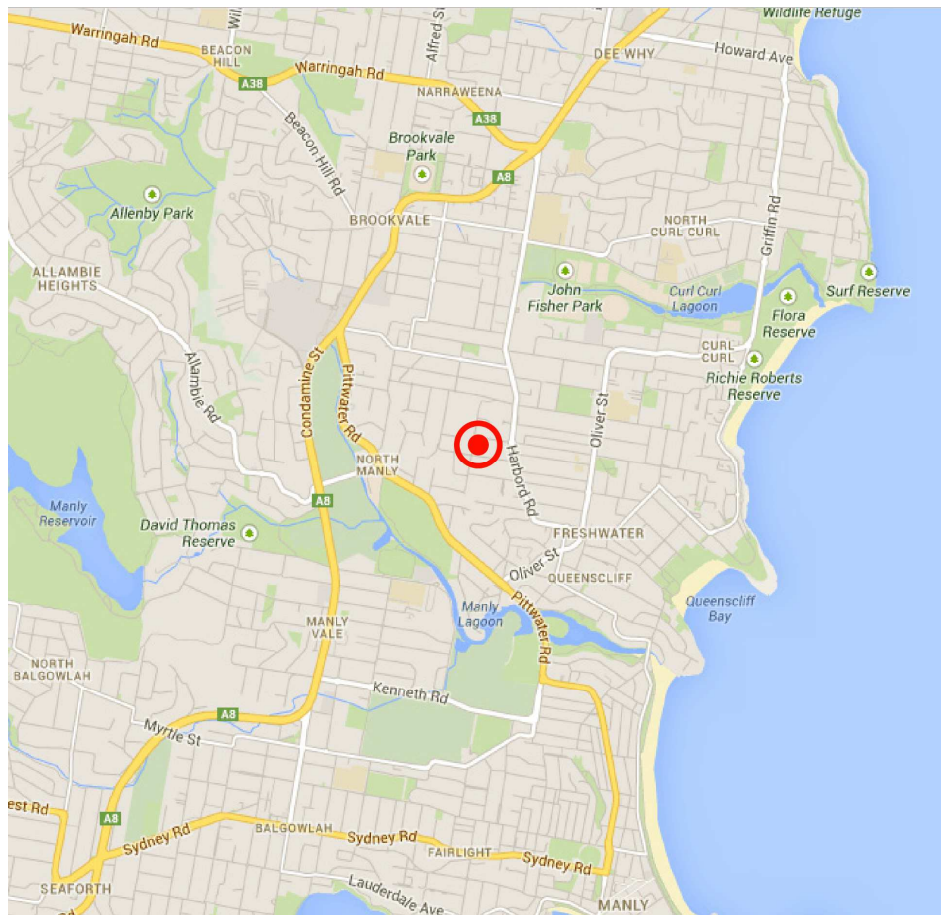


Figure 1 – Site context

3.2 Site Description

The site is bounded by Coles Road, Wyndora Avenue and McDonald Street, Freshwater. The regular shaped site is 2,759m² in area, with a frontage of 36.57 metres to Coles Road, 24.38 metres to Wyndora Avenue and 90.53 metres to McDonald Street. The site is legally described as Lots 1, 2, 33, 34 and 35 of DP 7912.

An aerial view of the site is provided in **Figure 2**.



Figure 2 – Aerial view of the site (outlined in red)

3.3 Existing Development

The existing building on the site was originally constructed to accommodate the Peninsula Private Hospital. This suburban hospital was typically utilised for general surgery and rehabilitation, and did not include an emergency department or other intensive facilities. The building is split level, and is three storeys in height.

The hospital is no longer in operation, and the building is currently used as accommodation for approximately 18 disabled residents. The existing development is presented in **Figures 3 to 5**.



Figure 3 – Existing building and (disused) car park



Figure 4 – Existing building and site entrance



Figure 5 – Existing landscaped grounds and building

3.4 Topography

The site slopes down from McDonald Street towards the east, as well as down from Wyndora Avenue towards Coles Road.

3.5 Vegetation

The site contains mature vegetation with a number of large trees surrounding the existing building, particularly along the boundary with 23 Coles Road.

3.6 Site Access

3.6.1 Vehicular Access

Vehicular access to the site is currently available from all three street frontages. A small service and staff car park is accessed from Wyndora Avenue, the main entrance, car park and ambulance bay are accessed from McDonald Street, and a larger car park (that is not currently used) is accessed from Coles Road.

3.6.2 Public Transport

The site is located approximately 250 metres from bus stops along Harbord Road, which are serviced by Route 136 (Manly to Chatswood via Dee Why and Frenchs Forrest).

3.6.3 Infrastructure and Services

The site is presently fully serviced by water, electricity, sewer, gas, and telecommunications, however any redevelopment of the site would most likely necessitate upgrades to existing capacity.

3.7 Surrounding Development

The surrounding locality is residential in character, predominately detached dwellings but with a number of duplex and residential flat building developments. A wide range of architectural styles are present.

To the west of the site, on the high side of McDonald Street, the residential dwellings are larger scale and are generally two storeys in height. To the north, east and west, the surrounding dwellings are generally attached and are a mix of one and two storeys in height.

To the north east of the site, on Wyndora Avenue, are located a number of three storey residential flat buildings.

3.8 Key Planning Controls

The Warringah Local Environmental Plan 2011 (Warringah LEP) sets out the local planning controls across the Warringah LGA, including the site. This planning proposal seeks to amend the Warringah LEP to facilitate the proposed attached dwelling development on the site.

Land Use Zoning

The site is zoned R2 Low Density Residential under the Warringah LEP (refer to **Figure 6**). The surrounding precinct is also zoned R2 Low Density Residential, despite the presence of a number of attached dwellings and residential flat buildings as highlighted in **Figure 7**. The permitted land uses for this zone are presented in **Table 1**.

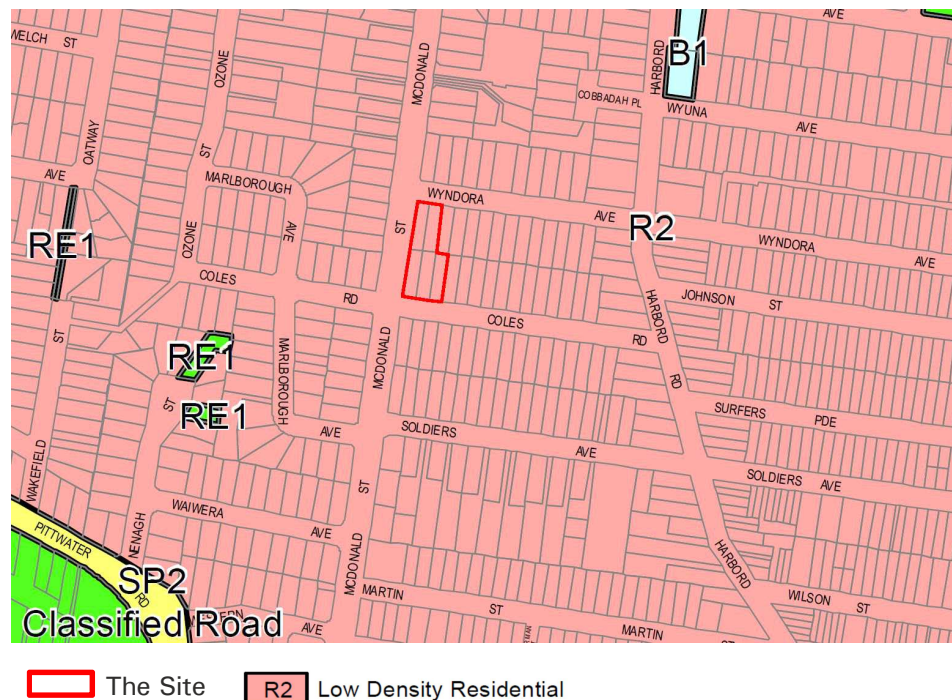
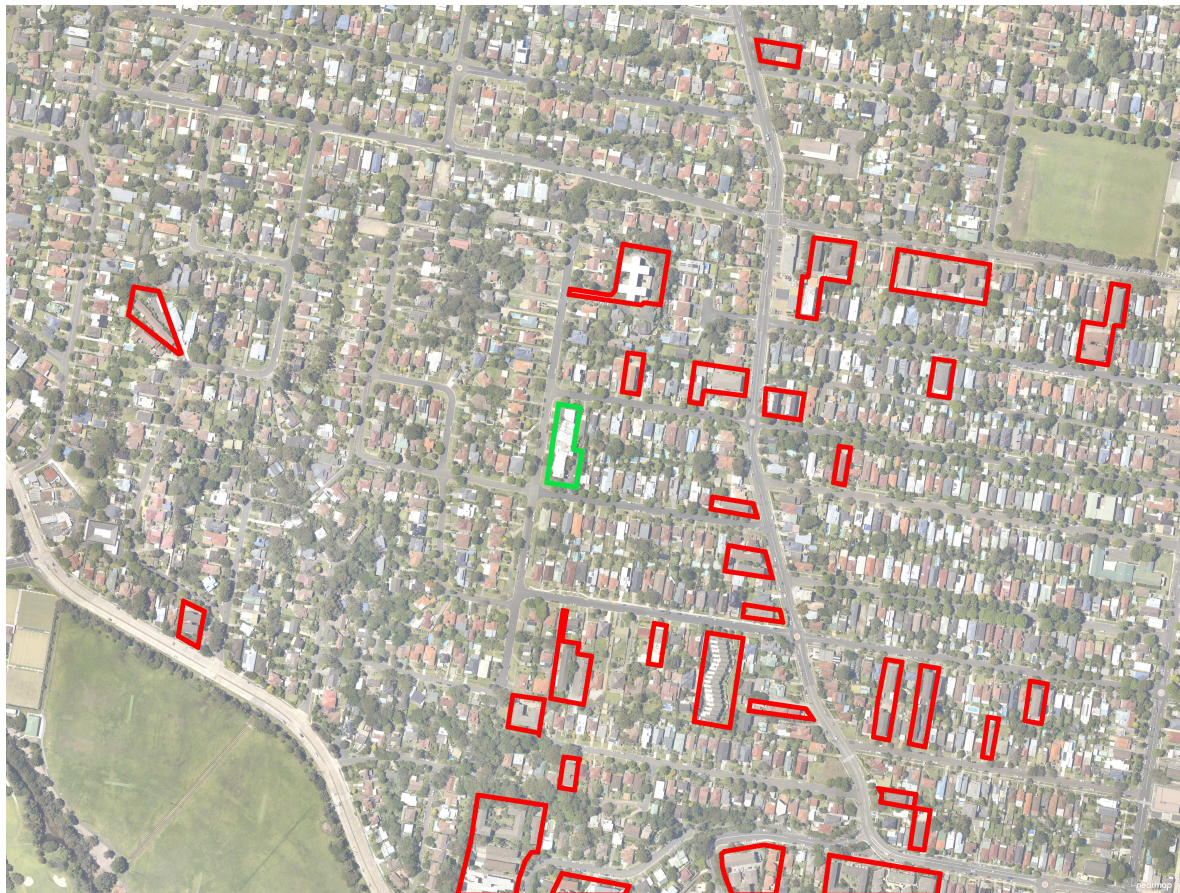


Figure 6 – Extract of Warringah LEP Zoning Map

Table 1 – Permissible Land Uses

Land Use Zone	Permissible Land Uses
R2 Low Density Residential	Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Veterinary hospitals

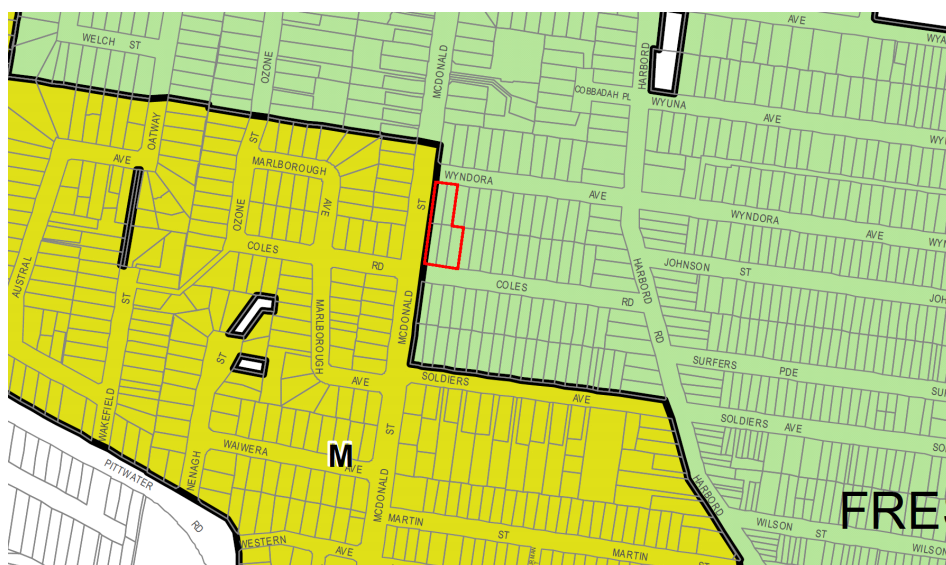


- Attached dwellings and residential flat buildings
- The Site

Figure 7 – Attached dwellings and residential flat buildings surrounding the site

Minimum Subdivision Lot Size

The LEP prescribes a minimum subdivision lot size of 450m² on the site. An excerpt from the Minimum Subdivision Lot Size map is presented in **Figure 8**.



- The Site
- G 450m²
- M 600 m²

Figure 8 – Extract of Warringah Minimum Subdivision Lot Size Map

Building Height

The Warringah LEP prescribes a maximum building height of 8.5 metres on the site. An excerpt from the Height of Buildings map is presented in **Figure 9**.



Figure 9 – Extract of Warringah Height of Buildings Map

Floor Space Ratio

The Warringah LEP does not prescribe maximum floor space ratio (FSR) on the site (or any site in the LGA).

Heritage

The site is not identified as a local or State heritage item, or located within a mapped heritage conservation area. There are no items of environmental heritage within the vicinity of the site.

4.0 The Indicative Scheme

This section of the report describes the indicative on the site which is to be facilitated by this planning proposal. Further detail is provided in the Urban Design Study prepared by Baseline and included at **Appendix A**.

4.1 Urban Design Principles

The design intent of the rezoning is to increase density by taking advantage of five adjacent lots while at the same time ensuring that it is compatible with the surrounding residential locality.

The indicative scheme envisions terrace style housing that allows efficient use of the five consolidated sites. While this would entail an increase in density relative to its R2 Residential zoning, the proposed building envelope is informed by the same heights and setbacks outlined in the LEP, to achieve level of compatibility with the surrounding dwellings.

The terrace style housing allows for modulation of the streetscape elevations thus ensuring a residential scale to the proposed development that will not be out of place with the surrounding streetscape. In this sense the proposal would constitute a clear and definite improvement on the existing hospital building that currently occupies the site. In addition, the terrace format allows private outdoor space at ground level similar in nature to that of the detached dwellings.

The character of the existing streetscape is largely informed by the trees and vegetation as well as the mix of dwellings. The nature of the proposal with setbacks in line with the LEP allows for significant trees to be retained and complimentary new plantings to blend with the existing which will further contribute to the compatibility of the proposal with the surrounding locale. In summary, the proposed design seeks to increase site density while maintaining compatibility with the surrounding residential environment.

The urban design principles that have informed the indicative scheme and will inform the proposed development on the site are:

- To provide terrace style dwellings as a much needed alternative housing form that remains compatible with the existing suburban environment which is predominantly detached dwellings.
- To develop the terrace style dwellings such that the envelope controls (heights and setbacks) are consistent with those of the LEP.
- To mass the terrace style dwellings into groups to provide relief in the built form so as not to depart too far from the predominant detached housing type
- To retain existing street trees and supplement as necessary to blend with the existing streetscape.
- To minimise the visual impact of parking by creating a basement level car park accessed off Wyndora Avenue.

4.2 Residential Development Options

Option 1

Initial discussions with Council in 2013 and 2014 revolved around opportunities to provide a residential flat building on the site, providing in the order of 30 to 40 apartments on the site. These initial discussions prompted the preparation of the urban design principles detailed above.

Option 2

The urban design principles were crystallised into an initial architectural design which saw a total of 16 terrace style dwellings on the site. This option was discussed with Council staff, who saw the merits of the proposal but raised concern with the number of dwellings proposed.

Option 3

Following feedback and advice from Council, a further terrace style dwelling design was prepared utilising the same urban design principles but seeking to break up the built form and minimise the number of dwellings on the site. This resulted in a scheme of 13 dwellings, grouped into three buildings. This scheme was again discussed with Council staff, who expressed in principle support.

