

REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DEVELOPMENT APPLICATION NO. 37972/2009 Attachments

Attachment 4

Table 1. Compliance with the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The applicant has provided the following table to demonstrate compliance of the proposed development with all relevant provisions of SEPP (Housing for Seniors or People with a Disability) 2004:

CRITERIA	CONSISTENT?	COMMENT
PART 2 – SITE RELATED REQUIREMENTS		
Clause 26 - Location and Access to Facilities		
The relevant matters for Clause 26 are addressed in the Access Report contained in Appendix 16.		
Clause 27 – Bushfire Prone Land		
(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on	Yes	“Planning for Bushfire Protection” has been addressed in the Bushfire Hazard Assessment

CRITERIA	CONSISTENT?	COMMENT
<p>land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i>.</p> <p>(2) A consent authority, in determining a development application ... on land in the vicinity of land identified on a bush fire prone land map ... must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:</p> <p>(a) the size of the existing population within the locality,</p> <p>(b) age groups within that population and the number of persons within those age groups,</p> <p>(c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,</p> <p>(d) the number of schools within the locality and the number of students at those schools,</p> <p>(e) existing development within the locality that has been carried out under this Policy or <i>State Environmental Planning Policy No 5—Housing for Older People or People with a Disability</i>,</p> <p>(f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,</p> <p>(g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,</p> <p>(h) the nature, extent and adequacy of bush fire emergency procedures that are able to</p>		<p>Report contained in Appendix 11.</p> <p>The location of the proposed development is within an existing retirement village where suitable bushfire buffers exist.</p> <p>Access to and from the site is appropriate, with several means of evacuation from the bushfire hazard.</p> <p>The size of the population in the locality is modest, being a suburban setting with low to medium density dwellings.</p> <p>The aged groups within the retirement village range from persons in their 50s to persons in their 90s. Procedures are to be put into place for emergency evacuation for all residents.</p> <p>There are two regional hospitals in the area at Gosford and Wyong containing more than 400 beds each and each having an emergency department. There are numerous private health centres as well.</p> <p>There are no existing primary or secondary schools within the locality.</p> <p>Development within The Cove has been undertaken under SEPP 5 and SEPP Seniors Housing.</p> <p>The road network is capable of catering for the evacuation of persons from the site in the event of a bushfire.</p> <p>The site is able to accommodate emergency services vehicles. A clear path of travel around the proposed buildings is provided for emergency vehicles.</p> <p>The Bushfire Hazard Assessment goes to the adequacy of emergency procedures for the site. It recommends the preparation of an evacuation plan</p>

CRITERIA	CONSISTENT?	COMMENT
<p>be applied to the proposed development and its site,</p> <p>(i) the requirements of New South Wales Fire Brigades.</p> <p>3. In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.</p>		<p>and Emergency Management Plan for the development.</p> <p>The requirements of the NSW Fire Brigades will be sought because the DA will be referred to the Rural Fire Service under the Integrated Development provisions of the EP&A Act.</p>
Clause 28 – Water and Sewer		
<p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	Yes	<p>The site is already served by a reticulated water system and is sewered.</p>
Clause 29 – Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply		
<p>The consent authority is to consider whether:-</p>		
<p>(b) ... the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria: -</p> <p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>See below.</p> <p>The proposed development has been designed to be fully cognisant of the topography, the surrounding uses and landscaped nature of the site.</p> <p>There is the presence of a bushfire hazard to the east and south. However, the Bushfire Hazard Assessment addresses the suitability of the site in terms of that hazard.</p> <p>The proposal is for a residential use in a locality where residential uses predominate.</p> <p>The future residents of the proposal will have adequate access to services and infrastructure for the following reasons:-</p> <ul style="list-style-type: none"> • The proposal forms part of an

CRITERIA	CONSISTENT?	COMMENT
and any proposed financial arrangements for infrastructure provision,		<p>existing retirement village community where the following services and facilities are currently provided or proposed to be provided:-</p> <ul style="list-style-type: none"> - a village bus; - doctor's consulting room; - craft room; - café and dining room; - library; - hairdressing salon; and - heated pools and spa. <ul style="list-style-type: none"> • A bus bay and shelter are provided at the main entrance to the village. A bus service runs along Empire Bay Drive to Empire Bay, Kincumber, Woy Woy, Gosford and other town centres. These shopping centres contain a wide array of retail, community, medical and transport services.
(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	Yes	The proposed bulk, scale, built form and character will not have an unreasonable impact on nearby residential properties. These issues are addressed in Section 5 of this SEE.
PART 3 – DESIGN REQUIREMENTS (Division 2 – Design Principles)		
Clause 30 – Site analysis		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p> <p>(2) A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p>	Yes	Details regarding the site is presented in Section 2 of this SEE and is supported by the Site Analysis Statement prepared by marchese + partners (see Appendix 6) and surveys, figures, and diagrams forming part of this SEE.

CRITERIA	CONSISTENT?	COMMENT
<p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations:-</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p>		
Clause 32 – Design of residential development		
<p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the <u>principles</u> set out in Division 2.</p>	Noted	Each of the principles is addressed below.
Clause 33 – Neighbourhood amenity and Streetscape		
<p>The proposed development should:</p> <p>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p>	Yes	Comments in regards to the Design Principles of SEPP 65 address the character of the locality and design response to that character. Refer to Section 4.2.3 of this SEE.
<p>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p>	N/A	The site does not contain any items of heritage significance, is not within a conservation area and is not in the vicinity of any heritage items.
<p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p>	<p>Yes</p> <p>Yes</p>	<p>The proposed setbacks from Yugari Crescent and Empire Bay Drive are suitable and assist in reducing the bulk issues. There are no overshadowing issues with the proposal.</p> <p>The development responds well to the steep topography of the site. Car parking is excavated into the slope and buildings are steeped down the hillside.</p>

