

JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	2011SYW128
DA Number	DA/1305/2011
Local Government Area	Hornsby
Proposed Development	Demolition of existing dwellings and construction of an Affordable Housing development comprising 51 dwellings
Street Address	7, 9 & 11 Hannah Street and 129-131 Copeland Road, Beecroft
Applicant/Owner	Uniting Care Ageing – Sydney / The Uniting Church in Australia Property Trust (NSW)
Number of Submissions	238
Recommendation	Refusal
Report by	Garry Mahony - Senior Town Planner

Assessment Report and Recommendation

EXECUTIVE SUMMARY

1. The application proposes demolition of existing dwellings and construction of an Affordable Housing development comprising 51 dwellings.
2. The proposed density, bulk and scale of the affordable housing development is inconsistent with the character of the low density residential area and is unsatisfactory in respect to *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the design principles of *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development*.
3. The proposed development would involve the removal of a substantial number of trees, impact on the amenity of neighbouring residents and detract from the significance of the surrounding Heritage Conservation Area.
4. It is recommended that the application be refused.

RECOMMENDATION

THAT Development Application No. 1305/2011 for demolition of existing dwellings and construction of an Affordable Housing development comprising 51 dwellings at Nos. 7, 9 and 11 Hannah Street and 129-131 Copeland Road, Beecroft be refused subject to the reasons of refusal detailed in Schedule 1 of this report.

HISTORY OF THE APPLICATION

On 11 October 2010, Council provided Pre DA Advice (PL/65/2010) concerning the proposed development of the subject site. In the advice, Council raised a number of concerns including whether residential flat development on the subject site was permissible under the *Hornsby Shire Local Environmental Plan 1994* and *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The application was lodged on 30 November 2011.

On 6 March 2012, the applicant attended a meeting with Council elected representatives regarding their concerns and presented details of the proposed development.

On 30 April 2012, the applicant submitted amended plans to address Council concerns regarding heritage, landscaping, car parking and impact on Blue Gum High Forest. The amended plans include deletion of the proposed community building.

On 15 May 2012, the applicant declined an invitation to attend a meeting with Council assessment planners to discuss concerns regarding the proposal.

On 22 May 2012, the applicant submitted amended plans to further address Council concerns regarding heritage impact.

HISTORY OF THE SITE

The site was formed following subdivision of land at the rear of existing dwelling houses (Nos. 15, 17 & 19 Hannah Street) and consolidation with existing holdings of the Uniting Church of Australia.

On 7 July 2004, Council approved DA/681/2003 for demolition of two existing dwelling houses, the erection of 30 dwelling units pursuant to *State Environmental Planning Policy No. 5 – Housing for Older People or People with a Disability* and incorporating a community centre, hydrotherapy pool and basement car parking. The approved dwellings comprised two and three storey development.

The site area was further increased with acquisition of No. 7 Hannah Street in 2010 by the Uniting Church of Australia.

THE SITE

The site has an area of 6,547m² and is an irregular shaped site with a frontage of 47m to the southern side of Hannah Street. The main part of the site, away from the street frontage, has a width of approximately 100m. The site includes part of Nos. 129-131 Copeland Road (Copeland Gardens Retirement Village) including the accessway off Copeland Road.

The site has a south westerly aspect and an average gradient of 15% to the southern boundary with adjoining properties fronting Copeland Road. There are three existing dwelling houses

on the site. A stormwater drainage easement and open drainage line cross the western part of the site. The site includes large locally indigenous trees and exotic trees. The tree canopy covers much of the site.

The site adjoins the rear yards of existing dwelling houses fronting Hannah Street and Copeland Road and the rear boundary of 1960s walk-up residential flat buildings fronting Beecroft Road. The proposed accessway off Copeland Road includes the existing access to the Copeland Gardens Retirement Village and the Beecroft Uniting Church fronting Beecroft Road.

The site adjoins heritage items at No. 5A Hannah Street ('Eltham' & garden) and No. 127 Copeland Road (house). There are a number of heritage items in the vicinity of the site on Beecroft Road, including St Johns Anglican Church, the former Beecroft Post Office, the Beecroft School of Arts Building and Beecroft Public School which are significant community buildings. The site is within the Beecroft-Cheltenham Heritage Conservation Area.

The indigenous trees on the site are identified as Blue Gum High Forest, a critically endangered ecological community.