Option 4 – Preferred Option

Based on the previous design iterations, further feedback from Council staff and further architectural and technical investigations, the balanced preferred option was developed. This proposes a total of 14 terrace style dwellings, which will enable St Andrew's Healthcare to deliver more appropriate care facilities elsewhere. This option has generally the same built form as option 3, with the same height and setbacks, but has a slightly narrower module to achieve the required density on the site. This preferred option is described in more detail below.

4.3 Indicative Dwellings

There is significant demand for attached dwellings, including terrace style housing, in Warringah. This style of development is not common because Warringah does not have a zoning that encourages this scale of development. R2 low density does not permit attached dwellings, whereas R3 allows attached dwellings but also allows residential flat buildings. This means that new development is typically either detached dwellings or residential flat building development, with no options in between.

It is noted that the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones in the Manly LGA and the R3 Medium Density Zone in the Pittwater LGA all allow for attached dwellings.

The terrace style product is attractive to those who wish to reside in the area, but do not want or are unable to maintain a larger detached dwelling. In particular, time poor families and older people are looking for the terrace style dwellings, however as detailed above they are not encouraged by the underlying zoning in Warringah.

The terrace style dwellings are particularly attractive to older residents who are currently living in the area but are no longer able to maintain a larger home. The easier to maintain, and more affordable, terrace style housing allows these community members to remain in the area in the area and age in place. This also has the flow on effect of 'freeing up' these larger dwellings for families wishing to move to the area.

Being smaller in size, the terrace style product is typically more affordable, which is important in the current Sydney housing price market.



Figure 10 – Site plan of proposed development



Figure 11 – Northern (Wyndora Avenue) elevation of proposed development



Figure 12 – Western (McDonald Street) elevation of proposed development

Height

The residential buildings are anticipated to have a maximum height of two storeys or 8.5 metres, consistent with the existing maximum building height control.

Dwelling Density

Given that the overall site has an area of 2,759m², the proposed 14 dwellings equates to an average subdivision lot size of approximately 200m².

4.4 Proposed Amendments to Warringah LEP

4.4.1 Zoning and Permitted Uses

It is not proposed to change the R2 Low Density Residential zoning of the site.

It is proposed to include the site within Schedule 1 of the LEP which details additional permitted uses. The additional permitted use would be 'attached dwellings', which is defined in the LEP as follows:

***attached dwelling** means a building containing 3 or more dwellings, where:*

- (a) each dwelling is attached to another dwelling by a common wall, and*
- (b) each of the dwellings is on its own lot of land, and*
- (c) none of the dwellings is located above any part of another dwelling.*

To facilitate this amendment, a further 'Additional Permitted Uses Map' would need to be included within the LEP to clearly indicate the location and extent of the site.

4.4.2 Dwelling Density

The additional permitted uses clause added to Schedule 1 will make permissible 14 attached dwellings on the site.

5.0 Strategic and Statutory Planning Framework

This chapter outlines the strategic and statutory planning framework within which the development outcomes for the land have been considered.

5.1 Strategic Planning Policies

5.1.1 Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* is the current strategic plan for the Sydney metropolitan area, and has been the guiding document for development and growth since its publication in 2010.

The Metropolitan Plan for Sydney 2036 notes that Sydney is likely to face a number of challenges over the coming years, including:

- population growth and change;
- a greater need for affordable housing;
- jobs closer to homes;
- more efficient transport options;
- better infrastructure delivery;
- a more sustainable Sydney; and
- maintaining global competitiveness.

To address these challenges, the Metropolitan Plan for Sydney 2036 proposes a range of policy initiatives and strategic directions. The initiatives relevant to this planning proposal are as follows:

- Locating the majority of new homes around existing transportation hubs and urban centres.
- Increasing urban renewal in identified centres.
- Planning for 770,000 new homes with a range of housing types.
- Planning for 760,000 new jobs.
- Protecting Sydney's natural environment and increasing consideration of environmental targets in land use decisions.

This planning proposal is consistent with the *Metropolitan Plan for Sydney 2036*, in that it will:

- enable more residential floor space in proximity to existing transport infrastructure, community facilities and jobs;
- revitalise a site that has reached the end of its useful life by enabling a built form outcome that respects the surrounding area and is capable of providing high residential amenity.

5.1.2 Draft Metropolitan Strategy for Sydney to 2031

The *Draft Metropolitan Strategy for Sydney to 2031* (Draft Metropolitan Strategy) was exhibited until 31 May 2013. Once adopted by the NSW Government, the Strategy will guide and shape development across the Sydney metropolitan area over the next 20 years. The vision for the Draft Metropolitan Strategy for Sydney to 2031 is presented in **Figure 11** below.

The site is currently used for specialised accommodation purposes, however the current building has reached the end of its viable life. The proposed amendments will allow a contemporary residential development on the underutilised site. Importantly, it will allow for a medium density development that is not otherwise permitted in the locality.

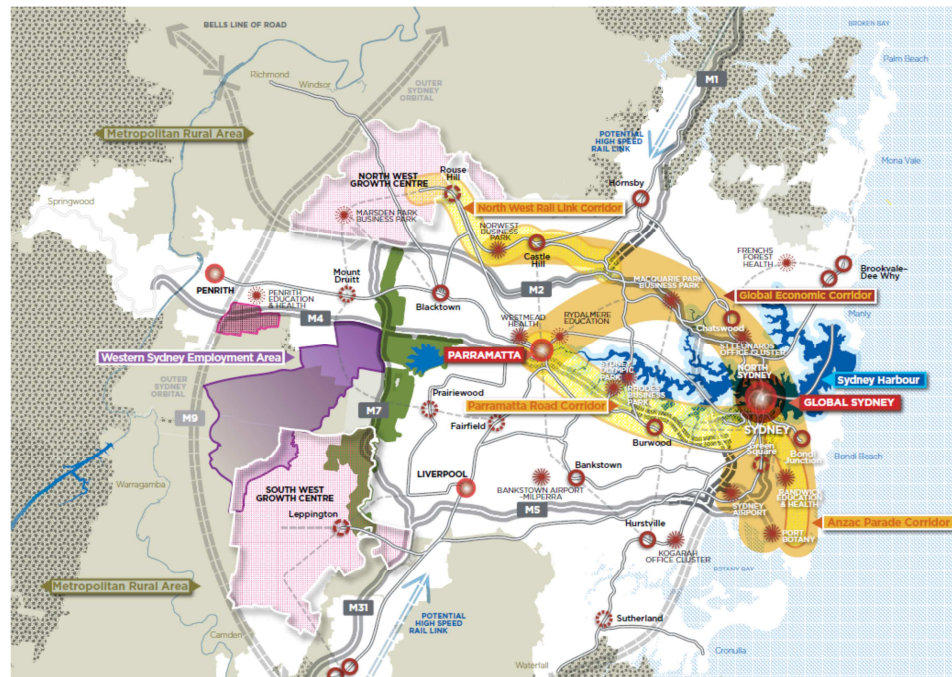


Figure 13 – Draft Metropolitan Strategy for Sydney to 2031

Source: Department of Planning and Environment

This strategy aims to set the framework for Sydney's growth and prosperity to 2031 and beyond through achieving five key outcomes for Sydney:

- Balanced growth;
- A liveable city;
- Productivity and prosperity;
- Healthy and resilient environment; and
- Accessibility and connectivity.

Each of the five key outcomes listed above are supported by the redevelopment of the site as set out below.

Balanced Growth

Under the banner of Balanced Growth, the Draft Metropolitan Strategy seeks to:

- make new areas available for housing and jobs;
- focus urban renewal in areas that are close to transport hubs and corridors;
- use Sydney's land effectively and efficiently in both infill and greenfield areas;
- strengthen and grow Sydney's many local, town and city centres;
- make Sydney easy to travel around; and
- deliver nine 'city shapers' to fulfil the potential of large areas of Sydney.

Future residential development on the site, which is facilitated by this planning proposal, will result in:

- provision of housing that caters to the needs of the local population;
- economic flow-on effects through the activation of an underdeveloped site; and
- job creation throughout the construction phase.

A Liveable City

According to the Draft Strategy, the Sydney metropolitan region requires at least 273,000 additional homes by 2021 and 545,000 by 2031. The Draft Metropolitan Strategy for Sydney to 2031 identifies the need to provide new housing in areas close to existing and proposed infrastructure. The strategy also highlights the need for urban renewal and good design, creation of socially-inclusive places, and delivery of accessible and adaptable recreation and open spaces.

The site is located in proximity to existing infrastructure, including bus services, local shops and public open space. The proposed site configuration is consistent with the objectives of 'A Liveable City', in that it will:

- complement adjoining built form through massing that respects the existing street character;
- renew an underutilised site with an appropriate residential development; and
- provide a housing type that is under-provided in Warringah.

Productivity and Prosperity

The Draft Metropolitan Strategy identifies that the North subregion needs to provide 39,000 new jobs by 2031. The proposed residential development facilitated by this planning proposal will contribute to providing increased accommodation for an expanded workforce, as well as providing employment through the construction phase.

Healthy and Resilient Environment

The Draft Metropolitan Strategy sets out objectives as to minimise the impact of urban development of the Sydney region on the natural environment. Urbanisation within the region has enhanced the impacts on air quality, waterways and biodiversity and has increased the risk of flooding, bush fire or landslip in some areas. The strategy highlights the need for water sensitive urban design to minimise the impacts of run-off from built areas into natural watercourses and increased efficiency in water usage.

The site is not located in proximity to a waterway to the extent that redevelopment poses a risk, or land of high biodiversity, and accordingly will not adversely affect the natural environment.

Accessibility and Connectivity

The Draft Metropolitan Strategy highlights the need for increased connectivity between major centres within the region. In order to enhance accessibility to transport, the strategy draws on the initiatives of the Long Term Transport Masterplan and aims to facilitate transport and urban renewal along existing and proposed transport corridors. The site's proximity to existing transport networks supports this outcome.

Subregional Delivery

The Draft Metropolitan Strategy for Sydney to 2031 defines six subregions dividing the Sydney metropolitan region, being: Central, West Central & North West, North, West, South West and South. A Subregional Delivery Plan will be formulated for each subregional to translate the objectives of the Draft Metropolitan Strategy into actions for each region. Warringah falls within the North subregion with the following growth targets:

- A population increase of 81,000 people to 2031;
- The provision of 37,000 new residential dwellings by 2031; and
- The provision of 39,000 new jobs by 2031.

The future residential development will support these growth targets through the provision of quality residential development in proximity to existing infrastructure and services.

5.1.3 North East Subregion Draft Subregional Strategy

The metropolitan area is too large and complex to effectively resolve all the planning aims and directions down to a detailed local level. The Metropolitan Strategy for Sydney 2036 therefore formulated ten subregions within the Sydney metropolitan area to facilitate the delivery of the objectives of the plan. Warringah falls within the North East Subregion and governed by the North East Subregion Draft Subregional Strategy 2007.

The North East Subregional Planning Strategy, which covers LGAs of Pittwater, Warringah and Manly, sets the broad direction for additional dwelling and employment growth. The target for the North East Subregion is 17,300 new dwellings and 19,500 new jobs by 2036.

To achieve the housing targets set by the State government for the subregion and Warringah, there will need to be a pipeline of projects able to deliver residential floor space. The site has the potential to directly contribute to the achievement of Warringah's housing targets. The planning proposal will support these targets.

5.1.4 Draft Housing Strategy

Warringah Council developed a Draft Housing Strategy in September 2010. The Draft Strategy proposed a number of locations for up to 16,032 additional dwellings in Warringah to accommodate the 10,300 dwellings required by the 2005 NSW Government Metro Strategy (which is now superseded by the new Metropolitan Plan).

Council voted on 14 December 2010, to reduce the increase in dwellings in the draft plan to a maximum of 10,300. As a result, a second draft was prepared in May 2011 that indicated that the majority of additional dwellings would be located in a single centre (Narraweena).

However, on 28 June 2011 Council resolved that:

Warringah Council immediately cease any exhibition or further work on its Housing Strategy until the NSW Government confirms Council's dwelling target of 10,300 new dwellings and provides its commitment to funding additional infrastructure requirements to support the new development.

Therefore, the Draft Housing Strategy has not been adopted by Council. However, the Draft Strategy is a valuable tool in that it was based on up to date demographic data and included consultation with the community.

The planning proposal is consistent with the following objectives of the Draft Housing Strategy:

- Ensure that an adequate supply of appropriate land is appropriately zoned for residential development;
- Plan for housing in accessible location to transport and services;
- Provide a more contained and efficient pattern of urban development with an emphasis on efficient and effective use of existing and new facilities, services and infrastructure;
- Optimise the use of existing infrastructure, services and facilities;
- Facilitate a diversity of housing options through the provision of a greater mix of housing, in terms of type, density and affordability, to accommodate an increasing and diverse population;
- Minimise the impacts of residential growth on the natural environment; and
- Encourage development that will enhance the amenity of residential areas, and ensure that new housing relates to the character and scale of existing residential development.

There is also considerable evidence provided in the Draft Housing Strategy that indicates that attached dwellings or the like are required to be delivered to meet the demands of the future. The Draft Strategy states:

The average household size in Warringah is getting smaller. The 1986 census showed Warringah had an average occupancy rate per dwelling of 2.85 people. By 1996 the rate decreased to 2.63 people per dwelling, and by the 2006 census, this had fallen further to 2.58 people per dwelling.

The largest changes to household sizes in the Warringah Council area between 2001 and 2006 were:

- 2 person households (+ 762); and
- 1 person households (+ 617).

...

*The trends towards smaller households, medium density living and an ageing population should assist the turnover of housing stock. **To facilitate this change there needs to be an increase in medium density dwellings to provide greater housing choice and to free up existing 3 plus bedroom dwellings for newly forming households.** [our emphasis]*

...

However, there are a number of barriers that are resulting in the slow turnover of Warringah's housing stock. In particular, 'empty nesters' are not moving from the original family home into smaller accommodation. Some additional barriers include:

...

- *The lack of supply of alternative housing (more convenient and attractive housing forms) located within the region where well-established family, social and support networks already exist.*

The "D" (density) word is not popular. In many people's minds, 'density' has a negative connotation. Contrary to this perception, density can help maintain vibrant, people-friendly neighbourhoods by supporting local shops, cafes, libraries and community centres. Density that is well planned and well designed, serves an important function in preserving and enhancing our unique neighbourhoods, facilitating better transportation and housing choice.

5.2 State Legislation

5.2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the *Environmental Planning and Assessment Act 2000* (EPA Reg) set out, amongst other things, the:

- requirements for rezoning land;
- requirements regarding the preparation of a local environmental study as part of the rezoning process;
- matters for consideration when determining a development application; and
- approval permits and/or licences required from other authorities under other legislation.

Ministerial directions under Section 117 of the EP&A Act set out a range of matters to be considered when preparing an amendment to a LEP. The relevant Section 117 directions for this planning proposal include:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulphate Soils
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The rezoning proposal has been prepared in accordance with the EP&A Act 1979 and EP&A Regulation 2000. Consideration of the relevant provisions within these Directions is provided at **Appendix B**.

5.2.2 State Environmental Planning Policies

The consistency of the planning proposal with relevant State Environmental Planning Policies (SEPPs) is addressed in **Section 7.2** below.

5.3 Warringah LEP 2011

5.3.1 Consistency with overall aims

The proposal's consistency with the overall aims of the Warringah LEP is demonstrated in **Table 4** below.

Table 2 – Consistency with overall aims of Warringah LEP

Aim	Proposal	Consistency
(a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,	The proposal works within the framework of the existing LEP and DCP.	✓
(b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,	The proposal would not detract from the primacy of Brookvale or Dee Why.	✓
(c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,	The proposal will allow a future development that meets a need for a particular type of housing stock that is currently under-provided for in Warringah. Terrace style dwellings are particularly suited to older community members who wish to age in place.	✓
(d) in relation to residential development, to: (i) protect and enhance the residential use and amenity of existing residential environments, and (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,	It is not proposed to amend the existing height control across the site. The built form envisaged by the proposal will not significantly impact on the amenity of the surrounding properties. The bulk and scale of the indicative scheme is less than that of the existing building on the site and more in keeping with that of the surrounding dwellings. Importantly, the proposal will increase the variety of housing stock available in the area.	✓
(e) in relation to non-residential development, to: (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and (ii) maintain a diversity of employment, services, cultural and recreational facilities,	Not applicable.	-

Aim	Proposal	Consistency
(f) in relation to environmental quality, to: (i) achieve development outcomes of quality urban design, and (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and (iii) achieve land use relationships that promote the efficient use of infrastructure, and (iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and (v) protect, conserve and manage biodiversity and the natural environment, and (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,	The proposal will facilitate an efficient urban development that provides much needed smaller housing that is easier to maintain and uses significantly less resources. The indicative urban form suits the prevailing character of the area and will remove the existing building that is not consistent with the surrounding streetscape. In particular, the future residential development will comply with the current height controls, ensuring that there are no unreasonable significant impacts on views and vistas.	✓
(g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,	The proposal does not have any impact on any items of environmental heritage.	✓
(h) in relation to community well-being, to: (i) ensure good management of public assets and promote opportunities for social, cultural and community activities, and (ii) ensure that the social and economic effects of development are appropriate.	The proposal will have positive social impacts in that it facilitates the provision of a housing type that is in demand from the surrounding community.	✓

5.3.2 Consistency with zoning objectives

The proposal's consistency with the zone objectives under the Warringah LEP is demonstrated in **Table 5** below.