CRITERIA	CONSISTENT?	COMMENT
		Building siting follows contours and nestles into the lower slopes.
(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and	Yes	Building L1 is at the street frontage of Empire Bay Drive and Peridon Avenue. The building replaces a former commercial building. It has a height of 3 storeys. However, that height is broken up by the highly articulated facades, use of varied materials and highly varied roof form. This scale is appropriate in this village centre location previously occupied by a neighbourhood shopping centre.
(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	Yes	No part of the development is located on the boundary with adjoining sites.
(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	Yes	There is no consistent building line in the vicinity of the site. However, an appropriate setback has been provided for landscaping and car parking.
(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Yes	The Landscape Plans provide species that are sympathetic with other planting in the street. It is considered not appropriate to copy the existing planting of introduced species such as Palm Trees.
(f) retain, wherever reasonable, major existing trees, and	Yes	The development seeks to create a new landscaped character for the site as recommended by the Arborist.
(g) be designed so that no building is constructed in a riparian zone.	Yes	None of the proposed buildings is located in a riparian zone.
Clause 34 - Visual and Acoustic Privacy		
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and	Yes	The locations of windows and balconies have been carefully chosen to provide internal privacy to residents whilst at the same time give outlook to Brisbane Waters, courtyard areas and bushland.
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them	Yes	Bedrooms have been designed away from Empire Bay Drive as

CRITERIA	CONSISTENT?	COMMENT
away from driveways, parking areas and paths.		much as possible. The Acoustic Report provided in Appendix 14 confirms that the apartment design can comply with the accepted noise criteria.
Clause 35 - Solar access and design for climate		
The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and	Yes	The Shadow Diagrams in Appendix 3 confirm that there is no overshadowing impact on neighbouring sites and that the balconies and courtyards of the development received adequate sunlight. 93% of the proposed apartments will receive more than 3 hours solar access to their main living areas.
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	Yes	The orientation of the development has had regard to solar access and overshadowing and the design of the development has incorporated those matters listed in the discussion on ESD in Section 3.9.
Clause 36 – Stormwater		
The proposed development should:		
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	Yes	The Stormwater Report and Stormwater Concept Plan confirm that the post-development stormwater generation of the site will be improved.
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	Yes	Three stormwater capture tanks are to be constructed within the open space around the development for reuse in irrigation.
Clause 37 – Crime Prevention		
The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:		

CRITERIA	CONSISTENT?	COMMENT
(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	Yes	The design provides for general observation of the public areas, driveways and streets via balconies and windows. All dwellings have communal entry from internal corridors. There are no stand-alone entries.
(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	Yes	The shared corridors are only accessible to residents via keying controls. The elevators serve a small number of apartments.
(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Yes	Security controls provide that entry to the buildings is via key control only.
Clause 38 – Accessibility		
The proposed development should:		
(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and	Yes	Refer to Access Report in Appendix 16.
(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Yes	The Access Report states that a means of safe access should be provided to the bus stop on the western side of Empire Bay Drive. This is proposed to be provided with the installation of traffic lights are installed at Peridon Avenue (subject to separate application with the RTA).
Clause 39 – Waste Management		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Yes	Appropriate recycling facilities will be provided.
PART 4 – DEVELOPMENT STANDARDS TO BE COMPLIED WITH		
Clause 40 – Development Standards – minimum sizes and building height		
Clause 40(2) - The size of the site must be at least 1,000 square metres.	Yes	The development site has an area of approximately 30,427m ² .
Clause 40(3) - The site frontage must be at least 20 metres wide, measured at the building line.	Yes	The development site has a frontage of over 200m to Empire Bay Drive and a frontage to Peridon Avenue of about 47m.

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<p>Clause 40(4) - If the development is proposed in a residential zone where residential flat buildings are not permitted:-</p> <p>b) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p><i>Height within the SEPP is defined as the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point. Ground level means the level of the site before development is carried out.</i></p> <p>b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p> <p>c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	See comment	<p>The proposal is partially on land within the 2(a) zone where residential flat buildings are not permissible.</p> <p>The height of Building L2 exceeds 8m in some locations. However, the buildings are not located in the rear 25% of the Cove site or are adjacent to any boundaries of the site.</p> <p>See comments regarding compliance at the end of this table.</p>
Division 3 - Clause 41 – Standards for hostels and self-contained dwellings		
<p>A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwellings unless the proposed development complies with the standards specified in Schedule 3 for such development.</p>		
<p>Each provision of Schedule 3 is addressed in the Access Report contained in Appendix 16.</p>		
PART 7 – DEVELOPMENT STANDARDS THAT CANNOT BE USED AS GROUNDS TO REFUSE CONSENT		
Clause 46 – Inter-relationship of Part with design principles in Part 3		
<p>Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been to the principles set out in Division 2 of Part 3.</p>	N/A	Noted – Division 2 of Part 3 is considered above.
Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings		
<p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p>	No	Parts of the development are above 8m in height on the high side of the building due to the variation in topography of the site.
<p>(b) density and scale: if the density and scale</p>	Yes	The existing FSR of buildings

CRITERIA	CONSISTENT?	COMMENT
of the buildings when expressed as a floor space ratio is 0.5:1 or less,		across the site is 0.29:1. The FSR with the proposed development is 0.44:1.
(c) landscaped area: if: (ii) a minimum of 30% of the area of the site is to be landscaped,	Yes	More than 30% of the site is landscaped.
(d) deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,	Yes	More than 15% of the site is available for deep soil zone planting. These areas are concentrated along the street frontages and internal courtyard. However, a bushfire buffer must be observed to the east and to the south.
(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Yes	93% of the apartments receive at least 3 hours solar access to living rooms in midwinter.
(f) private open space for in-fill self-care housing if: (i) in the case of a single storey or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided, and of this open space, one area is not less than 3 metres long and is accessible from a living area located on the ground floor, and (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres if either length or depth and that is accessible from a living area,	Yes	All apartments are supplied with a compliant amount of private open space. Ground floor terraces are proposed for Buildings L2 and L3 and are generously proportioned.
(g) (repealed)		
(h) parking: if at least the following is provided: (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing	Yes	There are 138 bedrooms within the proposal and 83 parking space are provided for the entire development comprising 68 resident spaces and 15 visitor

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<p>provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.”</p>		spaces.

* One of the visitor spaces will be converted to resident space by condition of consent to achieve a total of 68 resident spaces in compliance with clause 50 of the SEPP.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - Relevant Provisions

Standards concerning accessibility and useability based on information provided in Accessibility Report, prepared by Morris-Golding Accessibility Consulting dated 17 November 2009.