The site is within walking distance of Beecroft shops and commercial centre and Beecroft Railway Station east of the site. Beecroft Road forms the western boundary of the commercial centre and is a State Road with traffic-lights controlling the Hannah Street and Copeland Road intersections. The Beecroft Primary School and the Beecroft Bowling Club are opposite the site on Copeland Road. The built form of the commercial centre has undergone little change since the 1970s, with redevelopment maintaining the predominant two to three storey building height.

The area surrounding the site is within a low density residential zone. The 1960s residential flat buildings on the western side of Beecroft Road and adjoining the site are within this low density zone implemented under *Hornsby Shire Local Environmental Plan 1994*. The streetscape and pattern of low density development on Copeland Road and Hannah Street has generally remained consistent with the original pattern of subdivision with later development involving dwelling houses on battleaxe lots.

THE PROPOSAL

The proposal is for the demolition of three existing dwellings, construction of an Affordable Housing development comprising three buildings as follows:

- Building 1 is two storey and includes 8 x 2 bedroom dwellings and a 3 bedroom maisonette style dwelling for a Minister's residence. The building includes a basement car park with 12 car parking spaces and a caretakers workshop.
- Building 2 is five storey and includes 22 x 2 bedroom dwellings. The building shares a basement car park with Building 3. The section of the basement car park servicing the building includes 15 car parking spaces.

- Building 3 is three to four storey and includes 20 x 2 bedroom dwellings. The section of the shared basement car park servicing the building includes 15 car parking spaces.

The proposal includes a two way accessway between Copeland Road and Hannah Street with a boom gate to prevent through vehicular access. Emergency vehicle and service access is proposed from Copeland Road. The proposed vehicular access to the basement car park for Building 1 is via Hannah Street. The access to the basement car park for Building 2 and Building 3 is via Copeland Road. A separate open car parking area with 6 spaces for visitors is proposed on the western side of the accessway via Copeland Road.

The applicant is a registered community housing provider and has nominated 32 dwellings for affordable housing accommodation including housing for low income seniors, people with a disability and low paid workers in the care industry (62% of dwellings). The remaining dwellings, not including the Minister's residence, are nominated for seniors housing. All units other than the Minister's residence are designed for access for people with a disability.

The proposal includes a Blue Gum High Forest Conservation Area of 1600m² in the western part of the site.

ASSESSMENT

The development application has been assessed having regard to the '*Metropolitan Plan for Sydney 2036*', the '*North Subregion (Draft) Subregional Strategy*' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2036; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP*.

The *Draft North Subregional Strategy* sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

It is acknowledged that the proposal would provide additional housing opportunities within Hornsby Shire. However, the proposal would be inconsistent with Council's *Housing Strategy* to achieve Council's housing target. The *Hornsby Shire Housing Strategy* prepared in response to the State Government's *Metropolitan Plan for Sydney 2036* and the *Draft North Subregional Strategy*, was implemented in September 2011 with the gazettal of *Hornsby Shire Local Environmental Plan 1994 (Amendment No. 99)*. The amendment

rezoned land for higher density development in a number of urban centres including land at Beecroft, to permit five storey residential flat buildings similar to the proposed development.

The subject land does not form part of the *Hornsby Shire Housing Strategy* for provision of higher density housing and is to remain zoned for low density housing under the *Comprehensive LEP* to be exhibited 5 June 2012. Therefore, the proposed development is inconsistent with Council's strategic planning initiatives to implement the State Government's objectives for housing provision at the local government level.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and other prescribed matters.

2.1 Hornsby Local Environmental Plan 1994

The subject land is zoned Residential AS (Low Density – Sensitive Lands) under *Hornsby Local Environmental Plan 1994 (HSLEP)*. The objectives of the zone are:

- (a) *to provide for the housing needs of the population of the Hornsby area.*
- (b) *to promote a variety of housing types and other land uses compatible with a low density residential environment and sensitive to the land capability and established character of this environment.*
- (c) *to provide for development that is within the environmental capacity of a sensitive low density residential environment.*

The proposed development is defined as 'multi-unit housing' under the *HSLEP* and is permissible in the zone with Council's consent, ie:

"multi-unit housing" means 2 or more dwellings, whether attached or not, but does not include a hotel or motel.

Clause 14 of the *HSLEP* prescribes a dwelling density for multi-unit housing in Residential AS (Low Density – Sensitive Lands) zone of one dwelling per 400m² of land. Strata subdivision of multi-unit housing in the zone is prohibited. The proposed development has a multi-unit housing dwelling density of one dwelling per 128m² of land.