Table 3 – Consistency with Zone objectives of R2 zone

Objective	Proposal	Consistency
(a) To provide for the housing needs of the community within a low density residential environment.	A distinctive feature of the planning proposal is its ability to meet local and state housing targets within the precinct that is strategically located close to existing services, facilities and transport connections. The Planning Proposal will also enable the land to be 'unlocked' thereby facilitating a much needed revitalisation of the site and the opportunity to contribute to achieving housing targets with a product that is in short supply in the locality.	✓
(b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable	-
(c) To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah	The proposal seeks to maintain the current front setback controls, allowing front gardens to be provided consistent with the prevailing streetscape. Rear gardens will also be provided to meet the recreational needs of the future residents.	✓

5.3.3 Consistency with minimum subdivision lot size objectives

The proposal's consistency with the objectives for minimum subdivision lot size under the Warringah LEP is demonstrated in **Table 6** below.

Table 4 – Consistency with minimum subdivision lot area of Warringah LEP

Objective	Proposal	Consistency
(a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,	The proposal will facilitate a subdivision that is rectilinear, consistent with the surrounding subdivision pattern. The lots will be smaller than those surrounding, but given that they will support terrace style housing, the resultant built form will be generally consistent with the existing character of the area.	✓
(b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,	Not applicable	-
(c) to protect the integrity of land holding patterns in rural localities against fragmentation,	Not applicable	✓
(d) to achieve low intensity of land use in localities of environmental significance,	Not applicable	✓
(e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,	Not applicable	✓
(f) to protect and enhance existing remnant bushland,	Not applicable	✓
(g) to retain and protect existing significant natural landscape features,	Not applicable	✓
(h) to manage biodiversity,	The proposed lot sizes allow for gardens to be provided that are capable of supporting biodiversity consistent with the surrounding established landscape.	✓
(i) to provide for appropriate stormwater management and sewer infrastructure.	The proposed lot sizes are capable of being adequately serviced in terms of stormwater and sewer management.	✓

6.0 Environmental Analysis

6.1 Social and Economic Benefits

In general, investment in major projects can only be justified if the benefits of doing so exceed the costs. Such an assessment must consider all costs and benefits, and not simply those that can be easily quantified. As a result, the EP&A Act specifies that such a justification must be made having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.

In addition, one of the key objectives of the EP&A Act is to encourage “the promotion and co-ordination of the orderly and economic use and development of land”. This and the other objectives of the Act recognise that the planning system needs to enable and facilitate the redevelopment of land in an economic manner, while balancing environmental and social impact and the public interest.

The existing building and structures associated with the former hospital have reached the end of their functional and economic life. This planning proposal offers substantial opportunities for strategic housing needs to be delivered, contributing towards reinforcing the subregional strategic targets.

In addition, the social benefits of revitalising the site with terrace style housing are significant. More broadly, the economic and social benefits include:

- enabling a dwelling type that is not readily available in the area (in terms of both size and price point) to meet the changing lifestyle and demographic needs of Warringah’s resident community, increasing housing choice and creating a diverse and inclusive community, particularly by providing opportunities for older residents to age in place;
- facilitating the provision of purpose-built disabled care housing by St Andrew’s Healthcare elsewhere in the local area;
- increasing utilisation of existing infrastructure; and
- facilitating an integrated design concept for the site.

6.2 Built Form of Indicative Scheme

This planning proposal is accompanied by preliminary concepts for the redevelopment of the site (see urban design study at **Appendix A**). The urban design study is not a detailed design for the final development of the site, but is a massing study that examines how the site may be developed as a result of the proposed amendment to the Warringah LEP.

The built form of the indicative scheme facilitated by this planning proposal has been designed to respond to the site’s location, solar access constraints, view existing view corridors, potential for overlooking, existing vehicle access arrangements and residential amenity considerations.

The scheme involves grouping terrace style dwellings together into buildings that respect and are consistent with the prevailing detached residential character of the area. Importantly, each dwelling directly addresses the street and has a rear area of private open space

The proposal works with the existing topography of the site to minimise the visual impact of the basement car parking, whilst also providing convenient and secure access to each dwelling. The topography is also utilised to ensure that privacy to existing dwellings is maintained.

6.3 Visual Impacts

A significant visual impact is not expected as the proposed building height fronting the surrounding streets would be consistent with that already prevailing, being two levels with a pitched roof above. **It is not proposed to increase the existing height controls for the site.**

The major visual change will be the removal of the current former hospital building, which has had a number of alterations and tenants over the years and as such has an appearance totally inconsistent with the surrounding residential area.

The majority of the existing mature street trees are likely to be retained, subject to expert arborist advice.

The existing large car park on the south eastern portion of the site will also be removed. This car park has been unused for a number of years, so is poorly maintained and unsightly.

6.4 Traffic, Parking and Access

A Traffic Review has been prepared by Traffix and is included at **Appendix C**. The report assesses the site's parking capability, vehicular access and traffic generation.

6.4.1 Parking and Access

Warringah Development Control Plan 2013, Schedule 3, requires two spaces per dwelling and these are provided in the indicative scheme. These are all accommodated within secure garages in a basement level.

It should be noted that existing driveways will be closed and the kerbs reinstated, which will create additional on-street parking that will be a benefit to the locality.

The indicative scheme proposes a single 6 metre wide driveway in accordance with the provisions of AS2890.1. The indicative driveway location, on Wyndora Avenue, has good sight distances in both directions.

6.4.2 Traffic Generation

Based on the application of RMS Guideline rates, the indicative scheme is expected to generate about 8 vehicles per hour during peak periods. This is very moderate having regard for existing on-street volumes and is less than the approved use as a 45-bed private hospital.

It is expected that the traffic impacts of the planning proposal will be accommodated by the existing road network, with no change to the Level of Service of any intersections in the vicinity of the site.

6.5 Public Transport

The site is not located directly on a bus route, which would generally be expected for a hospital or residential care facility. These types of 'public' uses would typically have a bus stop located immediately adjacent to the main entrance.

However, the site is located within convenient walking distance to bus stops, which is appropriate and convenient for private residential development.

6.6 Infrastructure and Servicing

The site is adequately serviced with potable water, sewer, stormwater, electricity and telecommunications services. The connection and amplification of these services (if required) will be considered in any future development application.

7.0 Assessment of Planning Proposal against NSW Department of Planning and Infrastructure Guidelines

The following section includes an assessment against the requirements in *A guide to preparing planning proposals* published by the Department of Planning and Infrastructure in October 2012.

7.1 Parts 1 and 2

Parts 1 and 2 of the guide have been covered in **Section 4.0**, which outlines the objectives and intended outcomes of the proposal, as well as how the intended outcomes can be achieved through amendments to the LEP.

7.2 Part 3 - Justification

7.2.1 Need for a Planning Proposal

Q1 – Is the planning proposal a result of any strategic study or report?

This planning proposal is not the result of any strategic study or report but rather an ongoing planning study undertaken by the proponent and Baseline to determine the best use and built form outcome for the site. Furthermore O'Connell Advisory, a leading health care consulting firm, have reviewed the viability of the current operations on the site. An Urban Design Study that outlines the reasoning behind the proposal is included at **Appendix A**. Built form is also discussed within **Section 6.1** of this report.

Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal is the best means of achieving the intended outcome of the development, which is to allow an attached dwelling development to occur on the site. The current zoning and minimum subdivision lot size controls do not allow this development to be achieved, which, based on the urban design analysis above (**Section 6.1**), is shown to be an appropriate built form outcome for the site.

A key social benefit of this redevelopment will be that it will facilitate St Andrew's Healthcare's core business, which is to build and manage quality residential care facilities. To fund the construction of purpose built facilities that meet government requirements, it is intended to redevelop the existing building which is currently beyond its useful life.

7.2.2 Relationship to strategic planning framework

Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposed development facilitated by this planning proposal supports the Strategy by creating additional housing within the Warringah LGA. This is also consistent with the relevant Draft Subregional Strategy and the Metropolitan Plan for Sydney 2036.

Consistency with the Metro Plan and Draft Metropolitan Strategy are discussed further in **Section 5.0**.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Warringah Council has resolved to place the development of its housing strategies on hold whilst certain issues are resolved with the State Government. However, the Draft Housing Strategy prepared earlier provides aims and discussion relating to the delivery of new housing. The planning proposal is consistent with the recommendations of the Draft Housing Strategy.

Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against applicable State Environmental Planning Policies (SEPPs) is provided in the **Table 5** below.

Table 5 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to Warringah LEP.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site.
SEPP No 6 Number of Storeys			✓	Standard instrument definitions apply.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.
SEPP No 55 Remediation of Land			✓	A Stage 1 Preliminary Contamination Assessment and, if required, a Stage 2 Detailed Contamination Assessment, will be prepared to assess the potential risk to human health and the environment and to determine whether the site was suitable for residential uses.
SEPP No 60 Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site.
SEPP No 64 Advertising and signage			✓	Not relevant to proposed amendment.
SEPP No 65 Design Quality of Residential Flat Development			✓	The proposed amendment will <u>not</u> facilitate residential flat building development on the site.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to proposed amendment.
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this planning proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓			May apply to future development of the site.
SEPP (Infrastructure) 2007			✓	Not relevant to proposed amendment.
SEPP (State and Regional Development) 2011			✓	The future development of the site is not likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the JRPP acting as the determining authority.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with the relevant directions for planning proposals issued by the Minister for Planning under Section 117(2) of the EP&A Act. A full assessment is included at **Appendix B**.

7.2.3 Environmental, social and economic impact

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the site's urban location.

Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental impacts of the planning proposal is provided in **Section 6.0**. No unacceptable impacts will result from the proposal.

Q9 – Has the planning proposal adequately addressed any social and economic effects?

The proposed development will result in positive economic and social flow-on effects for the local area. The residential development will deliver valuable housing in a location accessible to public transport, community facilities and jobs. Overall, the proposed development will support the viability of Warringah.

7.2.4 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to a range of existing services. Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing facilities is required.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the planning proposal as part of its formal exhibition. Any future DA will be referred to the relevant authorities as required.

7.3 Part 4 – Mapping

Maps of the proposed amendments to the site will be prepared by Council to clearly demonstrate which land is affected by the additional permitted use in Schedule 1 of the Warringah LEP 2011.

7.4 Part 5 – Community Consultation

It is noted that confirmation of the public exhibition period and requirements for the planning proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

Notwithstanding this, St Andrew's Healthcare commissioned JBA to independently undertake consultation to ensure that the local community is involved in the evolution of the proposal. A Consultation Summary has been prepared (refer **Appendix D**) that details the consultation that was undertaken and provides a summary of the responses that were received. Overall, the feedback received from residents was predominantly supportive of any development option which ensures the existing amenity and nature of the residential neighbourhood is maintained.

8.0 Conclusion

This planning proposal seeks to permit terrace style attached dwellings on the site by:

- including the site in Schedule 1 of the Warringah LEP (and the associated Additional Permitted Uses map); and
- permitting a maximum density of 14 dwellings across the site.

Residential flat buildings would continue to be prohibited on the site.

The existing LEP and DCP controls in relation to height and front setbacks would continue to apply to the site.

The proposed scheme has urban design and amenity benefits and an ability to realise the site's development potential in the context of its location within the suburb of Freshwater.

The planning proposal is consistent with relevant strategic and statutory planning documents and will deliver a number of public benefits, including revitalising an under-utilised site and increasing much needed flexible housing opportunities in Warringah. An environmental assessment of the impacts of the proposed built form facilitated by the planning proposal has been undertaken, and it is concluded that the planning proposal will not result in any unacceptable environmental impacts.

184 Wyndora Avenue, Freshwater Rezoning Proposal



BASELINE

SITE ANALYSIS CONCEPT PLAN



BASEMENT PLAN

MCDONALD ROAD

SITE BOUNDARY

FIRE ESCAPE
STAIRS

INDIVIDUAL
BASEMENT
STORAGE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

STORE

6M WIDE PARKING AISLE

INDIVIDUAL PARKING
& ACCESS TO
GROUND FLOOR

CARTPARK ENTRY
& EXIT RAMP

SITE BOUNDARY

FIRE ESCAPE
STAIR

SITE BOUNDARY

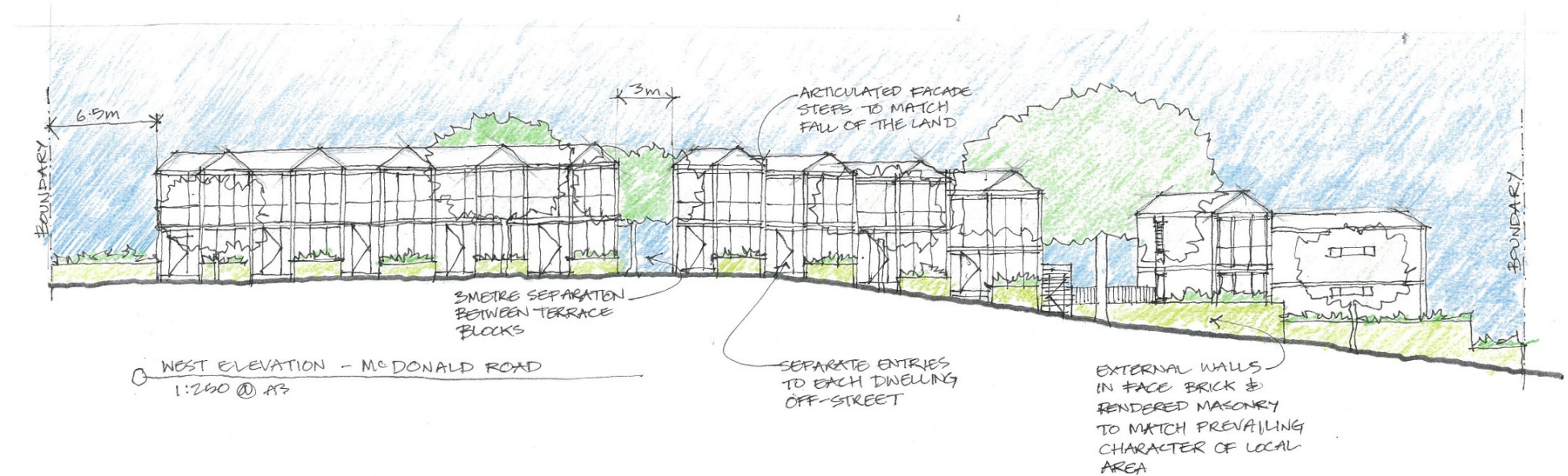
SITE BOUNDARY

SITE BOUNDARY

WYN DORA AVENUE

COVES ROAD

SITE BOUNDARY



WEST ELEVATION (McDONALD ROAD)



SOUTH ELEVATION (COLES ROAD)