Part 2 Site-related requirements		
26. Location and access to facilities		
Site Requirement	Proposal	Compliance
<p>Community services, recreational facilities are to be accessed using transport services</p> <p>Access to shops, banks and other retail and commercial services</p>	<p>New community facilities including, café, kiosk, library, hairdresser, specialist consulting room, small cinema and public toilets) will be provided within the on-site Community Centre, located on the entry level of building L1. Access to these facilities will be via pedestrian walkways with an accessible gradient.</p> <p>Local bus services are provided by Gosford Busways. The No. 60 bus service operates to and from Woy Woy, Empire Bay, Kincumber, Green Point, Erina and Gosford. The bus service links with the easy access Woy Woy train station and Gosford Station.</p> <p>The bus service operates every 2 hours in each direction, Monday to Sunday with more frequent services during weekday peak periods. Bus route 60 connects the development to and from shopping centres between Woy Woy – Gosford.</p> <p>The closest bus stop (same side of the development) is approx. 30 metres away. There is another bus stop opposite side of the road approximately 100m from the site. The gradient of the footpath is relatively accessible and within the gradient criteria stipulated within the SEPP.</p>	Yes

Access to community services, and recreation facilities	As above	Yes
Medical facilities	Residents of the existing retirement village and the proposed development have access to local medical services at Gosford and Wyong hospitals and associated health support services. The proposed development will have a multi-purpose medical consulting room for periodical visits by GPs, chiropractors, physiotherapists and the like.	

38. Accessibility		
<p>Site Pedestrian Linkage to Public Transport</p> <p>The proposed development should have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities</p>	<p>Public transport is within 400 metres of the site and the gradient of the pathway is relatively accessible.</p> <p>A means of safe access (eg pedestrian lights, safe refuge) is needed to enable safe pedestrian linkages from the development to the bus stop on the opposite side of road and improve safety and access to community facilities.</p>	<p>Yes</p> <p>This will be addressed by a condition of consent and is an RTA requirement.</p>
<p>Attractive/Safe environment for Pedestrians/Motorists</p> <p>Internal pathways – (Part 2, Clause 38(b))</p>	<p>The proposed development has provided an attractive and safe environment for pedestrians within the various building floors and the external pathway system. There is separate pathway for residents from the main entry to Peridon Avenue footpath.</p> <p>There is an accessible path of travel from all floors of buildings L1, L2 & L3 to the basement car park (L1) and the under cover (L2 & L3) car park.</p> <p>The main access pathways throughout community facilities (L1) and from (L2 & 3) lift facility to upper level units are at least 2000mm wide, which will allow 2 wheelchair users to pass each other in accordance with the draft DDA Premises Standards. Secondary access corridors provide at least 1550mm width, which will allow a wheelchair user to turn 180 degrees in accordance with the draft DDA Premises Standards. It is recommended that the external pathways from Building L1 to buildings L2 & L3 (currently 1000mm wide) are</p>	<p>Yes</p> <p>This will be addressed by condition of consent</p>

	increased to allow intervals of 1800mm wide passing areas to allow 2 wheelchair users to pass each other in accordance with the draft DDA Premises Standards.	
Convenient Access and parking for Residents/Visitors	Acceptable	Yes

Division 3 Hostels and Self Contained Dwellings - Standards concerning accessibility and useability

41. Standards for Hostels and Self Contained Dwellings		
Schedule 3 Standards concerning access and useability for self contained dwellings		
Part 1 Standards applying to self-contained dwellings		
2. Siting Standards		
Wheelchair access	Proposed	Compliance
<p>(1) If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428) to an adjoining public road.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10, a percentage of dwellings that must have wheelchair access by a continuous accessible path (within the meaning of AS 1428), must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater) and have access to an adjoining public road.</p>	<p>100% of all proposed units have wheelchair access via a continuous accessible path of travel compliant with AS1428, to the public pedestrian footpath on Peridon Avenue. This is suitable under the SEPP.</p> <p>There are 3 passenger lifts located in building L1 and 1 lift facility located between buildings L2 and L3. The use of lifts and a series of AS1428.1 compliant pedestrian walkways will provide a continuous accessible path of travel from the principal ground floor entry and community facilities (building L1) to all upper floor units of Buildings L1, L2 and L3.</p> <p>The (L1) central lift and (L2/3) lift facility have double-sided lift cars to ensure a continuous accessible path of travel between the different building levels on the site.</p> <p>Further information is required on the main entry access to buildings L2 and L3 from building L1 external pathways. The drawings do not indicate the FFL at main entry doors (to building L2 & L3) and/or if lift access is required to access Units B1.1 – B1.4; C1.1 – C1.5 and the under cover car park area from building L1.</p> <p>The 2 entry doors, shown on either side of (L2/3) lift facility will need to be automated or have latch side clearances modified to achieve compliance with AS1428.1. This is achievable.</p>	<p>Yes</p> <p>Addressed by condition of consent</p>
Access to Common Areas/Facilities	<p>The new community facilities are located on the entry level of Building L1. This area is proposed as a common area for residents. It includes a café, kiosk, library/reading area, hairdresser, specialist consulting room, toilets, a reception and administration area for the development and a small cinema and dining room for residents.</p> <p>Access to the community and common facilities is via the accessible main lobby entry doors (AS1428.2 compliant) to the development. Alternate accessible entry doors also provide direct access to café and reading/lounge areas from external porticos.</p> <p>There are accessible paths of travel leading from all units of buildings L1, L2 and L3 to the main entrance doors of the development. There are</p>	Yes