Clause 15 of the *HSLEP* prescribes that the maximum floor space ratio (FSR) of development within the Residential AS (Low Density – Sensitive Lands) zone is 0.4:1. The proposed development has a floor space ratio of 0.74:1.

Clause 18 of the *HSLEP* sets out heritage conservation provisions within the Hornsby Shire local government area. The site is within the Beecroft-Cheltenham Heritage Conservation Area and is in the vicinity of a number of items of heritage. In accordance with the provision, the applicant has submitted a Heritage Impact Assessment in respect to the impact of the proposed development on the heritage significance of the Conservation Area.

In respect to the non-compliance with *HSLEP* the subject development application is made pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AHSEPP) which prevails to the extent of any inconsistency.

Under the provisions of Council's draft Comprehensive Local Environmental Plan which commences exhibition on 5 June 2012 the subject site is within Zone R2 Low Density Residential. The proposed development would be prohibited as dual occupancies, multi-dwelling housing and residential flat buildings are prohibited in the R2 Low Density Residential zone.

2.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions of the Policy provide planning incentives for increasing the supply of affordable rental housing and to retain existing rental housing. The planning incentives are applicable for sites that are within walking distance of public transport.

On 20 May 2011, the Policy was amended to exclude private sector medium and high density developments from low density residential areas. The amendments include a local character test and public transport test for permissible developments.

The applicable provisions under Part 2 Division 1 of the Policy in respect to the subject site and the proposed development are discussed as follows:

2.2.1 Clause 10 Development to which Division applies

Pursuant to Clause 10, the Policy applies for the purpose of residential flat buildings if that form of development is permitted under an environmental planning instrument. The applicant submits that the *HSLEP* permits 'residential flat building' in the subject residential zone as the definition for 'multi-unit housing' is sufficiently broad to include all forms of multi-unit housing including residential flat buildings. While the definition of multi-unit housing under the *HSLEP* encompasses all dwelling forms other than a dwelling house, the applicable 0.4:1 floor space ratio under Clause 15 of the *HSLEP* generally restricts development to a low density built form. Further, under Clause 14 of the *HSLEP*, multi-unit housing must not exceed a density of 400m² per dwelling and strata subdivision is prohibited, restricting multi-unit dwellings to low density attached dwellings with access at ground level.

The applicability of the Policy pursuant to Clause 10(1)(a) is questioned for the proposed development as 'residential flat building' per se cannot be achieved under the provisions of Clause 14 and Clause 15 of *HSLEP*. In this regard, the applicant has submitted legal advice which concludes that the definition of 'multi-unit housing' under the *HSLEP* is a broad and inclusive definition which captures various forms of development including townhouses, villas and apartments. It is submitted that the definition is wide enough to encompass residential flat buildings as defined in the Policy. This interpretation of the definition is accepted. However, it should be noted this anomaly is addressed in the Council's comprehensive draft local environmental plan which would prohibit multi dwelling housing and residential flat building on the subject site.

Pursuant to Clause 10(2) the site is within an accessible area for the purpose of the Policy being within walking distance of Beecroft Railway Station.

2.2.2 Clause 13 Floor Space Ratios

Pursuant to Clause 13, the maximum floor space ratio achievable on the site is 0.9:1 as a bonus floor space ratio of 0.5:1 applies for development where the affordable housing component is 50% or higher. A floor space ratio of 0.74:1 is proposed for the site.

2.2.3 Clause 14 Standards that cannot be used to refuse consent

The proposal complies with the standards of the Policy pursuant to Clause 14 in respect to site area, landscaped area, deep soil zones, solar access, parking and dwelling size; as noted in the table below.

Affordable Housing Mandatory Standards			
Control	Proposal	Requirement	Compliance
Site Area	6,547m ²	450m ²	Yes
Landscaped Area per dwelling	49m ²	35m ²	Yes
Deep Soil Zone	25%	15%	Yes
Solar Access	72% dwellings receive 3 hrs between 9am and 3pm	Min 70% dwellings 3 hrs between 9am and 3pm	Yes
Car Parking	48 spaces	0.5 spaces per 2 br dwg (25 spaces)	Yes
Dwelling Size	70m ² (2 br dwlg)	70m ² (2 br dwlg)	Yes

2.2.4 Clause 16A Character of local area

Clause 16A of the Policy provides as follows:

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The characteristic built form of the local area surrounding the site is two to three storey buildings within the Beecroft commercial area zoned Business A and single and two storey detached dwelling houses within the residential area zoned Residential AS.