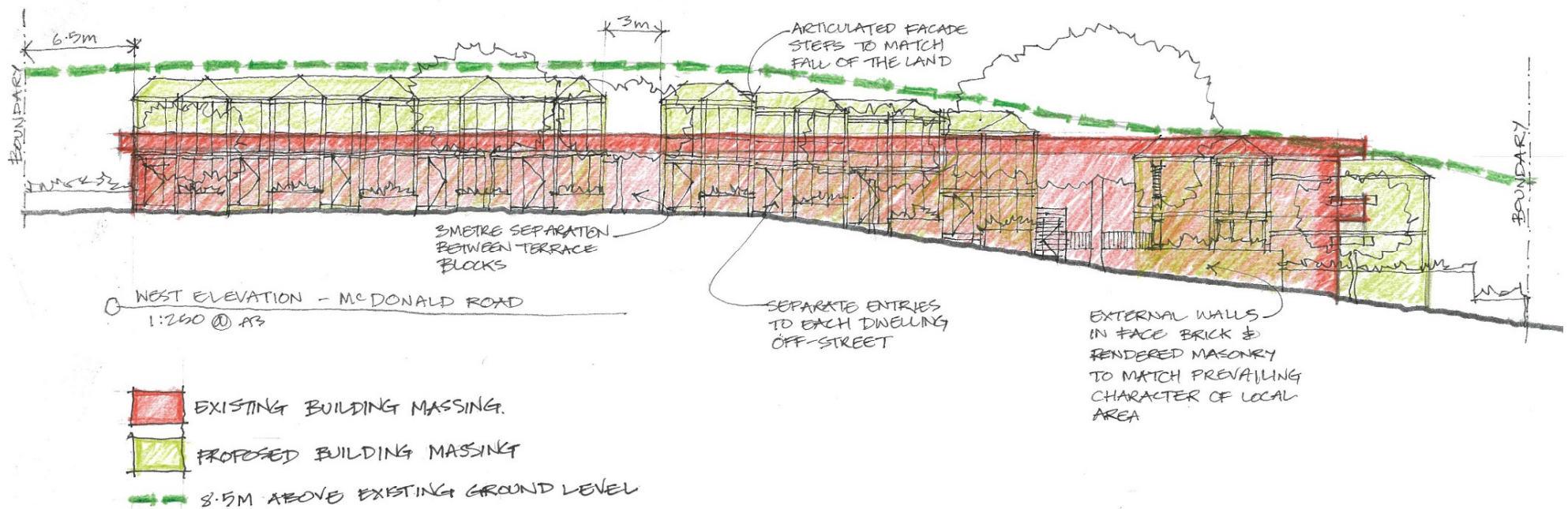


NORTH ELEVATION (WYNDORA AVENUE)

LOCALITY PLAN

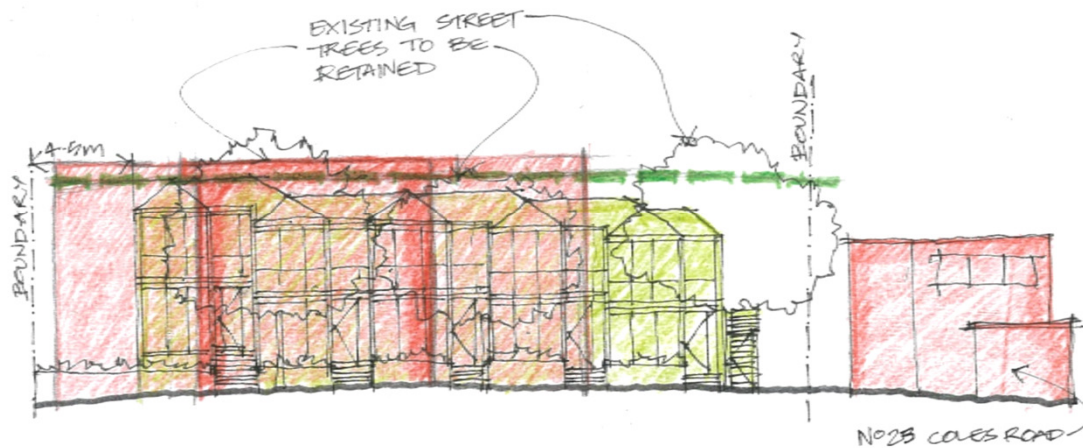


MASSING & HEIGHT ANALYSIS

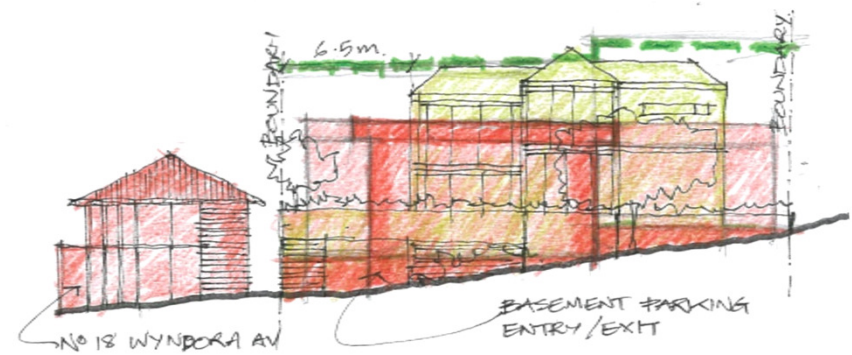


WEST ELEVATION (McDONALD ROAD)

MASSING & HEIGHT ANALYSIS

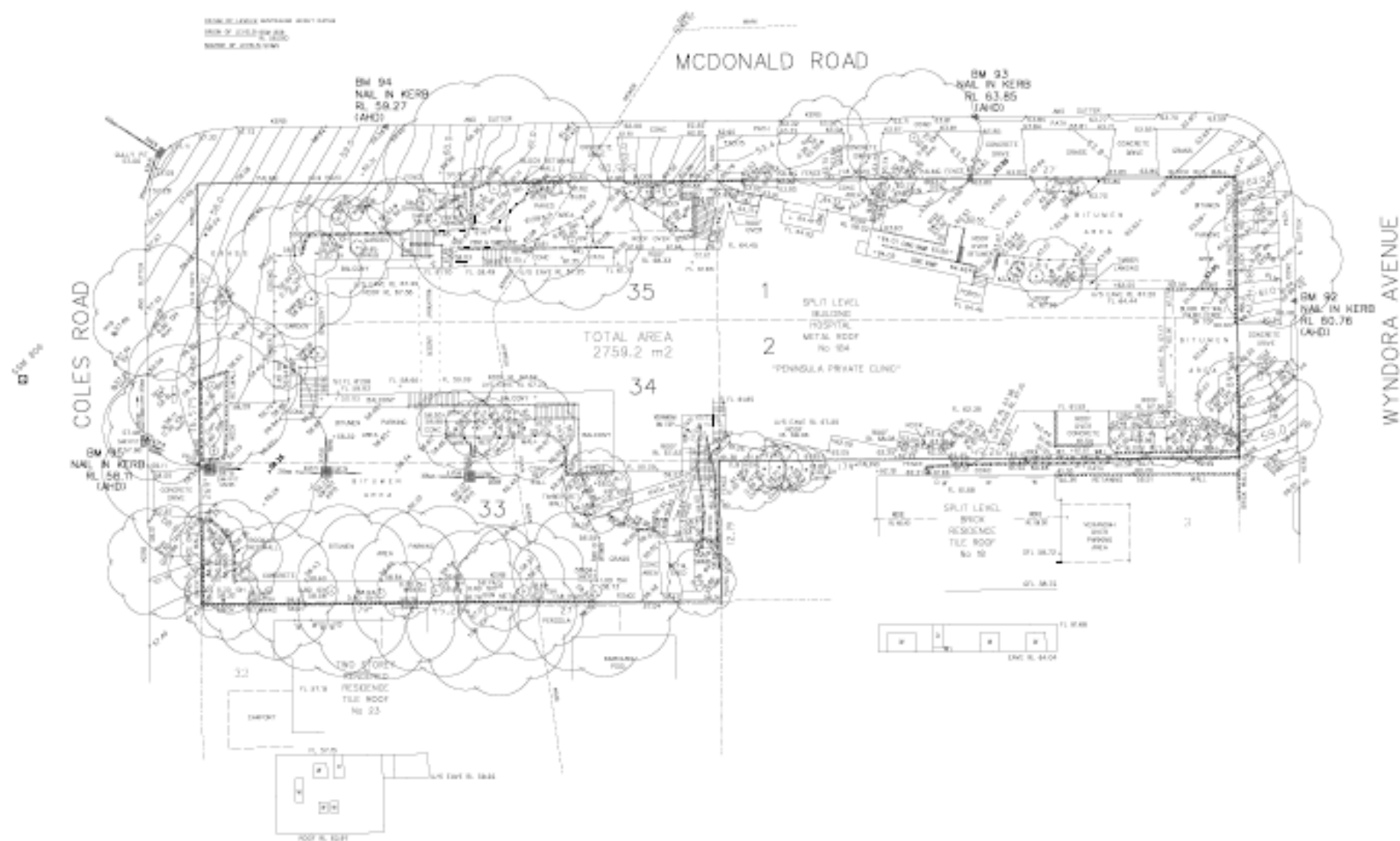


SOUTH ELEVATION (COLES ROAD)



NORTH ELEVATION (WYNDORA AVENUE)

EXISTING SURVEY





BAY TERRACES - LITTLE BAY, NSW

Consistency with Section 117 Directions

Section	Requirements	Comment	Consistency
2. Environment and Heritage			
2.3 Heritage Conservation	(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	There are no State or local heritage items in the vicinity of the site.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	The planning proposal is consistent with this direction, in that it: ▪ Facilitates the provision of in-demand terrace style housing, increasing the variety of housing stock in the locality ▪ Facilitates additional housing in the Warringah LGA that is currently not provided on the site ▪ Provides additional residential development in an existing urban area that will be fully serviced by existing infrastructure ▪ Will facilitate a high level of residential amenity and provide a high quality design Nothing in the planning proposal precludes the requirements of this Direction regarding infrastructure and density from being achieved.	✓

Section	Requirements	Comment	Consistency
3.4 Integrating Land Use and Transport	(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The planning proposal is consistent with this direction, in that it: ▪ will provide new dwellings in proximity to existing public transport links, including bus services along Harbord Road that provide services to the wider metropolitan region ▪ makes more efficient use of space and infrastructure by increasing densities on an underutilised site ▪ be capable of achieving the car parking requirements set out by the Warringah planning controls	✓
4. Hazard and Risk			
4.1 Acid Sulfate Soils	(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	The site is not identified as being impacted by acid sulphate soils in the Acid Sulfate Soils Map in Warringah LEP 2013.	N/A

Section	Requirements	Comment	Consistency
4.3 Flood Prone Land	(1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	The site is not identified as being flood prone land.	N/A

Section	Requirements	Comment	Consistency
5. Regional Planning			
5.1 Implementation of Regional Strategies	(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The planning proposal is generally consistent with the objectives and strategies of the subregional strategy in that it will facilitate the delivery of residential floor space to contribute towards the realisation of dwelling targets within the Warringah LGA.	✓
6. Local Plan Making			
6.1 Approval and Referral Requirements	(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The planning proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	✓

Section	Requirements	Comment	Consistency
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	(1) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. (5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The Planning Proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of residential floor dwellings which will contribute to the long term vitality of the community.	✓



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Reference: 13.253I01v03

17th June 2014

Baseline Constructions
Science House
Level 5, 157-161 Gloucester Street
The Rocks NSW 2000

Attention: Steven Bishop

Re: Planning Proposal - Proposed Subdivision of 184 Wyndora Avenue, Freshwater

Dear Steven,

We refer to your correspondence dated 30th May 2014 concerning the subject subdivision which is intended to permit residential development on the site that is presently operated for residential accommodation for young people with a disability.

In this regard, we have reviewed all relevant plans and documentation provided to us, have carried out on-site investigations and we now advise as follows:

Location and Site

The subject site is located on the corner of the block bounded by Coles Road to the south, McDonald Road to the west and Wyndora Road to the north. The site is adjoined by residential development to the east. The site is generally rectangular in configuration.

Existing Conditions

The surrounding roads are all local residential streets which perform a local access function, carrying up to an estimated 2,000 vehicles per day. There are no on-street parking restrictions, while on-street parking demands in the locality are very moderate, with dwellings in the area all having off street parking.

The site is approved for use as a 45-bed private hospital however, it currently operates as a disabled care facility. It accommodates 5 parking spaces and relies on an additional maximum 5 on-street spaces based on discussions with the operator. Hence, parking conditions will be improved in circumstances where the DCP requirements are fully met, as discussed further below.

The Proposal

The Planning Proposal has adopted an indicative (conceptual) development with 14 townhouses with all parking contained within a single basement. This concept is shown in the plans provided in **Attachment 1**.



Car Parking Requirements

Warringah Development Control Plan 2013, Schedule 3, requires two spaces per dwelling and these are provided. These are all accommodated within secure garages in a basement level.

Nevertheless, this will be subject to further assessment at Development Application (DA) stage having regard for the detailed design requirements. It is also noteworthy that existing driveways will be closed and the kerbs reinstated, which will create additional on-street parking that will be a benefit to the locality.

Servicing

Servicing will occur on-street as is standard practice, noting that the site enjoys direct frontages to underutilised on-street parking.

Traffic Generation and Impacts

Based on the application of RMS Guideline rates, the development is expected to generate about 8 veh/hr during peak periods. This is very moderate having regard for existing on-street volumes and is less than the approved use as a 45-bed private hospital.

The impacts associated with the development will require further detailed analysis as part of a subsequent development application submission following in principle support for the development from Council officers. Notwithstanding this, it is expected that the traffic impacts of the development will be accommodated by the existing road network, with no change to the Level of Service of any intersections in the vicinity of the site.

Access Requirements

A single Category 1 driveway will be provided under the provisions of AS2890.1, being a combined driveway width of 6.0 metres. The driveway is proposed onto Wyndora Avenue and the location also complies with AS2890.1, with good sight distances in both directions.

Internal Design

All internal design aspects will be designed in accordance with AS2890.1 (2004) and Council's DCP. Nevertheless, further review of the internal design will be undertaken as part of the detailed DA submission assessment.

Summary

In summary, further assessment is required to at development application stage. Nevertheless, the design is considered to have been developed to a suitable level to warrant progress towards a development application based on the principles adopted. In our view, the submission of a DA based on the concept design would be supportable on traffic planning grounds. This would need to be supported by a traffic impact statement



We trust that the above is of assistance and request that you contact the undersigned should you require further information regarding the above.