	<p>accessible paths of travel and appropriate circulation areas within the community centre and common facilities.</p> <p>The entry doors to administration area and reception require modification to ensure at least 470mm latch side door clearance is achieved for compliance with AS1428.1.</p> <p>Of the 4 'Rest Rooms' indicated on Plan 01, it is assumed that at least one will be designated as a unisex accessible WC. The internal dimensions of the spaces indicate that they can provide an accessible WC in accordance with AS1428.2.</p> <p>A common landscaped area is situated between building L1 and buildings L2 & L3. This area is accessible to residents via pedestrian walkways and the use of lifts or 2 alternate external stair accesses. Compliance with AS1428.1 for internal pathways is achievable.</p>	Addressed by condition of consent
3. Security		
Pathway Lighting: Avoid glare, min 20 lux at ground level	Pathway lighting will be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and must provide at least 20 lux at ground level. These details will be provided during the design development stage of the project.	Addressed by condition of consent
4. Letterboxes		
Lockable	The letterboxes will be lockable	Yes
Together/Central Location	The letterbox area is presumed to be on either side of the main entry doors to development (building L1).	Yes
Hardstand/Wheelchair Accessible	Situated on a hard standing area with wheelchair access by a continuous accessible path of travel suitable circulation areas is provided in front of the letterboxes in accordance with AS1428.2.	Yes
5. Private car accommodation		
Comply with AS2890	<p>Basement level car parking (level B1) is provided for all units of <u>Building L1</u>. Drawings indicate 20 resident car spaces are provided, 17 spaces have 3.2 metres width in accordance with AS2890.1 and requirements of the SEPP, Three of these spaces (nos. 2, 19 and 16) are less than 3m in width.</p> <p><u>Building L2</u> - 24 under cover car resident parking spaces are provided for the units of Building L2. Drawings indicate 23 accessible car spaces with 3.2 metres width, in accordance with AS2890.1 and requirements of the SEPP. 1 space (No. 2) is non compliant.</p> <p><u>Building L3</u> - 17 under cover resident parking spaces are provided for the units of Building L3. Drawings indicate that all are accessible car spaces.</p> <p>6 at grade resident spaces are provided to the rear of Buildings L2 and L3 all are accessible.</p> <p>The application will be conditioned to comply with the requirement to provide 5% of car spaces with 3.8 metres width, under the SEPP.</p>	<p>No, several resident spaces are non compliant with AS2890 .1 - 1993.</p> <p>However 63 resident spaces are accessible with at least 1 accessible space per unit (61 Units) provided.</p>

	<i>Visitor car parking</i> 5 visitor car spaces (2.5 x 5.5 metres) are provided externally, adjacent to the main entry of building L1 community facilities. It is advised that at least one accessible car space 3.2 metres width be provided in this area in accordance with AS2890.1.	Addressed by condition of Consent
5% of total width increased to 3.8m	Building L1 - 1 space Building L2 - 2 spaces Building L3 - 2 Spaces to be confirmed	Conditioned to comply
Internal clearance 2.5m	The design of the basement (Building L1) and undercover car park areas (Buildings L2 & L3) requires car spaces with 2.5 metre vertical clearance and at least 2.3 metres vertical clearance from the finished floor level of the entry.	Addressed by condition of consent
Power operated garage door		Addressed by condition of consent
6. Accessible entry		
Gradient 1:40 or Less	The design drawings show that all proposed units appear to have 850mm clear wide doorway entrances (920mm door leaf) in accordance with AS4299 and the SEPP. The majority of entries appear to have appropriate internal and external doorway circulation clearance in accordance with the SEPP. Several entry doors/corridors will need modification to achieve compliance with AS1428.1:	Yes Addressed by condition of consent
Comply With 4.3.1 and 4.3.2 AS4299	Detail complying with this clause will be provided during the design development stage of the project.	Addressed by condition of consent
Door Handle/Hardware - Comply With AS 1428	" "	
7. Interior: general		
	Proposed	Compliance
Internal doors min 800mm	All units appear to have internal doors with 800mm clear width in accordance with AS1428.1.	Yes
Internal corridors min 1m	All units have internal corridors of 1200mm minimum width which exceeds 1000mm minimum compliance with AS1428.1.. All units have suitable corridor width of 1200mm (min) outside bathroom, bedroom doors in accordance with AS1428.1. The following doors/corridors will need modification to achieve compliance with AS1428.1: - Units A2.1, A3.1: Main bedroom door, 470mm latch side clearance. - Units A2.1, A3.1: Bathroom door, 470mm latch side clearance. The modifications are achievable to comply with the requirements of the SEPP. Detail complying with this clause will be provided during the design development stage of the project.	Addressed by condition of consent
Entry door handle AS1428		
8. Bedroom		
Area, power, phone	All units provide at least 1550mm clearance on the entry side and 1200mm on other side of bed compliant with this clause. This is greater than the 1000mm required under the SEPP. These dimensions will allow suitable turning area	Yes

	to access the base of bed, which is 1000mm wide. This is a suitable design solution in lieu of the 1200mm required under the SEPP. Detail complying with this clause will be provided during the design development stage of the project.	
9. Bathroom		
Area etc	The drawings show that all units have nominated the en-suite as the accessible bathroom. Most bathrooms provide adequate internal dimensions (approx. 3000mm x 2400mm) to comply with AS1428.1 circulation requirements. In general, the circulation areas around pan and basin, comply with AS1428.1, however the shower circulation area needs to be enlarged. The proposed shower area of (specified) units will satisfy the AS1428.1 requirement for 600mm x 1400mm unobstructed circulation area outside the shower cubicle by relocating the proposed shower seat to the other wall of cubicle (i.e. to face WC). The shower circulation area of Units C2.8, C3.8 needs 1400mm x 1600mm outside shower cubicle, currently the basin intrudes into this area. The shower circulation area of Units A2.1, A3.1 is suitable if the cabinet is removed from the wall of shower cubicle. Detail complying with this clause will be provided during the design development stage of the project.	Addressed by condition of consent
10. Toilet		
AS1428 etc	A visitable toilet has been provided within all units compliant with the clause.	Yes
11. Surface finishes		
Balconies and external paved areas non slip	Detail complying with this clause will be provided during the design development stage of the project.	Yes
12. Door Hardware		
Door handles and hardware to comply with AS4299	Detail complying with this clause will be provided during the design development stage of the project.	Yes
13. Ancillary Items		
Switches and power points to comply with AS4299	Detail complying with this clause will be provided during the design development stage of the project.	Yes
14. Additional Standards - Self Contained Dwellings		
15. Living and dining room		
Circulation space/telephone	The design shows that all units have circulation areas within the living room and dining room that comply with AS 4299.	Yes
16. Kitchen		
Width, taps, cooktops, ovens	The kitchen layouts within units A2.1-A2.10, A3.1-A3.10; B1.1-B1.4, B2.1-B2.8, B3.1-B3.8; C1.1-B1.5, C2.1-C2.8, C3.1-C3.8 appear to have suitable circulation areas with regards to this clause (1550mm between benches). Whilst the drawings of all units do not show separate oven and cook top, the kitchen layout has suitable bench space to be able to achieve the provision of oven, cook top, sink and 800mm	Yes