The western side of Beecroft Road and adjoining the eastern side boundary of the site includes two to three storey older style residential flat buildings within the Residential AS zone. A more recent three storey residential flat building 'The Bentley' on land zoned Special

Uses A, is a permitted use within that zone and adopts the density and scale of the neighbouring residential flat buildings, maintaining the pattern of development along Beecroft Road and the commercial centre. However, immediately away from Beecroft Road and the commercial centre, the scale of development reduces to single and two storey detached dwelling houses. As noted above, the streetscape and pattern of development has generally remained consistent with the original pattern of subdivision with later development involving dwelling houses on battleaxe lots.

The local area is within the Beecroft-Cheltenham Heritage Conservation Area. In this regard, the Statement of Significance within Council's *Heritage Development Control Plan* includes the following statements:

The dominant character of the area is derived from the tall tree canopy in pockets of remnant and regeneration forests in reserves and generous gardens and their close relationship with the landform and the pattern of roads and buildings within that landscape.

The intactness of the early residential fabric and streetscapes within the area is significant. There have been comparatively few demolitions within the area. The resubdivision of rear land has permitted increased residential accommodation to occur with only a moderate loss of the original built fabric along the major street frontages.

The proposed two storey development in respect to Building 1 generally has regard to the heritage significance of the Hannah Street streetscape and the adjoining heritage item at No. 5A Hannah Street (refer also to comments in Section 3.2.3).

Proposed Building 2 and Building 3 are four to five storey buildings and sited within the internal part of the site. The proposed buildings would result in bulk and scale not characteristic of the area and the surrounding dwelling houses along the northern, western and southern boundaries of the site. There are ten allotments ranging in area from 630m² to 1,750m² with single and two storey dwelling houses that enclose the site, representing approximately 70% of the adjoining land. The submitted elevation plans at Drawings Nos. DA14, DA15, highlight the substantial bulk and scale of the proposed buildings in relation to the adjoining dwelling houses. Of the 238 submissions received in response to the proposal, 150 raise concerns that the proposed development would detract from the character of the area.

The proposed bulk and scale would result in significant visual impact on residents of adjoining dwelling houses and the surrounding area, notwithstanding the proposal to retain a number of existing trees and the proposed landscaping.

Council's *Housing Strategy* implemented in September 2011 provides for five storey development within the Beecroft Road precinct bounded by Beecroft Road, Chapman Avenue and Wongala Crescent. The future desired character of the precinct is identified in the Key Principles Diagram within the *Housing Strategy Development Control Plan*. There are currently no five storey buildings in Beecroft or Cheltenham. The implementation of the *Housing Strategy* aims to ensure the established character and amenity of the low density residential areas is maintained by providing for higher density development in appropriate locations bounded by roads.

The applicant has submitted an Urban Design Review of the proposal. The Review identifies a number of mechanisms that have been incorporated into the proposal to minimise impacts on the streetscape and character of the area. However, the Urban Design Review does not demonstrate that the proposed residential flat buildings are compatible with the surrounding low density residential area which is characterised by detached dwelling houses. In this regard, it is considered the design of the proposed development is not compatible with the character of the local area.

2.3 State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development (SEPP 65)

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State. The Policy is applicable to the proposed development pursuant to Clause 16 of *AHSEPP*.

The applicant has submitted a design verification statement prepared by a qualified designer stating how the proposed development achieves the design principles of *SEPP 65*. The design principles of *SEPP 65* and the submitted design verification statement are addressed below.

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

As outlined above, the area surrounding the site is characterised by single and two storey dwelling houses adjoining the northern, western and southern boundaries of the site. The eastern boundary mainly adjoins two to three storey development comprising residential flat buildings, a church and hall and a Seniors Housing development. The built form surrounding the site distinctly changes from three storey along the western side of Beecroft Road to single and two storey along Hannah Street and Copeland Road.

The applicant, in determining the context of the site, has taken into consideration Council's *Housing Strategy* to provide for five storey residential multi-unit development on the eastern side of Beecroft Road (Beecroft Road Precinct), ie:

The desired future character of the redevelopment of the Town Centre, as expressed in the Hornsby Council DCP for the adjacent sites to the north east of the proposed development has been expressly taken into consideration in the development of the maximum height of the buildings and the treatment of the facades.