Yours faithfully,

traffix

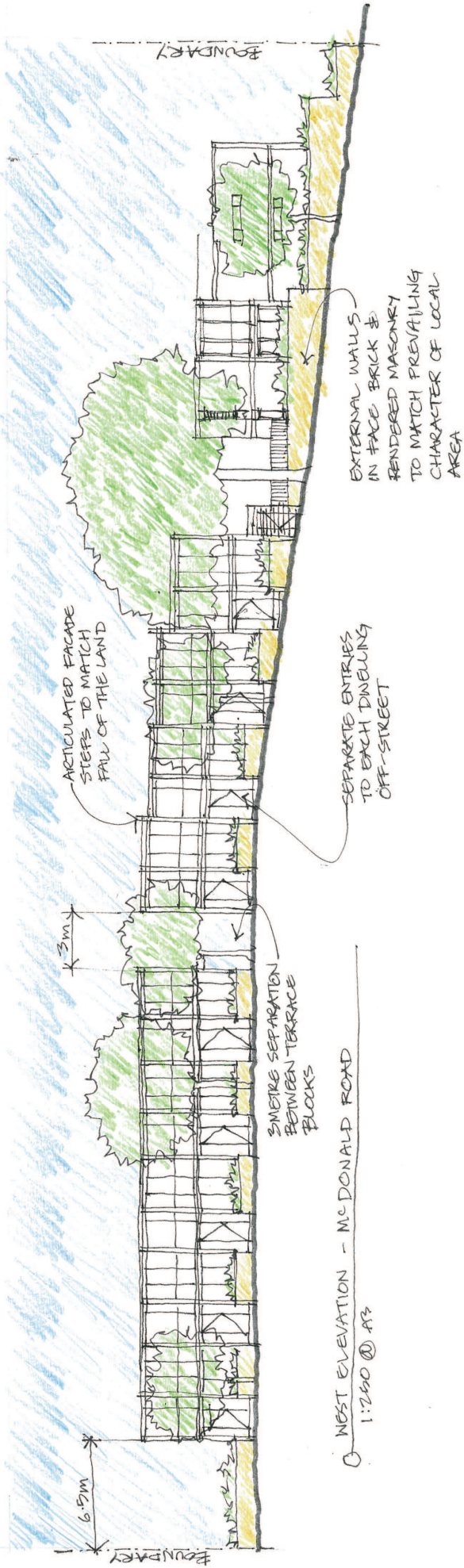
Graham Pindar
Director

Email: graham.pindar@traffix.com.au

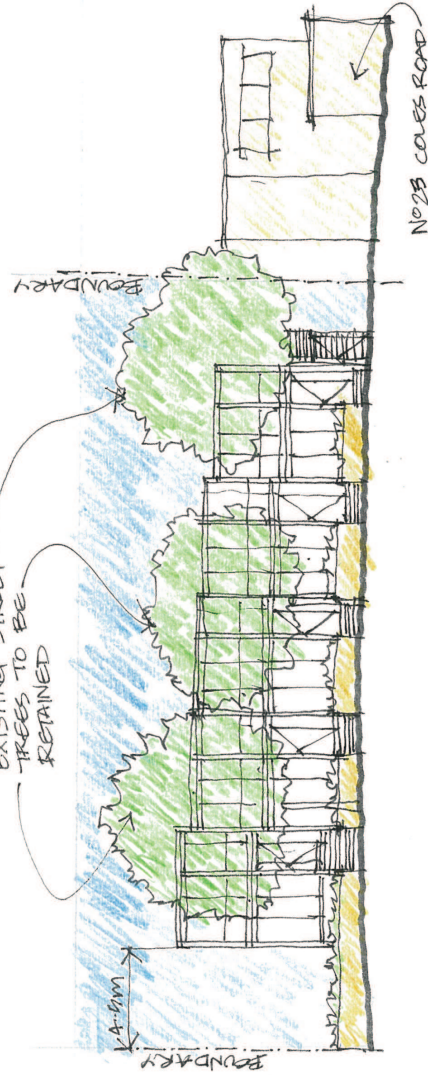
Encl: Attachment 1



Attachment 1



○ NORTH ELEVATION - McDONALD ROAD
1:250 @ A3

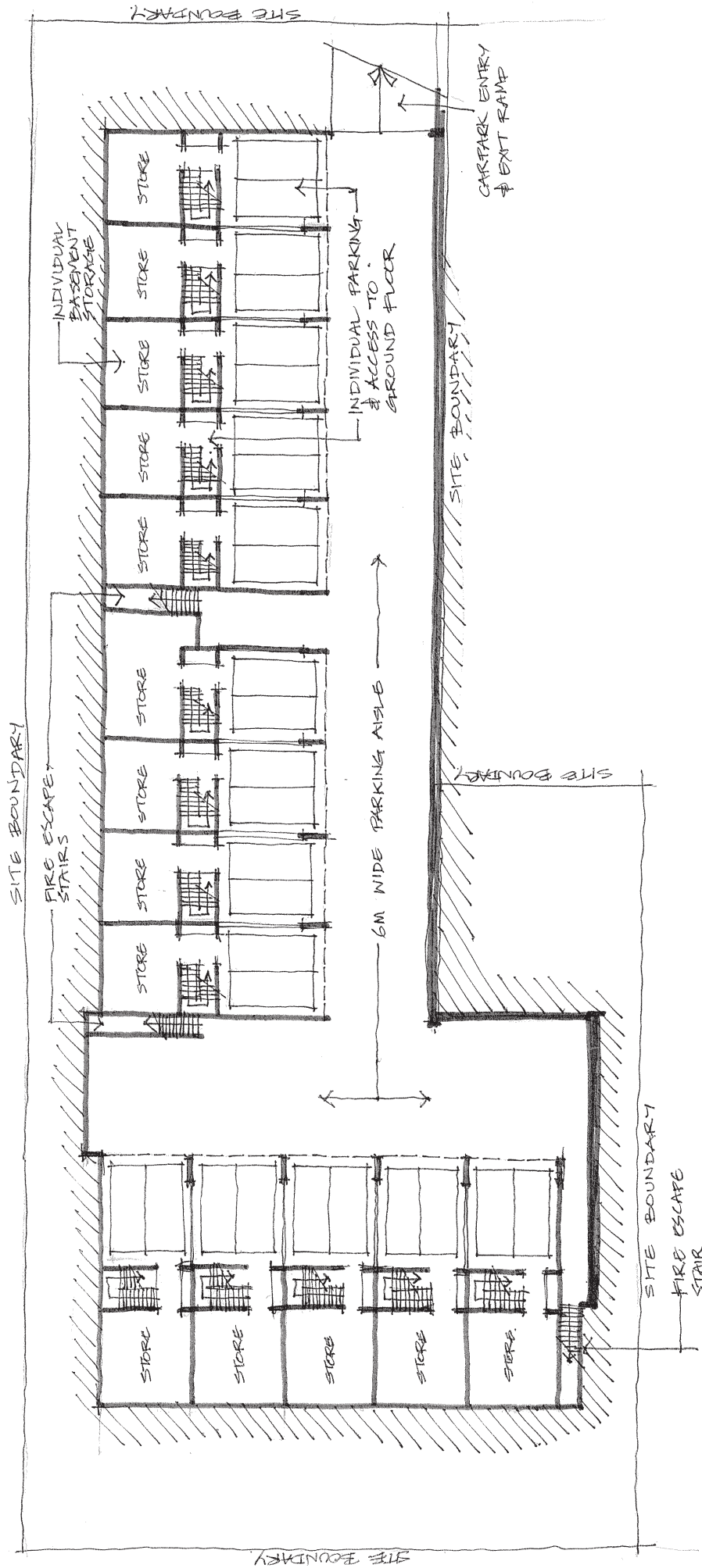


○ SOUTH ELEVATION (COVES ROAD)
1:250 @ A3



○ NORTH ELEVATION (WYNDORA AVENUE)
1:250 @ A3

McDONALD ROAD



BASEMENT LEVEL PARKING - 184 WYNDORA AVENUE, FRESHWATER
1:250 @ A3 PRN: SJTB 30/04/2014

Coles Road Freshwater – Consultation summary

DATE: 8 April 2014

PROJECT NO: 13331

Introduction

JBA on behalf of St Andrews Health Care carried out consultation activities to speak with the local neighbours to the Coles Road Freshwater site. St Andrews Health Care and JBA developed a consultation aspect in addition to site investigations to open the lines of communication, provide information about the preliminary site investigations underway and seek feedback around the concept of alternative uses at the site in the future. It was made clear to neighbours that the current tenant and care residents will remain working and living at the site in the short to medium term.

The Site

The site is located at the corner of Coles Road and McDonald Street, Freshwater. The site currently accommodates a care facility owned and operated by St Andrews Health Care. The existing building consists of a two storey complex built in the 1960s with a driveway on each three boundaries. The development surrounding the subject site consists of predominantly one to two storey residential homes.



 The Site

Purpose of engagement

The purpose of engagement is to gather concerns and issues from surrounding neighbours regarding future options at the site before further design and planning work continues.

Consultation activities

Personalised post cards

Postcards outlining the site area, the purpose of the project and the contact details of representatives from JBA were prepared. A copy of the postcard delivered to residents is provided at **Attachment A**. The postcard acted as a friendly and introductory piece of information to notify residents of the proposed options for the future of the site and to gain their input.

Doorknocking residents

On Friday 28 March 2014, two representatives from JBA travelled to Freshwater and personally delivered the postcards and spoke to local neighbours. By undertaking this in person, JBA were able to speak directly with residents adjacent to the site well ahead of any public exhibition process. This was a successful way of promptly gaining insight into the resident's views and opinions around the future use of the site. Postcards were left with each resident that was spoken to as well as those who were not home. This ensured that the residents were given a point of contact to make any further enquiries or comments.

The key messages to deliver included:

- Outline JBA's role with the property owner/client St Andrews Heath Care
- Outline the work to investigate future alternative uses at the site
- Outline what the alternative uses could be: no change, upgrade the health facility, change use to residential.
- Discuss with residents their views around the future use of the site, what would be an appropriate use, with detail around size, other issues that go with different options (eg, residential would mean more cars, renovations to the building would be construction work etc).

Follow up contact

Once the residents had been addressed in person, or in some circumstances left with a postcard, JBA received and responded to a number of calls and emails from the residents. JBA were able to answer and respond to all contact from residents including queries, concerns and feedback with prompt and professional responses. A summary of the information gathered from residents is provided below.

Distribution Zone

The dwellings located directly adjacent or opposite the subject site were all considered as part of the engagement activities, as shown below. The blue markers outline the resident's homes which were spoken to on JBA's visit to the site, whilst all the other dwellings within the yellow boundary were dropped a postcard. Contact with a number of these residents has since been made. (See overleaf.)



Figure – Distribution Zone

Summary of Responses

The table below provides a summary of the community consultation undertaken. The table outlines the date on which each resident was consulted, the feedback they gave and any follow up actions which were undertaken.

There were a total of 20 dwellings which were doorknocked during the consultation activities. Out of these 20, a total of 5 residents were spoken to, with the remaining 15 left with postcards. Of this remaining 15, we have made contact with another 5 residents since the postcards were dropped. There was an equal opportunity for all residents to participate and gain feedback. In total 50% of residents who were consulted actively participated and gave input. The comments gained from these residents demonstrated a range of opinions which are summarised below.

Table – Summary of resident's feedback

Date of Contact	Community Feedback	Other Comments
28/03/2014	- Understanding of the need for redevelopment and economic return - Would be supportive of construction of individual houses on the five lots or general hospital or aged care facility - Unsupportive of drug and alcohol rehabilitation centre or block of units - The size of the redevelopment should be in keeping with the current character of the area - Parking needs to be addressed with any future development	No follow up action.
28/03/2014	- Supportive of maintaining current use - In favour of the colour of the fence (beige/grey) but not the building colour (yellow)	No follow up action.
28/03/2014	Neutral towards future development options	No follow up action.
28/03/2014	Unsupportive of any kind of change to the current facility; under the impression that the current facility was there for good	No follow up action.
28/03/2014	Neutral towards future development options	No follow up action.
28/03/2014 – 07/04/2014	- No concerns with the specific use of the site in the future - Feels strongly about protecting the existing quiet residential character and amenity of the	Postcard was left on 28/03/2014, email and phone correspondence

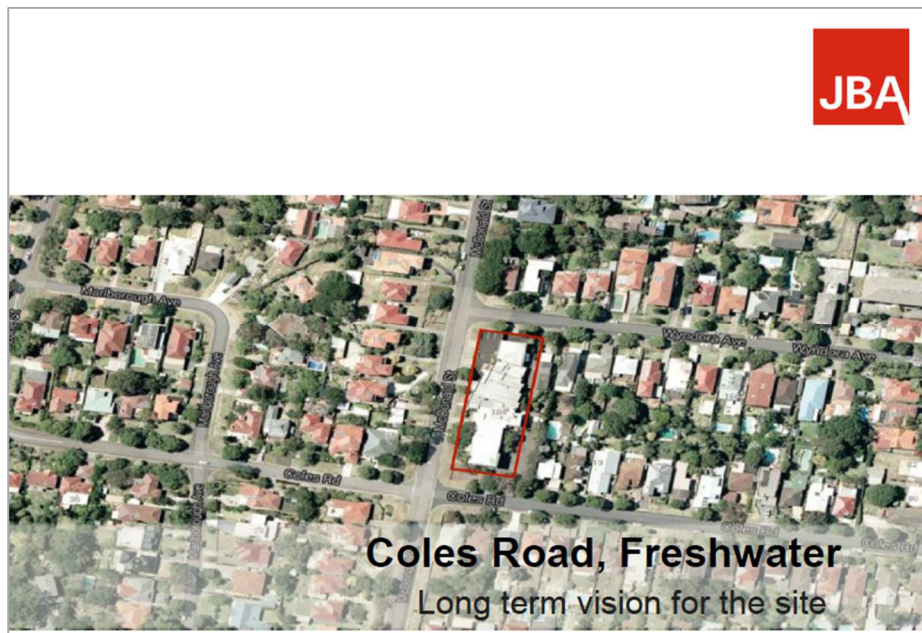
	area ▪ Traffic needs to be addressed with any future development ▪ Unsupportive of any development which will cause loss of views to surrounding residences (especially on McDonald Street) ▪ Feels strongly about minimising the impact of construction activities on surrounding residential dwellings	on 31/03/2014 and 7/04/2014. Would like to be kept up to date with future plans and time frames.
01/04/2014	▪ Supportive of high quality over 55's development rather than a hospital	Would like to discuss further property sale with St Andrews Health Care.
01/04/2014	▪ Supportive of residential development as long as it is no higher than the existing building	Return call to provide further information regarding timeframe of future use of the site.
01/04/2014	▪ Would prefer current use of the site to continue, however no particular objections to the site being used for other purposes ▪ Would strongly object to the building height blocking out existing water views	Would like to be kept up to date with future plans and time frames.

Note: Individual's names are removed from this summary table to maintain privacy.

Summary

The community consultation undertaken as part of the project beginning on 28 March 2014 and concluding on 8 April 2014 consisted of letterbox dropping postcards, doorknocking residents and follow up emails and calls to discuss the future of the site at Coles Road and McDonald Street, Freshwater. The consultation ensured equal opportunity for the surrounding residents to provide input into and gain further information regarding the future direction of the site. Overall, the feedback received from residents was predominantly supportive of any development option which ensures the existing amenity and nature of the residential neighbourhood is maintained. Traffic and parking seemed to be the main issue which resident's noted needed to be addressed when preparing plans for the future of the site. Resident's would like to be kept up to date with any further progress and time frames.

Attachment A



Postcard front

Dear neighbour,

On behalf of the landowners St Andrew's Healthcare, JBA would like to start a conversation around a possible long term vision for the Coles Road and McDonald Street, Freshwater site.

As planners we are investigating options for the site including continued current use providing care for residents. Other uses for the property could be other healthcare uses such as a residential aged care facility or residential use.

In considering future options, our client is keen to take onboard issues and concerns raised with the team. Please contact us to leave your feedback or ask any questions. If we don't hear from you, you can leave your details with us to be kept in the loop.

Thank you for your time.

Deborah and Alice
Community Engagement Team

JBA urban development services // www.jbaurban.com.au

Contact Deborah and Alice during March 2014
Email: jba@jbaurban.com.au
Phone: (02) 9956 6962

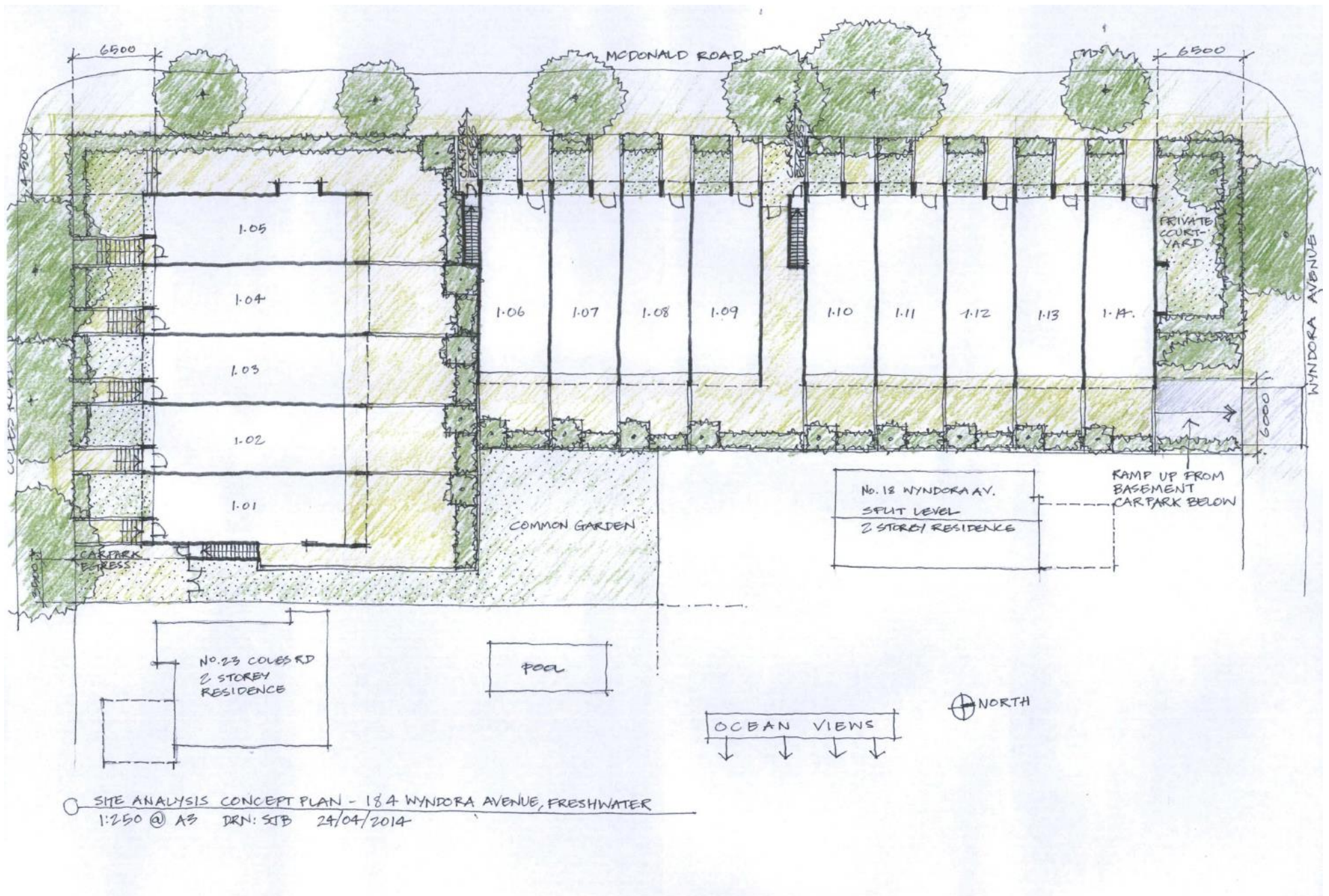
Postcard back

ITEM 4.1	PLANNING PROPOSAL FOR PROPERTY AT 184 WYNDORA AVENUE, FRESHWATER - PEX2014/0005
REPORTING OFFICER	SUSTAINABLE URBAN PLANNING MANAGER
TRIM FILE REF	2014/361905
ATTACHMENTS	1 Applicants Planning Proposal <u>2 Concept development plans</u> 3 Copies of Submissions 4 Draft Development Controls 5 Relationship to the Strategic Planning Framework