	work bench spaces (fixed and adjustable) in accordance with requirements of the SEPP. The drawings will need to be modified to reflect these facilities. Detail complying with this clause will be provided during the design development stage of the project.	
17. Access to kitchen, main bedroom, bathroom and toilet		
Multi storey self contained dwelling	The drawings of all proposed units show the kitchen, main bedroom and toilet/bathroom located on the ground floor as specified in this clause.	Yes
18. Lifts in multi-storey buildings		
Lift access required	3 passenger lifts located in building L1 and 1 lift facility between buildings L2 and L3. The (L1) central lift and (L2/3) lift facility have double-sided lift cars to ensure a continuous accessible path of travel between the different building levels on the site. The lobbies on all floors have appropriate circulation areas in accordance with AS1428.2. The use of lifts will provide a continuous accessible path of travel from all units within Buildings L1, L2 and L3 to the basement (L1) and upper car park (L2 & L3). All lifts cars have internal dimensions that comply with AS1735.12 and BCA Part D3.	Yes
19. Laundry	Comments	Compliance
Washing machine/clothes dryer	The laundries within most units provide 1550mm clearance in front of washing machine appliances, compliant with AS4299 and the SEPP. Modifications are required to ensure laundries in units A2.1, A3.1; B2.7, B3.7 provide at least 1300mm clearance in front of washing machine appliances. These modifications are achievable and should be carried out during design development phase.	Yes Addressed by condition of consent
20. Storage	Comments	Compliance
Linen cupboard 600mm min wide	All units appear to have a linen cupboard in accordance with this clause.	Yes
21. Garbage		
	The garbage area will be provided in an accessible location, connected to all units within the buildings by accessible paths of travel which comply with AS1428.1. Waste arrangements are satisfactory to Council's Waster Services Officer	Yes,

Diane Spithill
Senior Town Planner



**OBJECTION PREPARED PURSUANT TO
“STATE ENVIRONMENTAL PLANNING
POLICY NO. 1 – DEVELOPMENT STANDARDS”
IN SUPPORT OF A DEVELOPMENT APPLICATION
FOR ADDITIONAL SENIORS HOUSING AS PART OF
THE COVE RETIREMENT VILLAGE**

Prepared for



By
BBC Consulting Planners

Job No. 07-231
SEPP-1 Objection
December 2009



1. INTRODUCTION

This objection has been prepared in support of a development application for the redevelopment of land known as “The Cove Retirement Village” located at No’s 24–26 and 30–34 Empire Bay Drive, Daley’s Point (“the site”).

The proposed development involves the development of additional seniors housing as part of the existing Retirement Village. The development comprises the demolition of an existing commercial building and the construction of 61 self-care apartments across three new buildings.

One of the proposed buildings has a height which exceeds the development standard contained in Clause 40(4)(a) of the Seniors Housing SEPP on land where residential flat buildings are prohibited. The maximum height permitted for a building is 8 metres. Thus, this SEPP No.1 Objection has also been prepared in relation to this non-compliance.

2. AIMS AND OBJECTIVES OF SEPP NO. 1

SEPP No. 1 “provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5 (a) (i) and (ii) of the Act”.

3. REQUIREMENTS FOR APPLICATIONS

Clause 6 of the SEPP No. 1 states as follows:

- “6. *Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a DA in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*”

The Land and Environment Court, in *Winten Property Group Limited v North Sydney Council*, and *Hooker Corporation Pty Limited v Hornsby Shire Council*, has defined the approach to be taken when considering an objection under SEPP 1. The approach involves answering a number of questions:

“First, is the planning control in question a development standard?”

Second, what is the underlying object or purpose of the standard?”

Third, is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development



standard tend to hinder the attainment of the objects specified in section 5(a) (i) and (ii) of the EP&A Act?

Fourth, is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Fifth, is the objection well founded?"

4. RELEVANT STANDARD

The standard relating to height which this SEPP No.1 Objection addresses, is that imposed by Clause 40(4)(a) of the Seniors Housing SEPP. Clause 40 of the Seniors Housing SEPP provides development standards relating to minimum sizes and building height and Clause 40(4) provides height standards for development which is located in zones where residential flat buildings are not permitted. Under the provisions of the Gosford Planning Scheme Ordinance, residential flat buildings are not permitted on that part of the site zoned 2(a) Residential and the provisions of Clause 40(4) are thus relevant to the proposed development. The balance of the area subject to redevelopment, being more than half of the redevelopment area, is zoned 3(a) Business Zone and residential flat buildings are permissible within that land.

Clause 40(4)(a) states:

(a) the height of all buildings in the proposed development must be 8 metres or less"

There is a minor non-compliance for Building L2 associated with the batter at the boundary between the Commercial Zone and the Residential Zone. In this regard, the natural ground level at the edge of the Commercial Zone is significantly lower than the ground level within the Residential Zone due to past excavation and the formation of retaining walls. Where the batter of the slope rises is where non-compliances with the height standard are found. However, at the top of the batter Building L2 complies with the height standard.

5. GROUNDS OF OBJECTION

Pursuant to the provisions of SEPP No. 1, the applicant objects to the strict application of the 8 metre height limit in the circumstances of this case in accordance with the approach taken in *Winten Property Group v North Sydney*.

5.1 Is the Planning Control a Development Standard?

The planning control in Clauses 40(4)(a) is a development standard.

5.2 What Is the Purpose/Object of the Standard?

There are no specifically stated purposes or objectives expressed in Clause 40(4)(a) of the Seniors Housing SEPP. However, it can be assumed that the objective of the standard is to



minimise amenity impacts of overshadowing and overlooking on adjoining low to medium density property and their private open space and to maintain a low scale residential form.

5.3 Is Compliance with the Development Standard Consistent with the Aims of the Policy? Does Compliance Hinder the Attainment of the Objects Specified in Section 5(a)(i) and (ii) of the EP&A Act?

5.3.1 Aims of SEPP No. 1

The aims of SEPP No. 1 are noted above in Section 2. SEPP No. 1 provides flexibility for development standards where compliance would be unreasonable or unnecessary or hinder the objects in Section 5(a)(i) and (ii) of the Act.