The adjacent sites referred to by the applicant have been rezoned Residential C (Medium/High Density) to provide for five storey development in accordance with the *Housing Strategy*. The rezoning of the precinct should not be accepted as justification for five storey development on the subject site. Conversely, the rezoning of the precinct aims to assist in providing certainty as to where higher density housing will occur to meet Council's

dwelling obligations under the *Metropolitan Strategy*, while ensuring the character of low density residential areas is retained.

The context of the subject site relates to the planning controls that apply to the site under the *HSLEP* Residential AS (Low Density – Sensitive Lands) zone. In this regard, the site is to remain low density in accordance with Council's strategic planning for the area west of Beecroft Road.

It is considered the proposed development exceeds the scale of surrounding development and does not relate to the context or desired future character of the area.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

It is acknowledged that the proposal presents a two storey elevation to Hannah Street with the highest elements of the proposed development located in the central part of the site. However, it is considered the proposed development scale does not relate well to the surrounding streets and buildings and does not provide a transition in scale in relation to the fall in topography across the site. The proposed scale is in conflict with the pattern of single and two storey dwelling houses in the street.

The applicant refers to the five storey future desired character of the Beecroft Road Precinct being applicable to the site. However, Council's *Housing Strategy* aims to provide certainty that the future character of the area will be retained as low density residential development.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed five storey apartment built form is considered inappropriate for the site in a low density residential zone where the built form is primarily dwelling houses. Development on the site to three storeys was previously approved by Council as being appropriate to the graduation of building heights across the site.

The applicant's statement under this heading is not supported. In particular the following:

Streetscape character is important to the locality. The single street affected by the development is Hannah Street, which is a mixed suburban form, but contains some fine, original cottages, characteristic of the original development of the suburb.

The garden suburb character, with large and mature gardens, means that the observability of these cottages from the street is limited and the overriding street character is of a well treed environment with mature gardens. This character is maintained by the careful scale and setback of the building facing Hannah Street, which is no higher than the existing adjacent cottage. The use of a material palette and colours taken from the adjacent dwellings integrates the buildings within the streetscape.

The built form of detached dwellings in the Hannah Street streetscape is complemented by street trees and garden plantings. The proposed residential flat buildings do not contribute to the characteristic built form of the streetscape by being screened by the existing vegetation. While proposed treatment of Building 1 has regard to elements in the streetscape, the contemporary architecture of Building 2 would also be visible in the Hannah Street streetscape and Building 3 visible in the Copeland Road streetscape, notwithstanding the existing vegetation. It is noted the submitted plans do not detail the articulation of Building 2 in the streetscape elevation.

The proposed built form is considered inappropriate to the site.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The applicant has adopted Council's *Housing Strategy* desired future character for the 'Beecroft Road Precinct' to support the proposed dwelling density. However, as indicated above, the desired character for the *Housing Strategy* precinct is not relevant to the subject site.

While the capacity of the site for a higher density development than provided for under the *HSLEP* (floor space ratio 0.4:1) is acknowledged in Council's previous approval for a Seniors Living development on the site, it is considered the density of the built form as proposed is excessive and would detract from the character of the area.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The applicant has submitted BASIX Certificate No. 404163M for the proposed 51 dwellings within the three proposed buildings. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy efficiency, the submitted statement is supported in respect to this heading.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.

In part, the applicant's statement is supported in respect to this heading as it is proposed to retain an area for the restoration of Blue Gum High Forest on the western part of the site.

The proposed development relies on existing trees and proposed landscaping to a significant extent to screen the development in relation to adjoining residents and the streetscape. It is considered the proposed buildings would visually dominate the scattered trees and landscaping which would form part of the setting for the proposed buildings.

The proposed removal of trees in the vicinity of the eastern boundary of the site would adversely impact on the amenity of residents of the adjoining residential flat buildings with the loss of screening vegetation. The proposed landscaping along the eastern side boundary would not screen the proposed accessway or the proposed buildings.

It is considered the proposed tree removal and the proposed landscaping would detract from the amenity of adjoining residents and does not address the *SEPP 65* principle for landscaping.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The applicant's submitted statement is generally supported in respect to this heading and the amenity of the proposed dwellings in regard to solar access, open space and landscaping is noted in Section 2.2.3.

However, the proposal results in substantial impacts on privacy of residents of adjoining dwelling houses and loss of amenity of the adjoining residents through visual impact and loss of visual quality.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposed development is designed to provide good casual surveillance of public access points to the development and clearly defined spaces distinguishing public accessible spaces and the residents' domain. Accordingly, the applicant's submitted statement is generally supported in respect to this heading and the design of the proposed development for crime prevention.