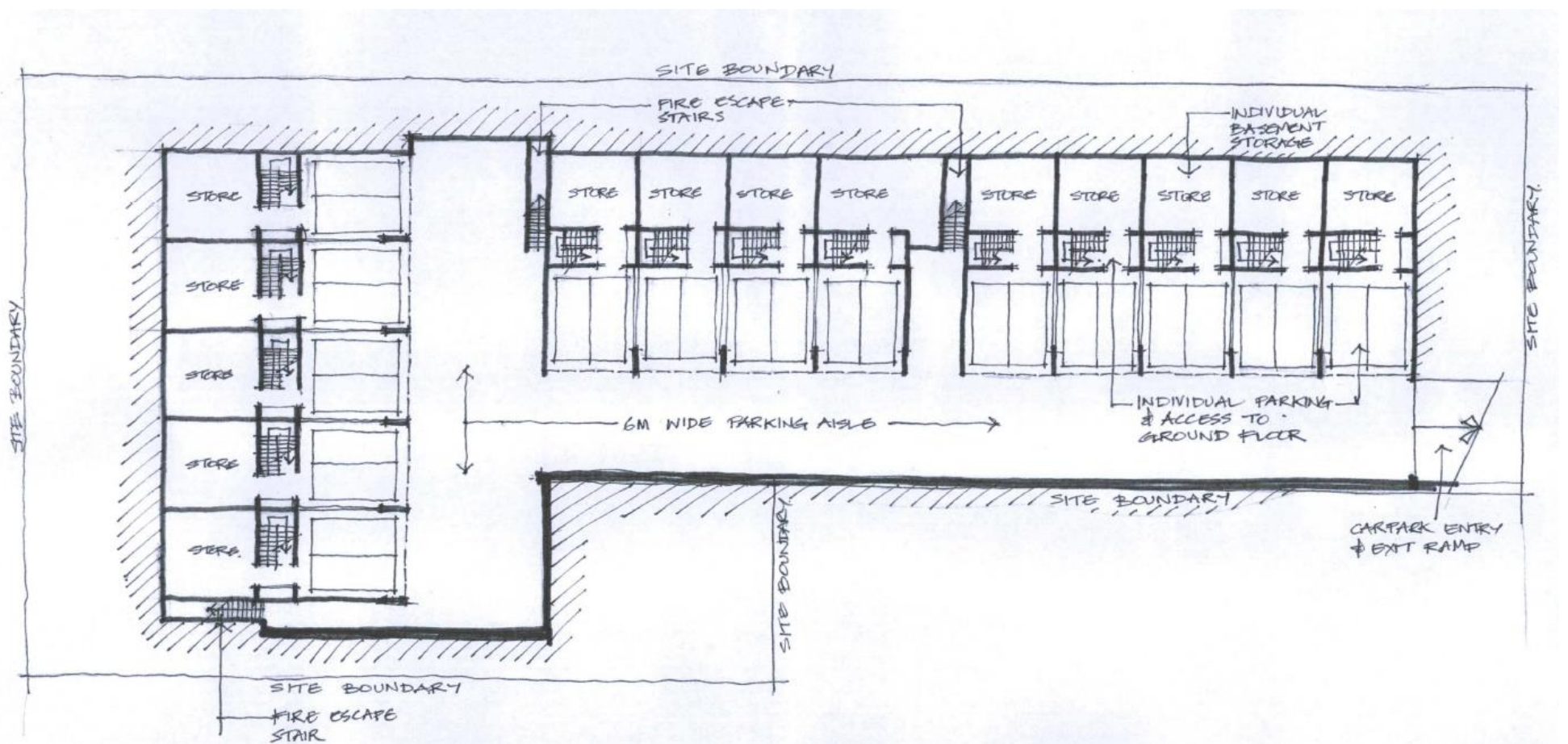
Illustrative Comparison of Development Scenarios

- **Proposed Town House Style Development**
- **Existing Hospital Development**
- **Dwelling Housings that could be constructed on the 5 lots under existing development controls**

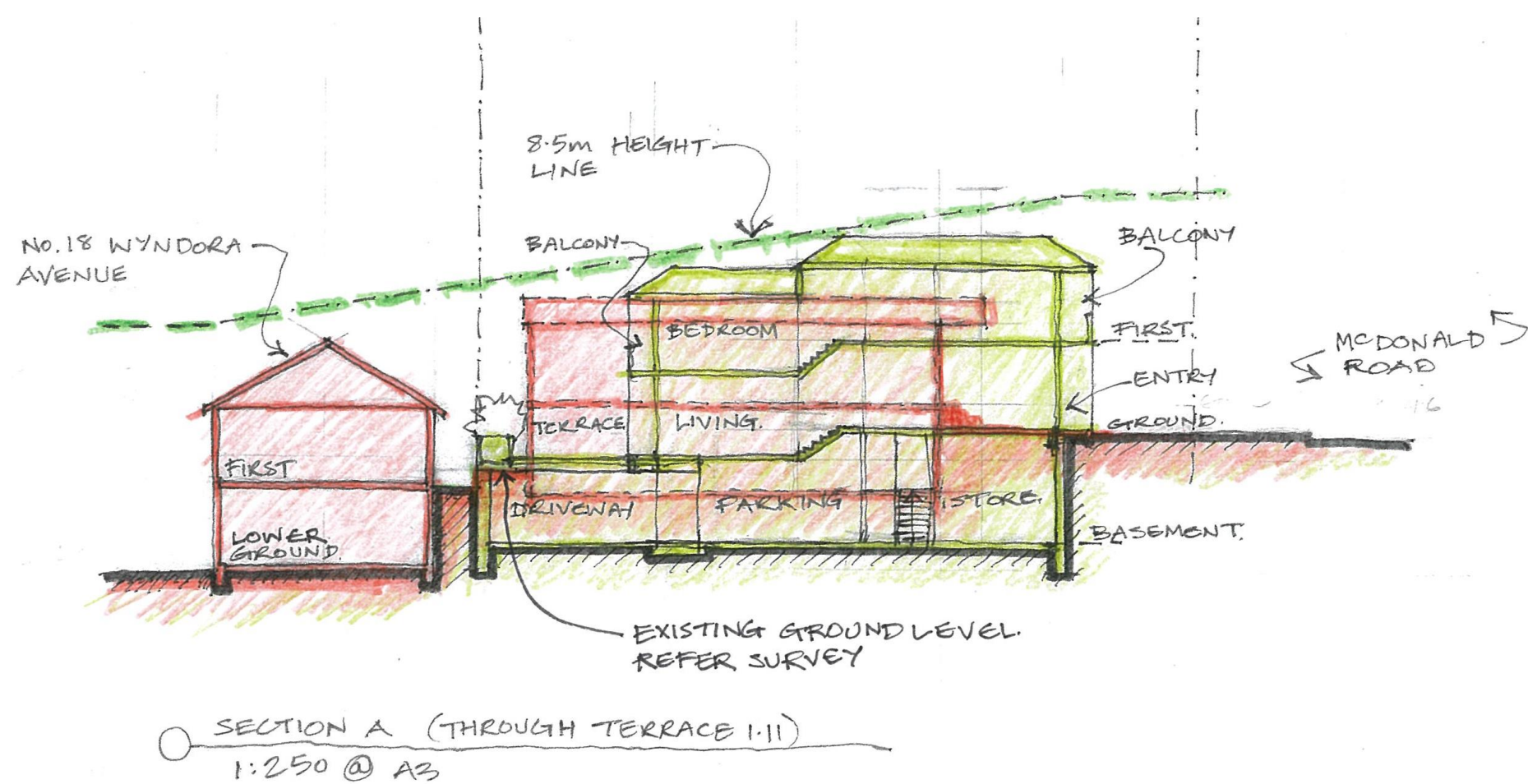
Proposed Town House Style Development - Ground Floor



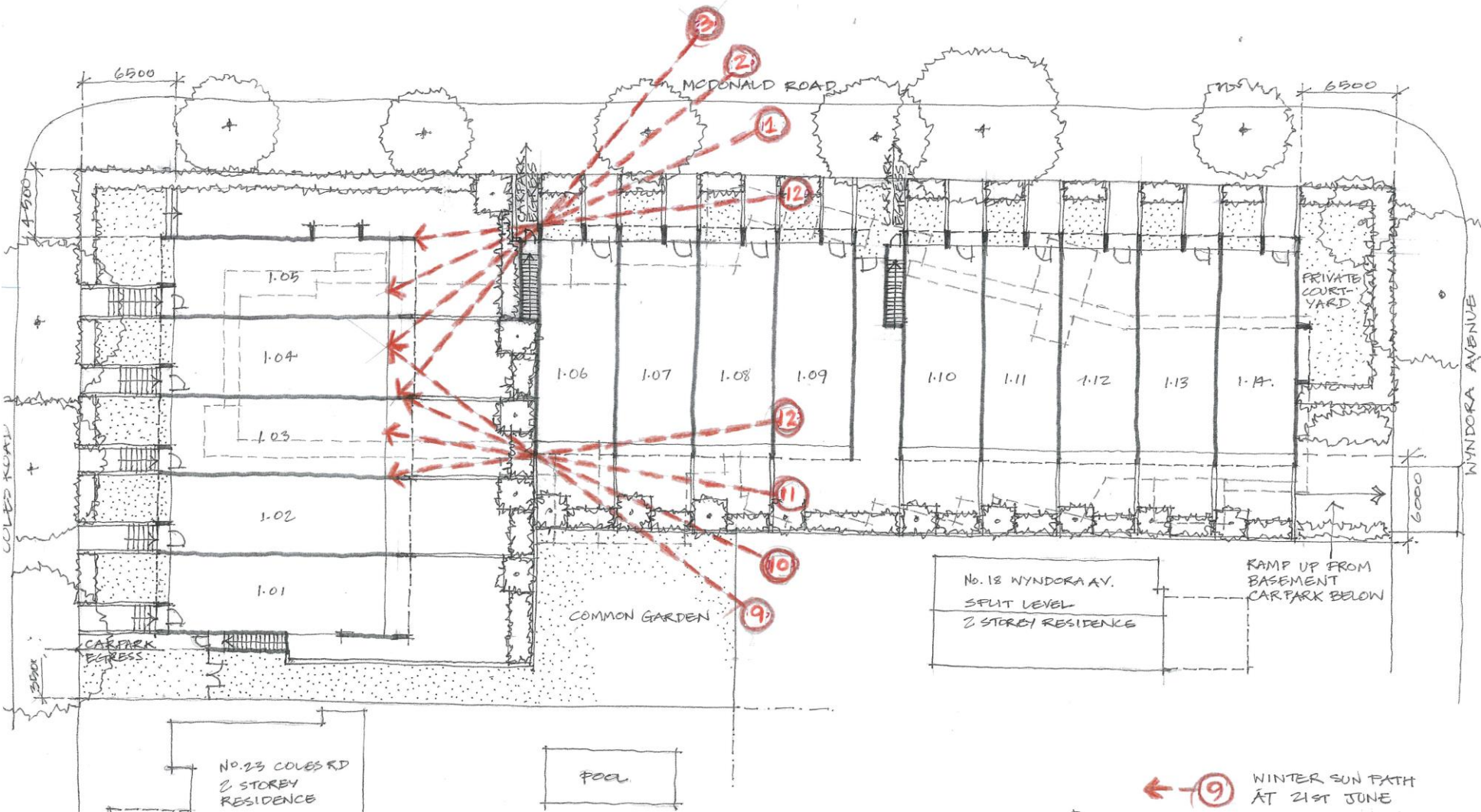
Proposed Town House Style Development – Basement Level



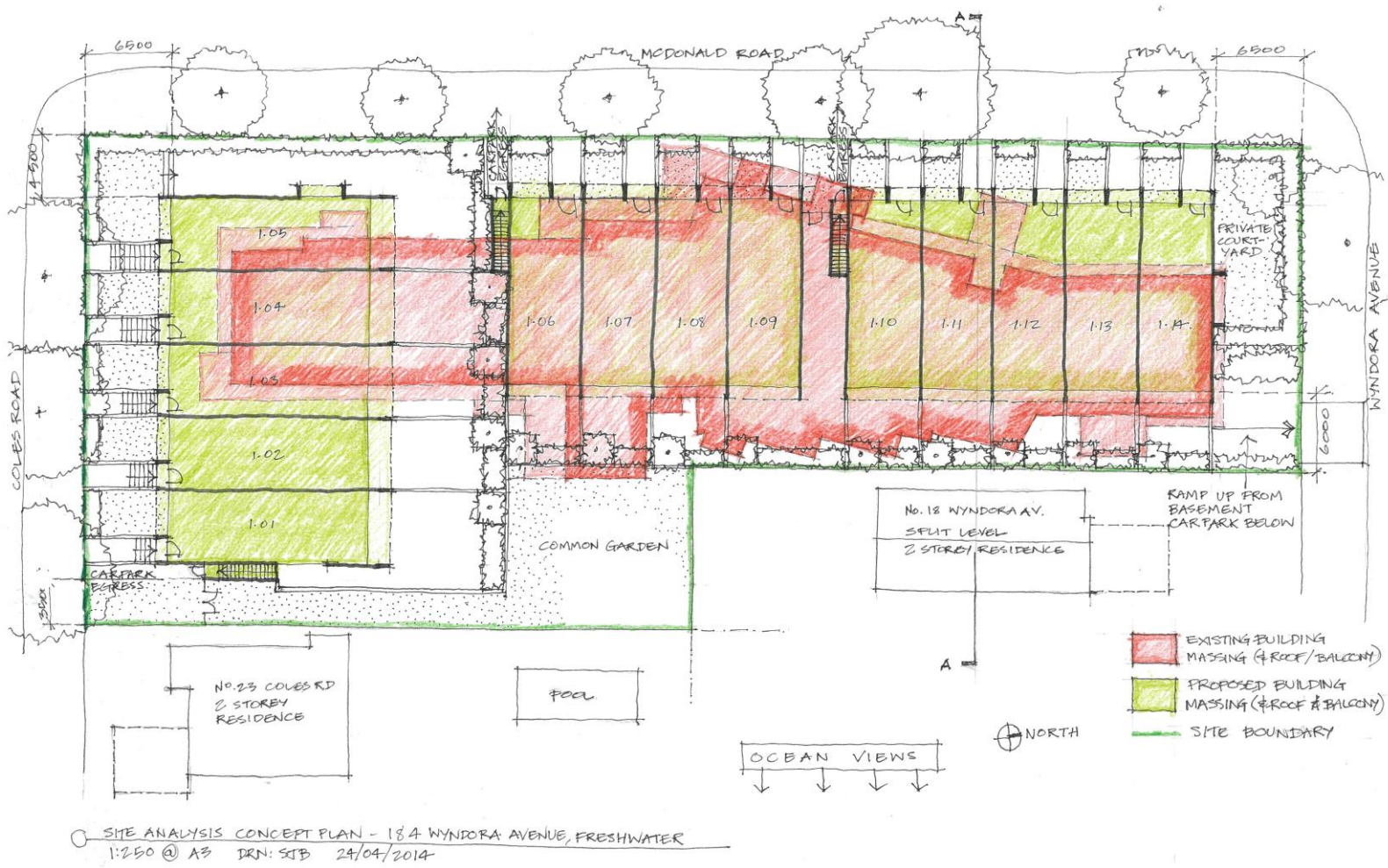
Cross Section of Proposed Town House Style Development Compared to Existing Hospital Development on the Site