When the development is tested against the underlying objectives of the standard, compliance with the standard would be inconsistent with the aims of the policy because the height, bulk, scale and characteristics of the proposal are appropriate and acceptable. See the justification for the development in Section 5.4 below.

The proposed development is a case where flexibility in the application of the development standard is justified. Strict application of the standard is unreasonable and unnecessary for the reasons noted in Section 5.4 below.

5.3.2 Objects of the Act – Section 5(a)(i) and (ii)

These objects state as follows:

“5. The objects of this Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land”*

Compliance would hinder the attainment of the above objects in that the proposal does not undermine the underlying objective of the standard.

The proposed development is consistent with the objects of the Act and represents the orderly and economic use of the land which is justified in terms of building form and scale, and the absence of adverse impacts on residential amenity.



- the non-compliance does not result in any significant adverse environmental impacts on the amenity of the surrounding area in general, or on the amenity of nearby residential properties in particular; and
- the scale of the proposal, notwithstanding the non-compliance, is compatible with surrounding development.

Pursuant to the provisions of SEPP No. 1, the applicant objects to the strict adherence to the above development standard.

6. CONCLUSION

Having regard to the above, it can be concluded that the proposed non-compliance does not undermine or frustrate the underlying objective of the standard.

The non-compliance also give rise to no significant adverse environmental impacts.

On the grounds stated above, it is considered that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

Attachment 6: Applicant's View Impact Assessment

View Impact Assessment

The applicant has submitted a view impact assessment in accordance with the planning principles established in *Tenacity Consulting v Warringah Council* as set out in the table below:

<i>Principle</i>	<i>Our Assessment</i>
<p><i>The first step is the <u>assessment of views to be affected</u>. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i></p>	<p>The views affected are land and water views but not iconic views.</p> <p>The balconies of Units 145 and 151 have obscured water views through trees and buildings. The balconies of Units 153 and 159 have almost whole views.</p> <p>Each of the views available features a partial water view, partial land/water interface of St Huberts Island and the mountainous backdrop above Woy Woy Bay and West Gosford.</p>
<p><i>The second step is to consider <u>from what part of the property the views are obtained</u>. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic</i></p>	<p>The views are from the balconies of each unit. They are neither side nor front views due to the unconventional layout of The Cove Retirement Village. The views are standing views, although a sitting view would be little different considering the distances involved.</p>
<p><i>The third step is to <u>assess the extent of the impact</u>. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating</i></p>	<p>The impacts on the balconies of Units 145 and 151 would be regarded as severe were it not for the fact that any development that complies with the building height standard in the Seniors Housing SEPP would have view loss impacts. Furthermore, any development above a single storey would have view loss impacts. On the basis that the proposed development has a reasonable and substantially compliant height, the view loss impact is regarded as being inevitable.</p> <p>The impact on the balconies of Units 153 and 159 is regarded as being minor. There is a marginal amount of additional obstruction of foreground views but water views are largely unaffected.</p>

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Except for the areas addressed in the SEPP 1 Objection where the building height would exceed 8m due to existing topographical anomalies on the site, proposed Building L2 complies with the maximum building height standard in SEPP – Housing for Seniors or People with a Disability. As such, the development, and the associated view impact, is considered reasonable.

The view analysis has shown that development of anything more than a single storey on Building L2 would have an impact on views from the balconies of Units 145 and 151. That is a function of their lower level position and is anticipated. View loss from the upper level is very minor.

A more skilful design would not provide the Applicant with the same development potential and amenity, as the proposal has been designed as a compact form of development set in landscaped surrounds. Any relocation of the scale of Building L2 (i.e. relocation of the first floor) to elsewhere on the site would reduce the landscaped area of the development and create a low rise sprawling structure which for a retirement village is undesirable.

On the basis that the development, but for minor parts of the site, complies with the building height standard in the Seniors Housing SEPP, the view loss associated with the proposal is considered reasonable.

Applicant's View Impact Photographs

Figure 7: location of photographs taken from existing retirement building to rear



Figure 8: Existing View Unit 159 balcony (second floor)

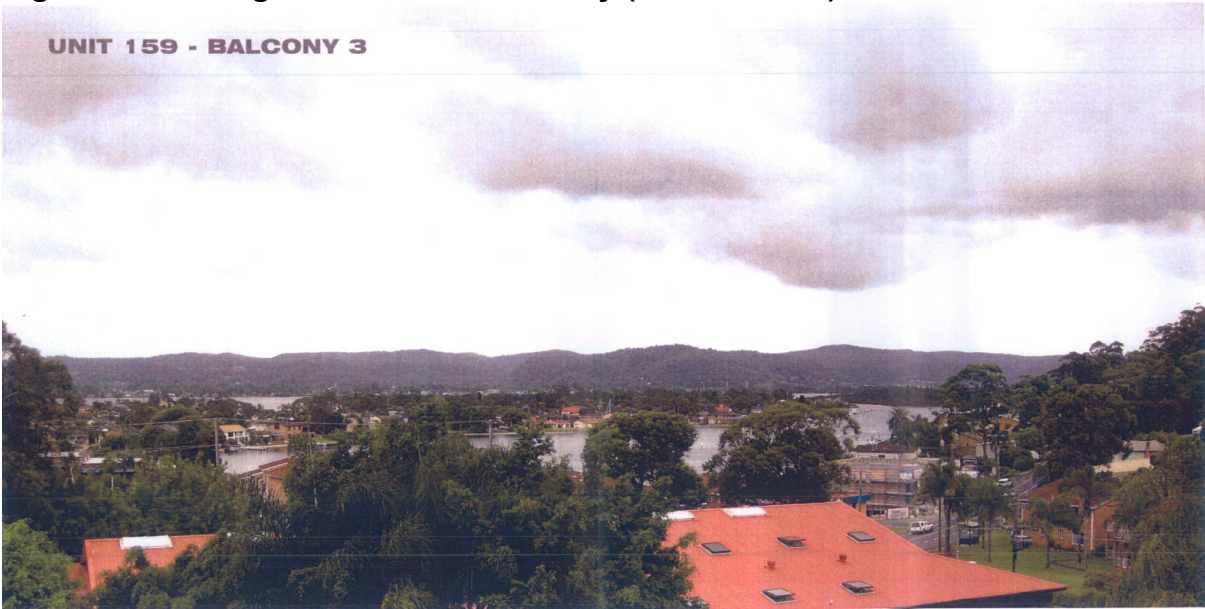


Figure 9: Proposed View Unit 159 (second floor)