Principle 9: Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New development should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New development should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The proposed buildings are designed for access for seniors or people with a disability. All dwellings are accessible, two bedroom dwellings other than the proposed minister's dwelling.

The applicant's submitted statement includes the following comment:

The development may provide a mix of housing, managed by the operator, for both care workers and the aged. This mix is a healthy attribute of the development as it will aid social cohesion and minimise isolation.

The proposed development is primarily for seniors housing and does not provide housing for the general population particularly for workers in close proximity to transport. It is considered the proposed development is for a specialised form of housing for a section of the

community and does not provide for a social mix or a mix of housing types. The applicant's submitted statement is not supported in this regard.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The applicant's submitted statement in response to this heading includes the following comment:

The design of the proposed development is carefully considered to integrate the buildings into the existing context while setting an appropriate precedent for the intended future character of the area.

The applicant relies on the future desired future character of the Beecroft Road Precinct of Council's *Housing Strategy Development Control Plan* to form the context of the development site. This position is contrary to Council's planning controls for the site.

The applicant's statement is therefore not supported in respect to this heading.

It is considered the proposed development fails to have adequate regard to the context of the site particularly in respect to the desired future character of the area to remain a low density residential area. Council's *Housing Strategy*, implemented with the gazettal of *Hornsby Shire Local Environmental Plan 1994 (Amendment No. 99)* and the accompanying *Housing Strategy Development Control Plan*, reinforces the existing character of the low density residential areas by providing for increased housing densities within areas such as the 'Beecroft Road Precinct'. The adoption of the planning controls for five storey development as the future desired character of the subject site is considered an inappropriate design response and contrary to the design principles of *SEPP 65*.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*".

3.1 Natural Environment

3.1.2 Blue Gum High Forest

The site includes Blue Gum High Forest, a critically endangered ecological community listed under Schedule 1A of the *Threatened Species Conservation Act 1995*. Pursuant to the Act, the applicant has submitted a Species Impact Statement which was prepared by Cumberland Ecology in accordance with the requirements of the Director General of the Department of Environment, Climate Change and Water. The statement includes an assessment of threatened species likely to be affected by the proposal.

In accordance with the findings of the ecologists, the proposed development would result in the loss of foraging habitat and nesting habitat. The area lost however, would not be sufficient to result in impacts on the viability of threatened species in the locality. The proposal includes a conservation area for restoration of Blue Gum High Forest which would maintain habitat on the site.

The submitted Vegetation Management Plan prepared by the ecologists is considered satisfactory for restoration of Blue Gum High Forest on the site.

3.1.3 Tree Removal

There are 99 trees recorded on the site including a range of exotic and introduced species. The proposed development would necessitate the removal of 70 trees of which 15 trees are recorded as of high retention value, 18 of moderate retention value and 37 of low retention value.

The proposed tree removal is acceptable in respect to Council's Tree Preservation Order subject to restoration of Blue Gum High Forest.

Refer also to comments in Section 2.3 *Principle 6: Landscape*.

3.2 Built Environment

3.2.1 Visual Impact

The proposed development would result in substantial visual impact in Copeland Road and Hannah Street and on surrounding residents. The reliance on a number of existing trees retained to screen the development is considered uncertain in terms of the change in site conditions and life expectancy of the trees and should not form a design solution to address the conflicting scale of the proposed development in relation to the surrounding dwelling houses.

It is considered the proposed development would negatively impact on the characteristic built form of the surrounding low density residential area.

3.2.2 Accessibility

The proposed buildings are designed for seniors housing. The proposal however, does not adequately address access in relation to Copeland Road which is a busy connector road between Beecroft and Pennant Hills. The submitted access consultants report includes the following comments:

A pedestrian link is indicated on the southern side of Building 3 to link Building 3 with the adjacent properties to the east of the site (Uniting Church located on Beecroft Road). This path which includes gradients that do not meet AS1428.1 requirements, provides a barrier free link to Beecroft Road.

The existing driveway adjacent to the existing Uniting Care residential units on Copeland Road, includes gradients which do not comply with AS1428.1, however this existing path provides a barrier free pedestrian path of travel to Copeland Road and the

proposed location of the letter boxes, which will be functional for a significant number of anticipated residents of Buildings 2 and 3.