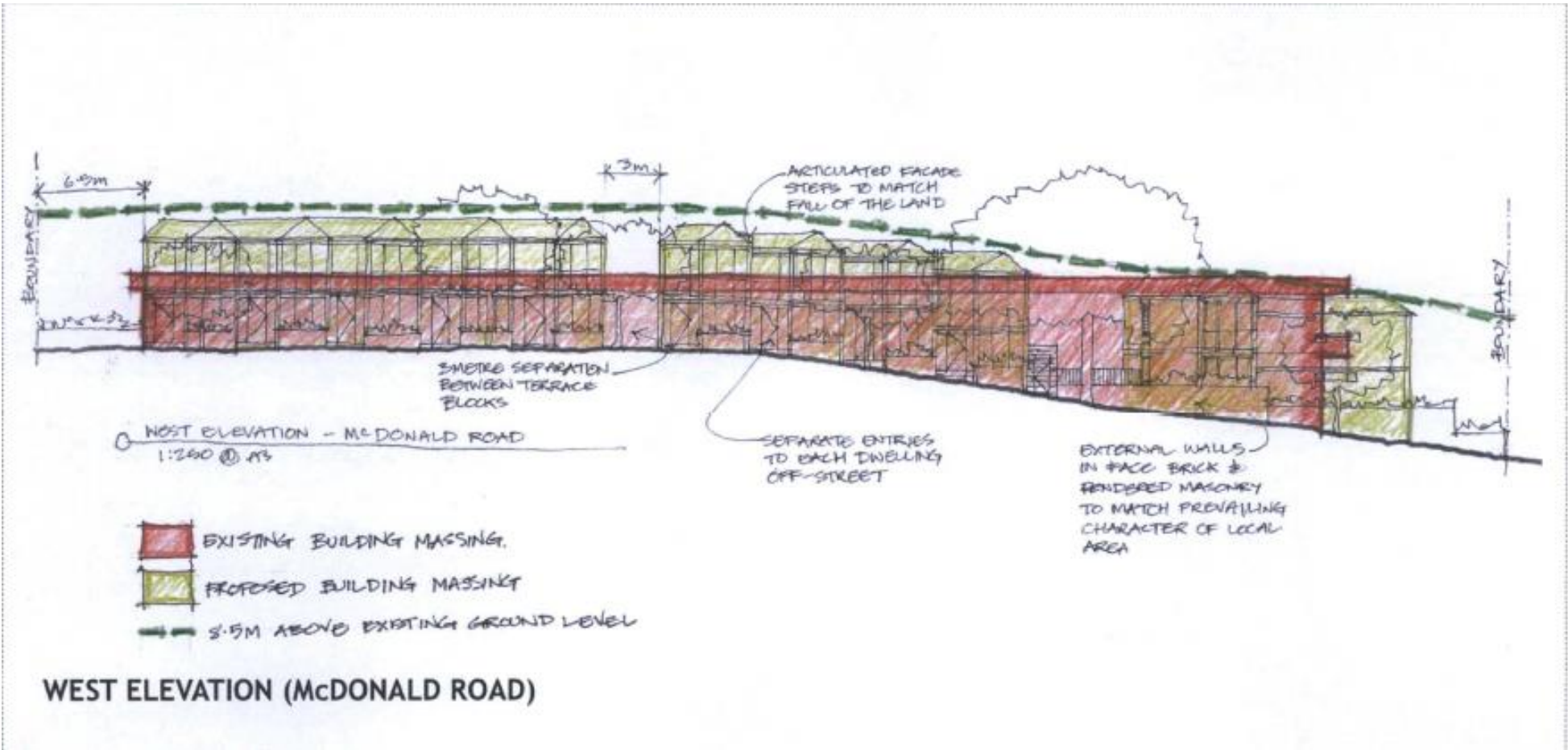
Proposed Town House Style Development – Solar Access / Overshadowing Impacts



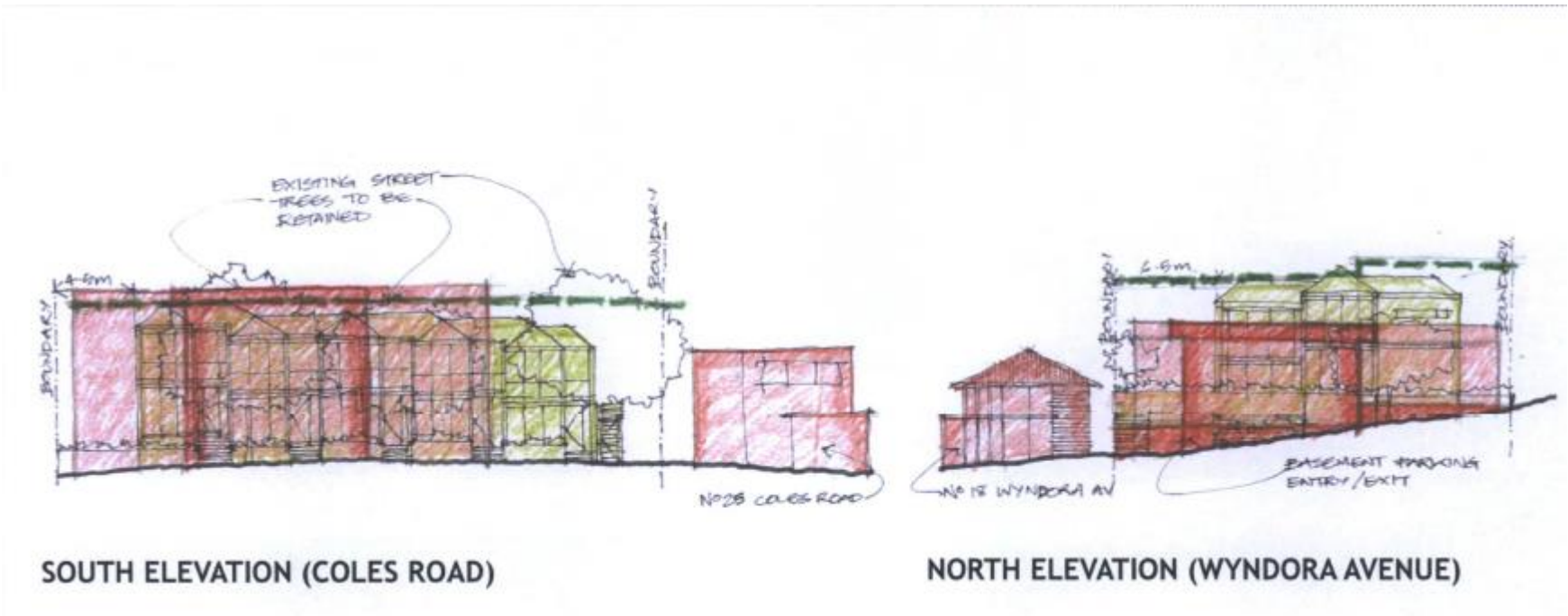
Proposed Town House Style Development Compared to Existing Hospital Development on the Site



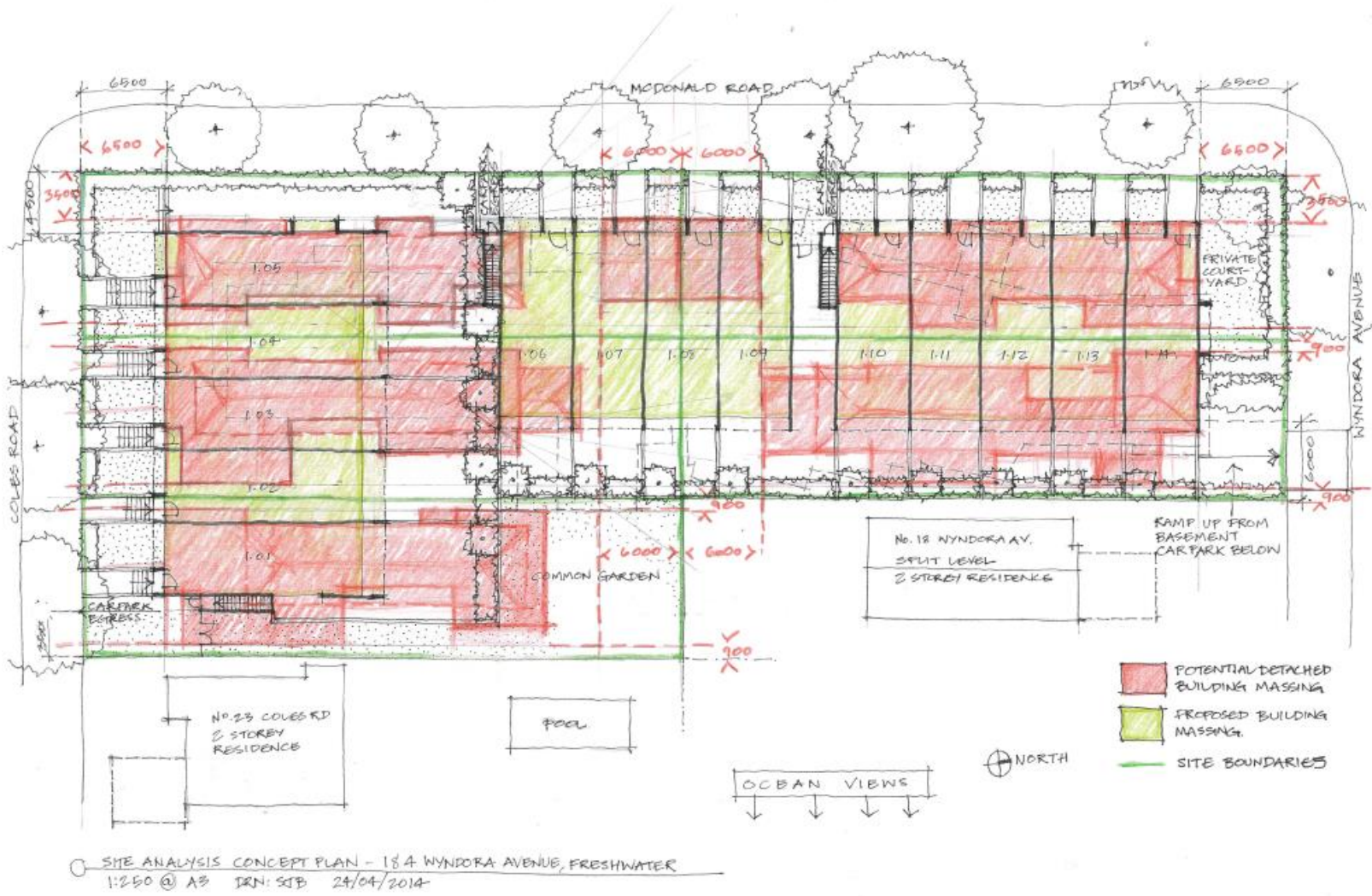
Proposed Town House Style Development West Elevation - Compared to existing Hospital Development on the Site



Proposed Town House Style Development South and North Elevations - Compared to existing Hospital Development on the Site



Proposed Town House Style Development Compared to Low Density Residential Development that could potentially be built on the land under existing R2 Zone planning controls



ITEM 4.1	PLANNING PROPOSAL FOR PROPERTY AT 184 WYNDORA AVENUE, FRESHWATER - PEX2014/0005
REPORTING OFFICER	SUSTAINABLE URBAN PLANNING MANAGER
TRIM FILE REF	2014/361905
ATTACHMENTS	1 Applicants Planning Proposal 2 Concept development plans <u>3 Copies of Submissions</u> 4 Draft Development Controls 5 Relationship to the Strategic Planning Framework

12 July 2014

Comments re Planning Proposal Application PEX2014/0005. 184 Wyndora Avenue Freshwater

We wish to make comment regarding the planning proposal for the property 184 Wyndora Avenue Freshwater. The planning proposal seeks to add 'attached dwelling' as a permitted use for this property under Schedule 1 of Warringah Local Environment Plan 2011 and we would take this opportunity to express our concerns about several aspects of the accompanying concept diagrams.

The concept diagrams include 14 attached townhouses in three blocks with basement storage and parking. We feel that this is excessive density of occupation which has the potential to compromise the amenity of the largely single dwelling neighbourhood, with undercover parking supplied for 28 vehicles. We would urge Warringah Council to rigorously uphold the requirements regarding floor space ratio and site area. On the basis that the proposal covers approximately five 'single dwelling' residential blocks, any more than ten dwellings on the site would constitute excessive density.

We are particularly concerned about the height of the proposed townhouses as indicated in the concept drawings. The Massing and Height Analysis diagrams fail to accurately represent the relationship between the existing structure and site, and the neighbouring properties.

Two cases in point would be the diagrams for the South Elevation (Coles Road) and the North Elevation (Wyndora Avenue). The eastern side of the existing structure, as entered from Coles Road, is a full three storeys in height and well above 8.5 metres above ground level. The carpark on the south eastern corner of the site has also been made level by construction of a retaining wall of approximately 1 - 1.5 metres in height. The level of the existing carpark should therefore not constitute the existing ground level, but rather the natural ground level as on the western boundary of 23 Coles Road. Height restrictions should therefore use the ground level on the western boundary of 23 Coles Road as the reference point. Similarly, Wyndora Avenue slopes steeply from west to east and the existing structure on the site along Wyndora Avenue is already largely two storeys in height, in addition to the tall retaining wall along the western boundary of 182 Wyndora Avenue. Whilst any development may be entitled to construct to the permissible height at the corner of Wyndora Avenue and McDonald Road, any structure should reflect the fall of the ground level and therefore retain the appropriate height relationship with neighbouring properties. This is particularly important for both privacy and environmental aspects of natural light and shadowing.

In conclusion, realising that this planning proposal is only a preliminary stage in the proposed development, we are not opposed in principle to the addition of 'attached dwelling' as a permitted use for this property, but we do have strong concerns regarding the density, mass and height of the development as outlined in the concept drawings, as expressed above. We would strongly urge Warringah Council to consider our concerns during this and subsequent deliberations.

Regards

Warringah Council
Received

23 JUL 2014

Signature:

The General Manager

Attention:

Amber Pedersen

Strategic Planner

Warringah Council

WARRINGAH COUNCIL
SCANNED

24 JUL 2014

20_1_

Re Planning Proposal for Property
No 184 Wyndora Avenue
Application No. PEX 2014/0008

With reference to above application I make
a submission with respect to the effect
the proposal has on my sea view to the
ESE. The massing and Height analysis (West
Elevation) shows that the height of the proposed
buildings is nearly twice as high as current
buildings. This will have a dramatic effect
on my views over the buildings. I would
prefer a lower height to proposal.

Yours faithfully

From:
Sent: Sundav. 27 Julv 2014 6:33 PM
To:
Subject: PEX2014/0005

Dear Ms Pedersen

PEX2014/0005 - 184 Wyndora Avenue Freshwater

I provide the following comments:

Planning

1. Schedule 1 of WLEP2011 includes permitted uses such as Clubs, Cafes, Business, Shops, Recreation facilities etc – All provide benefits to local communities.

How does a Medium Density development fit into Schedule 1. Is this the correct way to proceed or should Council rezone the whole of Freshwater for Medium Density to allow such a proposal to proceed. Is such 'spot rezoning' permitted or justified.

Design

(I understand that this is a Planning Proposal but as Council has accepted 'sketch plans' the following comments are made:

2. The 4.5m front setback is not a typical streetscape character for any suburb in Warringah, and would alter the streetscape amenity.

General

3. I believe that if Council is seriously considering medium density (which should be supported in the appropriate locations), then 'spot re-zoning' should not apply.

From:
Sent: Monday, 28 July 2014 8:35 AM
To: Council Mailbox
Subject: PEX2014/0005 184 WYNDORA AVE FRESHWATER

To: The General Manager
Attention: Strategic Planning

We live at 177 Wyndora Avenue Freshwater which is located opposite number 184 which is the subject of the above Application PEX2014/0005.

As such we make the following comments and requests in regard to this application:

- 1) In principle we have no objection to the proposed development and are supportive of this location being changed to medium density residential instead of a block of flats or any of the other non-residential uses that could occur in the future.
- 2) In terms of number of residences, whilst 14 is a greater density than would otherwise be permitted each would most likely be considerably smaller than a typical detached dwelling built on each of the 5 building blocks. However, there did not appear to be any indication in the application as to how large the floor area in each attached dwelling would be and how many rooms there would be in each.
- 3) To ensure the proposed number of attached dwellings did not go above 14 we believe there should be an additional clause in any amendment to the LEP e.g. specify a minimum average area of land required for each unit such as 197 square metres in this case.
- 4) Location of the entrance to the carpark would be directly opposite our house. Whilst we don't think this would be a great problem from a traffic movement point of view we believe this to be a dangerous location for cars to go in and out of the carpark. Reason we make this statement is that the intersection of Wyndora Avenue and McDonald Streets is relatively busy because of the blocks of units at the northern end of McDonald Street and because Wyndora Avenue and McDonald Street are often used as a short cut to go over the hill between Freshwater and Warringah Mall. Because this intersection is at the top of the hill and the hill becomes considerably steeper leading up to the intersection it is relatively blind when coming out of driveways near the top of the hill, such as ours at 177 Wyndora. Vehicles travelling from McDonald St to Wyndora Ave are often at or near the speed limit as it is a wide intersection leading into the steep downhill part of Wyndora. On this basis we believe Council should look further into the proposed driveway location and the road traffic situation to ensure an ongoing dangerous situation is not created. Some form of traffic calming such as an island may be advisable at the intersection of McDonald and Wyndora.