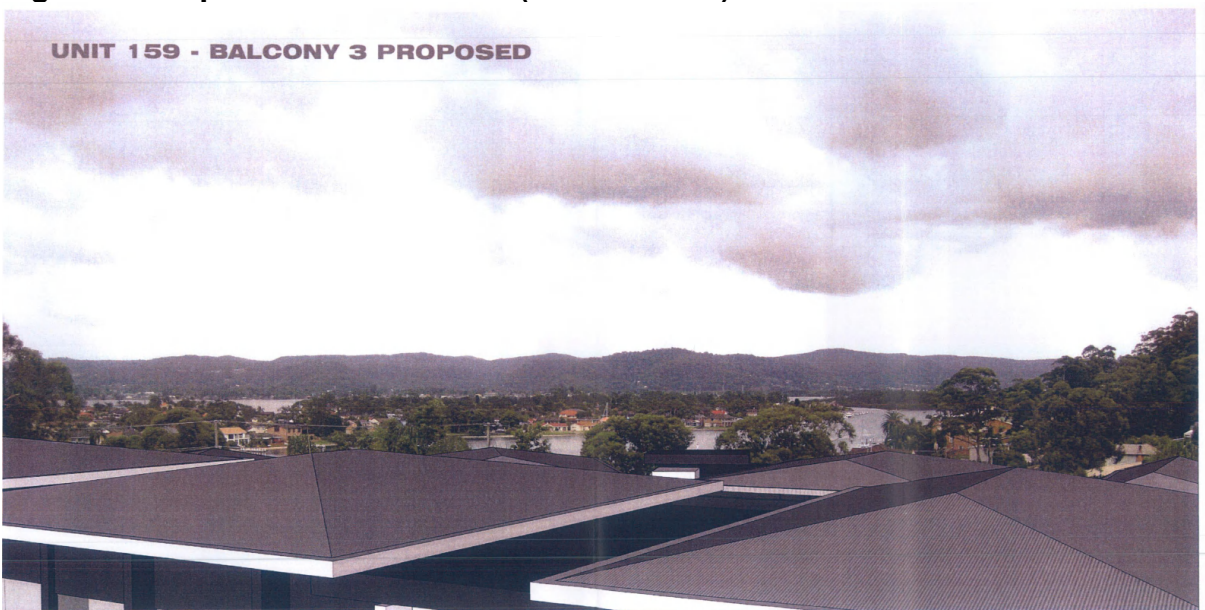


Figure 10: Existing View Unit 151 (first floor)

UNIT 151 - BALCONY 2



Figure 11: Proposed View Unit 151 (first floor)

UNIT 151 - BALCONY 2 PROPOSED

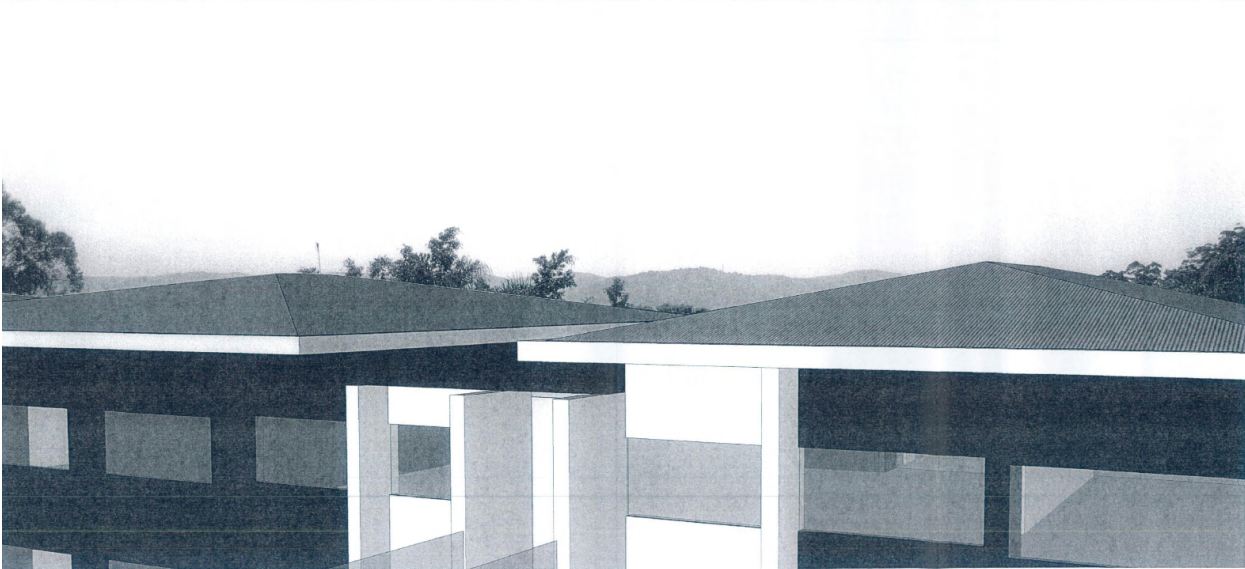


Figure 12: Existing View - Unit 153 (Second floor)