In response to concerns regarding the shared vehicle pedestrian access and location of the letter boxes on the western side of the accessway, the applicant submitted a traffic management plan involving vehicle sensors, boom gates and roller doors with sensors to the Copeland Gardens garages which open onto the accessway. The proposal involves shared use of the accessway which includes vehicle access to the Uniting Church and church hall car park and Copeland Gardens Retirement Village. The accessway is the proposed access for emergency and service vehicles. The shared pedestrian access, location of the proposed letter boxes and existing garages is considered unsatisfactory in terms of potential conflict for traffic safety of current users of the existing developments and the proposed increase in senior resident population.

It is considered the proposed shared accessway off Copeland Road involves an inherent risk for senior residents and is uncertain in respect to traffic safety and accessibility.

3.2.3 Heritage Significance

The property is located within the Beecroft/Cheltenham Heritage Conservation Area listed under the provisions of Schedule E (Heritage Conservation Areas) of the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*. The property is also within the vicinity of property Nos. 5A, 28 and 30 Hannah Street, Beecroft and property Nos. 121 and 127 Copeland Road, Beecroft which are listed as heritage items ("*Eltham*" and *garden*), (*house, garden and outbuilding*), (*house*), (*garden*) and (*house*) of local significance under the provisions of Schedule D (Heritage Items) of the *HSLEP*.

The proposal involves the removal of a large number of established trees diminishing the tree canopy, the landscape setting of the adjacent heritage items and the visual buffer between Hannah Street, Beecroft Road and Copeland Roads. In this regard, the proposal would detract from the significance of the Beecroft-Cheltenham Heritage Conservation Area.

The screen landscaping proposed along the southern boundary of the site when viewed from Copeland Road is considered insufficient to mitigate the impact of the development on the Conservation Area. The proposed setback to the southern boundary is inadequate to sustain landscaping within the development site and the reliance upon vegetation within the rear of the southern adjoining site for screening is considered untenable. The proposed setback between Buildings 2 and 3 is inadequate to sustain contributory landscaping capable of screening the five storey buildings given the location of the basement below and the absence of any deep soil planting.

The amended plans submitted on 22 May 2012, include a more traditional treatment of Building 1 with regard to adjacent cottages and included additional compensatory planting in the vicinity of the swale, previous community building and southern boundary. It is noted the presentation of Building 1 in the Hannah Street streetscape has more regard to adjacent dwellings that contribute to the heritage streetscape. The proposed additional landscaping to screen the development is considered uncertain given future design of the swale has not been determined (refer comments in Section 4.2) and the scale of the proposed development (Refer comments in Section 2.3 *Principle 6: Landscape*).

It is considered the proposed development would adversely impact on the significance of the Beecroft Cheltenham Heritage Conservation Area due to the proposed removal of a large number of established trees and the conflicting scale of the proposed buildings.

3.3 Social Impacts

The applicant is a registered community housing provider. In this regard the proposed development would be of assistance to low income households particularly seniors in meeting housing demand and would be of positive social impact.

Notwithstanding the considerable social benefit, it is considered the proposed built form would significantly detract from the character of the area.

3.4 Economic Impacts

The proposal would have a positive impact on the local economy in conjunction with other new residential development in the locality by generating an increase in demand for local services.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider “*the suitability of the site for the development*”.

4.1 Blue Gum High Forest

The applicant submitted a Species Impact Statement which is acceptable in assessing the impacts of the proposed development on endangered species. The statement includes a Vegetation Management Plan which provides for the restoration of Blue Gum High Forest in the western part of the site.

4.2 Flooding

The western part of the site includes a drainage easement and open drainage line in the form of a swale which flows to a headwall and drainage pipe on the southern boundary. The drainage line forms part of Council’s stormwater drainage system. The proposal includes works to relocate and deepen the drainage line.

The proposed stormwater drainage system does not adequately address flood levels in a 1 in 100 year storm event, the containment of the overland flow path or the potential flooding impact of the proposal on existing development.

It is considered the proposal is uncertain in respect to a 1 in 100 year storm event and flooding impacts.

5. PUBLIC PARTICIPATION



Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 11 January and 1 February 2012 in accordance with Council's *Notification and Exhibition Development Control Plan*. During this period, Council received 238 submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
193 SUBMISSIONS RECEIVED OUT OF MAP RANGE			

Two hundred and thirty seven submissions objected to the development, generally on the grounds that the development would result in:

- Unacceptable traffic and parking on local streets;
- Development out of character with the area;
- Unacceptable loss of trees;
- Adverse impacts on endangered ecological community;
- Unacceptable loss of amenity;
- Development not in accordance with zoning and density;
- Adverse impact on heritage significance; and
- Adverse impact on privacy.