Please keep us advised of progress in regard to this development.

Yours faithfully

Council @warringah.nsw.gov.au

RE: PEX2014/0005 184 Wyndora Ave Freshwater submission

Re-zoning Proposal

We are residents of Coles Rd, opposite the property which is the subject of the re-zoning application.

Currently the area is zoned low density housing, and we feel that it should remain low density. A medium density zoning, allowing attached dwellings, would be out of character with the rest of the dwellings in the area, and while the proposal put forward by the property owner is for a 14 residences, this is not a DA and any actual development on the site may be considerably larger than the concept plan. Also, the extra traffic as a result of the additional residences would put a strain on the parking in the surrounding streets.

In summary, we do not support a rezoning of the property 184 Wyndora Ave, and feel it should remain as Low Density Residential

From:
Sent: Monday, 28 July 2014 3:30 PM
To: Council Mailbox
Subject: Development Application PEX2014/0005 - Proposed Development of 184 Wyndora Ave, Freshwater

Good afternoon,

I am writing to raise objections to the proposed development on the 5 blocks known as 184 Wyndora Avenue, Freshwater.

My family lives at Coles Road, Freshwater, directly across Coles Road from the site.

This area of Freshwater is zoned low-density residential.

We believe 14 attached dwellings on the 5 blocks is an overdevelopment of the site.

It will bring significantly increased traffic to the streets in the neighbourhood.

There are proposed to be 6 townhouses facing South towards our property and this will result in:

- the over-shadowing of our property as the development site is directly North of our block and up a significant incline.
- a significant loss of privacy as our North-facing rooms and garden will be overlooked much more than they are currently.

Council talks about introducing affordable property into the area but these townhouses will be marketed at more than \$1.45 million each, so this does not address low-middle income housing. It will instead attract families increasingly prepared to pay top dollar.

There is a great and growing need for aged/disability/health care type facilities in the Northern Beaches area, and this fact warrants the use of the present facility - with possibly moderate modification - to continue in its current use.

The main aim of the developer appears to be to maximise the owner's profit at the expense of the existing residents whose amenity and enjoyment of their properties would be considerably prejudiced as a result of this over-development.

The proposed conversion of the site to 14 townhouses is significantly out of balance with the neighbourhood.

Ideally, the site of five blocks should be returned to its original permitted use as five individual building blocks for low-density housing.

At the very least, the development needs to be substantially reduced to fit in with the neighbourhood.

I would welcome a community discussion between all the affected neighbours and the developer/owner of the proposed development site before this matter proceeds any further.

Your Faithfully,

From:
Sent: Friday, 25 July 2014 1:37 PM
To: Council Mailbox
Subject: development application Wyndora Ave, Freshwater

Regarding the above development application, we wish to protest about the bulk, height and subsequent parking problems of the redevelopment of the old hospital.

If the height is measured from the car park off Coles Road it may be acceptable but if it is from McDonald Street it would block views from the western side of McDonald Street . At one time a few years ago the hospital wanted to build another storey but was prevented from doing so by local opposition and the council at the time. I hope we do not have another fight on our hands.

To: Warringah Council

Re PEX2014/0005

Planning proposal for 184 Wyndora Avenue, Freshwater

I would like to contribute the following comments on the above planning proposal.

When the nearby Chesalon aged care centre closed some years ago, it was replaced with detached housing consistent with the pattern and lot size of development in the surrounding area. (Chesalon was also owned and operated by a charitable organisation.)

Additional separation between dwellings, or semi-detached dwellings, would allow for detached style dwellings that are more consistent with the existing style of low density development in the surrounding area.

An alternative outcome to demolishing the existing building, which appears to be in sound condition, would be to utilise it for a similar function, particularly as there are few facilities of this kind in the area.

The proposal does not comply with planning controls in WLEP2011 that apply to new residential development. These controls are based on a translation of the WLEP2000, in particular the desired future character, which states: "*Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality*".

The inclusion of 'attached dwellings' in Schedule 1 would establish a precedent that is not consistent with the future character envisaged for the locality.

In relation to sustainability, sunlight access would be restricted for dwellings attached on the northern side and with an E-W orientation.

In relation to landscape character, the small areas of open space would reduce the scope for trees of a reasonable height and the space available for outdoor facilities.

I hope the implications for the locality will be taken into account.

Yours sincerely

ITEM 4.1	PLANNING PROPOSAL FOR PROPERTY AT 184 WYNDORA AVENUE, FRESHWATER - PEX2014/0005
REPORTING OFFICER	SUSTAINABLE URBAN PLANNING MANAGER
TRIM FILE REF	2014/361905
ATTACHMENTS	1 Applicants Planning Proposal 2 Concept development plans 3 Copies of Submissions <u>4 Draft Development Controls</u> 5 Relationship to the Strategic Planning Framework

TABLE OF DRAFT DEVELOPMENT CONTROLS FOR PLANNING PROPOSAL (PEX2014/0005)

Property No.184 Wyndora Avenue, Freshwater

Note: These controls are draft / indicative only and may be altered following the progression of the Planning Proposal through the assessment process.

	Control Element	Draft Control
1.	Housing Density	Maximum of 13 dwellings
2.	Floor Space ratio	0.65 - 0.70 to 1
3.	Building Height	8.5m
4.	Number of Storeys	2 Storeys Note: Storeys that are used for the purposes of garages, workshops, store rooms, foundation spaces or the like, that do not project, at any point, more than 1 metre above ground level (existing) are not counted as a storey.
5.	Side Boundary Envelope	45 degree projection from 5m in height Side Boundary Envelope requirements should be provided with regard to the proposed developments relationship to eastern adjoining properties (in accordance with Warringah DCP Requirements)
6.	Side Setbacks	Side Boundary Setbacks to Eastern Adjoining Properties (applicable to No.23 Coles Road, Freshwater and/or to No.184 Wyndora Avenue, Freshwater): Minimum 3m side boundary setback. Basement car parking may be 2m from the side boundary but must not be more than 1m above ground level (existing) .A balcony, deck, patio, terrace or veranda must not have any point of its finished floor level: (a) if it is located within 3m of a side boundary—more than 2m above ground level (existing), or (b) if it is located more than 3m but not more than 6m from a side boundary—more than 3m above ground level (existing), or (c) if it is located more than 6m from a side boundary—more than 4m above ground level (existing). Side Setbacks to Dwellings within the Subject Site: Side setbacks within the site itself should to comply with the SEPP (Exempt and Complying Development Codes) 2008, Clause 3.16 - <i>Setbacks of dwelling houses and outbuildings from side boundaries and built to boundary walls.</i>
7.	Maximum Building Length with a Zero lot line along side boundaries	15m for upper levels only. No limit to ground floor building length. However, building bulk shall take into account impact on solar access to neighbouring properties, setback and landscaping requirements.
8.	Maximum Site Coverage	The total area of the lot to be covered by a dwelling house and all ancillary development (e.g. carport, garage, shed) must not exceed the area shown in the table below: 200-250m ² : 65% 250-300m ² : 60% 300-450m ² : 55% 450m ² +: 50% Multi-Dwelling Housing or Attached Dwellings: 50% max site coverage The calculation of site coverage does not include access ramps, awnings, eaves, unenclosed balconies, decks, pergolas, terraces, verandas, driveways, farm buildings, fences and screens, rainwater tanks attached to the house, swimming pools, spas or development under the General Exempt Development Code.
9.	Minimum Landscape Area	<i>Landscaped area is defined as an area of open space on the lot, at ground level (or not more than 1m above existing ground level), that is permeable and consists of soft landscaping, turf or planted areas and the like.</i> • minimum dimension of 2m wide

	Control Element	Draft Control
		• minimum soil depth that can be included as landscaped open space is 1m Minimum Landscaped Area required to be provided by Lot Area is: 200-300m²: 10% 300-450m²: 15% 450-600m²: 20% 600m²+: 30% Multi-Dwelling Housing: 30% of the site area
10.	Solar Access	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21. Exceptions outlined in Warringah DCP
11.	Front Setbacks	Front Setback to Coles Road and Wyndora Avenue: 6.5m Front Setback to McDonald Road: 4.5m to building façade line; 3m to articulation zone.
12.	Rear Setbacks	This applies to a dwelling house and any balcony, deck, , pergola, terrace or veranda that is attached to the dwelling house (a building). • A 6m rear setback to any part of the building is required , with the exception of the basement car park level addressed below. • Rear setbacks for dwellings fronting McDonald Road are to be landscaped and free of any above ground structures. • Rear setback areas of dwellings fronting Coles Road are to incorporate landscaping to improve visual privacy. Landscaping requires a minimum soil depth of 1m. • The basement car park level (and any deck, pergola, terrace or veranda above it) is to achieve a 2 metre boundary setback.
13.	Private Open Space	Private Open Space means an area that: (a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and (b) is not steeper than 1:50 gradient. Private open space requirements: Town house, Attached Dwelling, Multi unit Housing: Minimum 24m² with a minimum dimension 3m Living areas and private open space areas should be located at ground level where possible to limit the potential for privacy conflicts.
14.	Car parking	2 car parking spaces per dwelling. Visitor car parking - 0.25 visitor spaces per dwelling (rounded to nearest whole number)
15.	Basement Car parking	Car parking is to be provided on-site and integrally designed into the building in the form of basement parking. Basement car parking should be predominantly located within the building footprint and concealed below existing ground level. Where slope conditions mean that this is unachievable, the basement must not project more than 1m above ground level (existing). Basement car parking should be setback from boundaries in accordance with the rear and side setback requirements.
16.	Maximum Length of Building Frontage	Maximum length of building frontage (or a row of houses) along McDonald Street is 22m The minimum separation between buildings (or a row of houses) along McDonald Street is 3m
17.	Internal Building Separation	Between the rear of proposed dwellings fronting Coles Road and the nearest dwelling fronting McDonald Road. Distance to be determined taking overshadowing, visual and acoustic privacy impacts into consideration. Based of SEPP 65 principles, the following distances provide a guide: Habitable to habitable rooms - 12m Habitable to non-habitable rooms - 9m Non habitable to non-habitable rooms - 6m

ITEM 4.1	PLANNING PROPOSAL FOR PROPERTY AT 184 WYNDORA AVENUE, FRESHWATER - PEX2014/0005
REPORTING OFFICER	SUSTAINABLE URBAN PLANNING MANAGER
TRIM FILE REF	2014/361905
ATTACHMENTS	1 Applicants Planning Proposal 2 Concept development plans 3 Copies of Submissions 4 Draft Development Controls <u>5 Relationship to the Strategic Planning Framework</u>

Relationship to the Strategic Planning Framework

This attachment outlines the strategic planning framework within which the development outcomes for the land resultant from the Planning Proposal have been considered.

Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy is the latest strategy released by the Department of Planning and Infrastructure to set the framework for Sydney's growth to 2031 and beyond.

The Draft Strategy lays a strong and ambitious strategic planning foundation for the metropolitan region that will put Sydney on course to cement its position as Australia's pre-eminent city. To achieve this, the focus of the Strategy is on boosting housing and jobs growth across Sydney and achieving five key outcomes for Sydney being: Balanced growth; A liveable city; Productivity and prosperity; Healthy and resilient environment; and Accessibility and connectivity. In this light, the Planning Proposal aligns with the following two strategy objectives:

Deliver new housing to meet Sydney's growth

The Metro Strategy plans for at least 273,000 additional homes by 2021 and 545,000 by 2031 (19,000 and 37,000 in the North subregion, respectively). This housing is to be encouraged close to existing/planned infrastructure in both infill and Greenfield areas. The Planning Proposal meets this objective by locating the Site within an existing residential area with existing infrastructure.

Deliver a mix of well-designed housing that meets the needs of Sydney's population

The Metropolitan Plan envisions new housing that is well designed, affordable, smaller, and meets BASIX standards. The planning proposal could satisfy this objective.

Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* aims to integrate land use planning and transport planning across the city to provide a framework for sustainable growth and development. The Plan was prepared with the vision that by 2036, Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.

The Metropolitan Plan for Sydney 2036 notes that Sydney is likely to face a number of challenges over the coming years, including:

- population growth and change;
- a greater need for affordable housing;
- jobs closer to homes;
- more efficient transport options;
- better infrastructure delivery;
- a more sustainable Sydney; and
- maintaining global competitiveness.

To address these challenges, the Metropolitan Plan for Sydney 2036 proposes a range of policy initiatives and strategic directions. This planning proposal aligns with the following initiatives:

- Locate 70% of new housing within existing urban areas.
- Plan for 770,000 new homes within Metropolitan Sydney with a range of housing types.
- Provide 29,000 additional dwellings within the 'North East' subregion by 2036.
- Locate the majority of new homes around existing transportation hubs and urban centres.

Draft North East Subregional Strategy (2007)

The *Draft North East Subregional Strategy* was prepared by the Department of Planning and Infrastructure in 2007. It contains targets for housing and employment targets to 2031 in response to the forecast growth of Sydney contained in the 2005 Metropolitan Strategy.

Under the draft North East Subregional Strategy the Warringah LGA has a dwelling target of 10,300 new homes and employment target of 12,500 new jobs.

There is currently a lack of housing diversity in the Warringah LGA compared to Sydney in general. The breakdown of existing dwelling stock in the LGA is:

- Detached dwellings (63.3%)
- Villa/townhouse/dual occupancy (13.9%)
- Unit/apartment (22.8%)

The Planning Proposal would improve the diversity of dwelling house provisions in Warringah and contribute to meeting Warringah's the dwelling house target.

Warringah Community Strategic Plan 2023

The Warringah Community Strategic Plan 2023 sets out the long term aspirations of the Warringah community that is: a vibrant community; lifestyle and recreation opportunities; a healthy environment; connected transport; working together for the greater good of all; and liveable neighbourhoods. It reflects where the Warringah community want to be in ten years and is the key reference point for decision making during this period.

The outcome of the Planning Proposal will serve to satisfy Objective 5.3 of the Community Strategic Plan as it will serve to offer a variety of housing choices that meets the needs of the Warringah community and complements the local neighbourhood and the Warringah lifestyle.

S117(2) Ministerial Directions of the EP&A Act 1979

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the *Environmental Planning and Assessment Act, 1979* by the Minister to Councils, as outlined in the following table:

Section 117(2) Directions	Requirements	Comment	Consistency
2. Environment and Heritage			
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	There is nothing of heritage significance on or in the vicinity of the subject site.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and	The planning proposal is consistent with this direction, in that it: ▪ Facilitates the provision of in-demand terrace style housing,	Yes

Section 117(2) Directions	Requirements	Comment	Consistency
	(c) to minimise the impact of residential development on the environment and resource lands. A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	increasing the variety of housing stock in the locality - Facilitates additional housing in the Warringah LGA that is currently not provided on the site - Provides additional residential development in an existing urban area that will be serviced by existing infrastructure - Will facilitate a high level of residential amenity and provide a high quality design Nothing in the planning proposal precludes the requirements of this Direction regarding infrastructure and density from being achieved.	
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The planning proposal is consistent with this direction, in that it: - will provide new dwellings in proximity to existing public transport links, including bus services along Harbord Road that provide services to the wider metropolitan region - makes more efficient use of space and infrastructure by increasing densities on an underutilised site - be capable of achieving the car parking requirements set out by the Warringah planning controls	Yes
5. Regional Planning			
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The planning proposal is generally consistent with the objectives and strategies of the subregional strategy in that it will facilitate the delivery of residential floor space to contribute towards the realisation of dwelling targets within the Warringah LGA.	Yes

Section 117(2) Directions	Requirements	Comment	Consistency
6. Local Plan Making			
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The planning proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.	Noted. This needs to be taken into consideration when determining the WLEP2011 Amendments required to implement this Planning Proposal.	TBC
7. Metropolitan Planning			
7.1 Implementatio	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies,	The Planning Proposal is consistent with the	Yes

Section 117(2) Directions	Requirements	Comment	Consistency
n of the Metropolitan Plan for Sydney 2036	outcomes and actions contained in the Metropolitan Plan for Sydney 2036. A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of a diversity of residential dwellings which will contribute to the long term vitality of the community.	