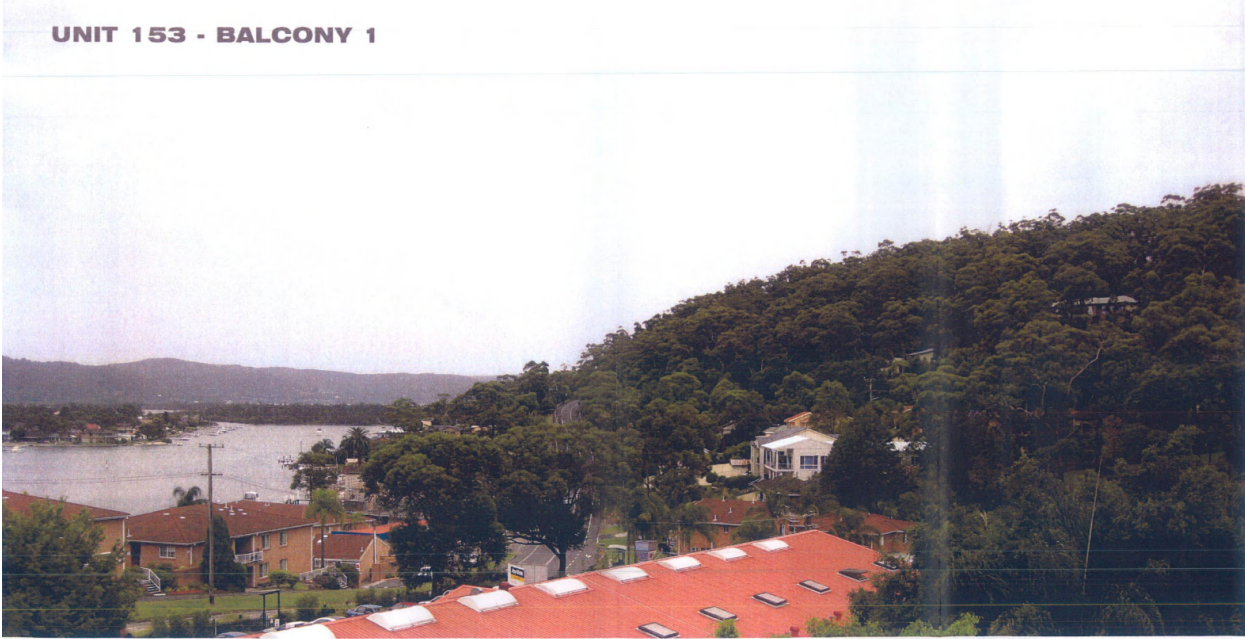


Figure 13: Proposed View - Unit 153 (Second floor)



Figure 14: Existing View Unit 153 (second floor)

UNIT 153 - BALCONY 2



Figure 15: Proposed View Unit 153 (second floor)

UNIT 153 - BALCONY 2 PROPOSED

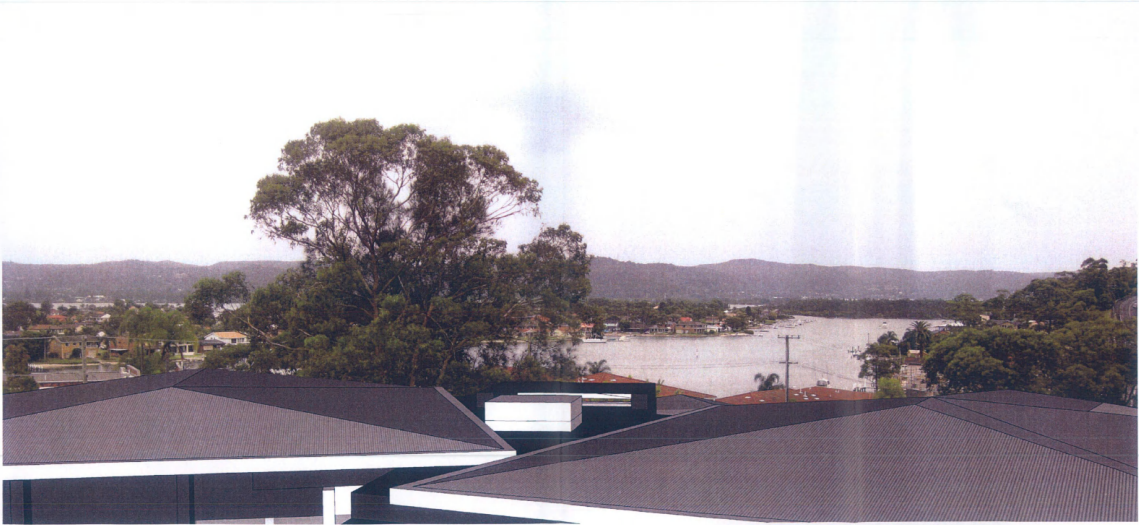


Figure 16: Existing View Unit 145 (first floor)

UNIT 145 - BALCONY 1



Figure 17: Proposed View Unit 145 (first floor)

UNIT 145 - BALCONY 1 PROPOSED



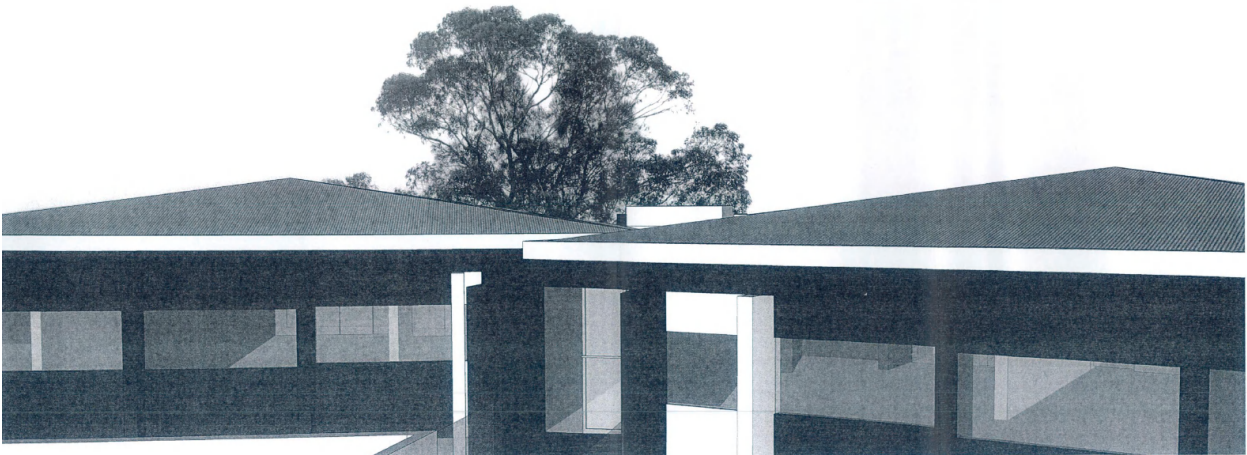
Figure 18: Existing View Unit 145 (first floor)

UNIT 145 - BALCONY 2



Figure 19: Existing View Unit 145 (first floor)

UNIT 145 - BALCONY 2 PROPOSED



Attachment 8: Visual Impact

Figure 20: View of proposed development from St Huberts Isle



Figure 21: Distant view of proposed development from end of Allfield Road Woy Woy



Figure 23: Applicant's Photomontage (Master Plan)