One submission supported the development and made the following observations:

- The development would provide an increase in much needed affordable housing in the locality.

The merits of the matters raised in community submissions have been addressed in the body of the report.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans. In this regard, the provision for affordable rental housing in close proximity to jobs and transport and increasing the housing stock of accessible housing for seniors is acknowledged.

The built form of the proposed development however, is at a scale and density contrary to Council’s strategic planning for Beecroft and would detract from the low density residential character of the area. In this regard, notwithstanding the need for affordable housing in the community, it is considered the development as proposed would not be in the public interest.

7. CONCLUSION

The proposed development is for demolition of existing dwellings and construction of an Affordable Housing development comprising 51 dwellings. The proposed management of the affordable housing is by the applicant, a registered community housing provider.

The proposed development includes three buildings ranging in height from two to five storey within a low density residential area and adjoining the rear yards of existing dwelling houses. The proposed bulk and scale of the development is in conflict with the predominant scale of built form in the locality and the planning controls which apply to the site.

The proposal adopts the planning controls applicable to the ‘Beecroft Road Precinct’ bounded by Beecroft Road, Chapman Avenue and Wongala Crescent in the design of the proposed development to five storeys. The precinct forms part of Council’s *Housing Strategy* to maintain the amenity and character of low density areas by providing for high density in appropriate areas bounded by roads. The proposed development would detract from the character of the area and is inconsistent with the design principles of *SEPP 65 – Design Quality of Residential Flat Development*.

The proposed development involves the removal of 70 of the 99 trees on the site and would substantially reduce the local tree canopy, the landscape setting of adjacent heritage items and the visual buffer between Hannah Street, Beecroft Road and Copeland Roads. The scale of the proposed buildings conflicts with the predominant built form of the surrounding Heritage Conservation Area.

The proposed development is considered uncertain in respect to traffic safety of the shared accessway off Copeland Road and provision for access for people with a disability.

The proposed relocation of the existing open drainage line and easement is uncertain in respect to a 1 in 100 year flood event and the impact on existing and the proposed development.

The social benefit of the proposed development in providing affordable housing particularly for seniors is acknowledged, however the density and scale of the proposed development is contrary to Council's current and future planning controls and in this regard it is considered the proposal is not in the public interest.

The application was the subject of considerable public response in objecting to the development.

The application is recommended for refusal.

Attachments:

1. Locality Plan
2. Title Page
3. Survey Plan
4. Site Plan
5. Demolition Plan
6. Lower Ground Floor Plan
7. Ground Floor Plan
8. Level 1 Floor Plan
9. Level 2 Floor Plan
10. Level 3 Floor Plan
11. Level 4 Floor Plan
12. Roof Plan
13. Elevations 1 + 2
14. Elevations 3 + 4
15. Elevations 5 + 6
16. Elevations 7 + 9
17. Elevations 9 + 10
18. Elevations 11 + 12
19. Shadow Diagrams - Existing
20. Shadow Diagrams - Proposed
21. Solar Analysis
22. Colours & Materials
23. Hannah Street Photo Montage
24. Site Analysis

SCHEDULE 1

1. The proposed development is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as follows:
 - a. In respect to Clause 16A of State Environmental Planning Policy (Affordable Rental Housing) 2009, it is considered the proposal would detract from the character of the area.
 - b. In respect to State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, it is considered the proposed buildings do not have adequate regard to the Design Quality Principles under Part 2 of the Policy and are of conflicting scale with surrounding development.
2. The proposed development is unsatisfactory in respect to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as follows:
 - a. The proposed development would negatively impact on the characteristic built form of the surrounding low density residential area.
 - b. The proposed shared accessway off Copeland Road involves an inherent risk for senior residents and is uncertain in respect to traffic safety and accessibility.
 - c. The proposed development would adversely impact on the significance of the surrounding Heritage Conservation Area due to the proposed removal of a large number of established trees and the conflicting scale of the proposed buildings.
3. The proposed development is unsatisfactory in respect to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as follows:
 - a. The proposed development is uncertain in respect to a 1 in 100 year storm event and flooding impacts.
4. The proposed development is unsatisfactory in respect to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as follows:
 - a. The proposal is contrary to Council’s Housing Strategy implemented to maintain the character and amenity of low density residential areas by providing for high density development in appropriate locations and in this regard is not in the public interest.