

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No:	2015SYE053
DA No:	DA15/0273
Local Government Area:	Sutherland Shire
Proposed Development:	Demolition of Existing Structures, Construction of a New Seniors' Housing Development and Consolidation into One Lot
Street Address:	Lot 484 to Lot 490 DP 17524 (Nos. 46-58) Seventh Avenue, Jannali
Applicant/Owner:	NSW Land And Housing Corporation
Number of Submissions:	Three (3)
Regional Development Criteria (Schedule 4A of the Act)	• Crown development over \$5 million Crown development that has a capital investment value of more than \$5 million.
• List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 • Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) • Sutherland Shire Development Control Plan 2006 (SSDCP 2006) • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
Recommendation:	Approval, subject to conditions
Report By:	Charlotte Lowe (Environmental Assessment Officer) Sutherland Shire Council

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment of more than \$5,000,000 and has been lodged by the Crown (NSW Land and Housing Corporation). The application submitted to Council nominates the value of the project as \$7,481,250.

1.2 Proposal

The application is for:

- Demolition of the existing dwellings and structures, including the removal of vegetation.
- Construction of a Seniors Housing development comprising of 24 dwellings, including 12 x 1 bedroom villas and 12 x 2 bedroom units.
- The dwellings are configured throughout 6 buildings. The 3 buildings addressing the street are 2 storeys in scale and the remaining 3 buildings within the rear half of the site are single storey in scale;
- The consolidation of 7 lots into 1 lot.

The development will be Seniors Housing under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* 2004.

1.3 The Site

The site is located on the eastern side of Seventh Avenue, mid-way between First Avenue and The Circle in Jannali. The site comprises 7 lots, with a combined frontage of 96m and has an area of 3950m². Each of the lots is currently occupied by a modest single storey dwelling owned by NSW Land and Housing Corporation. The site falls from the street frontage generally north-eastwards. Several major trees exist within the road reserve fronting the site.

Development in the immediate vicinity of the site comprises of a mixture of detached dwelling houses and duplexes. A Council drainage reserve adjoins the northern boundary of the site. The wider locality is predominantly residential in character and comprises mainly of detached dwelling houses.

1.4 The Issues

The main issues identified are as follows:

- Privacy and level relationship with neighbouring properties.
- Landscaping quality (private and public domain areas) and streetscape.

1.5 Conclusion

Following detailed assessment of the proposed development the current application is considered worthy of support, subject to relatively minor design changes which will not reduce the residential yield of the development or change the configuration of the units.

2.0 DESCRIPTION OF PROPOSAL

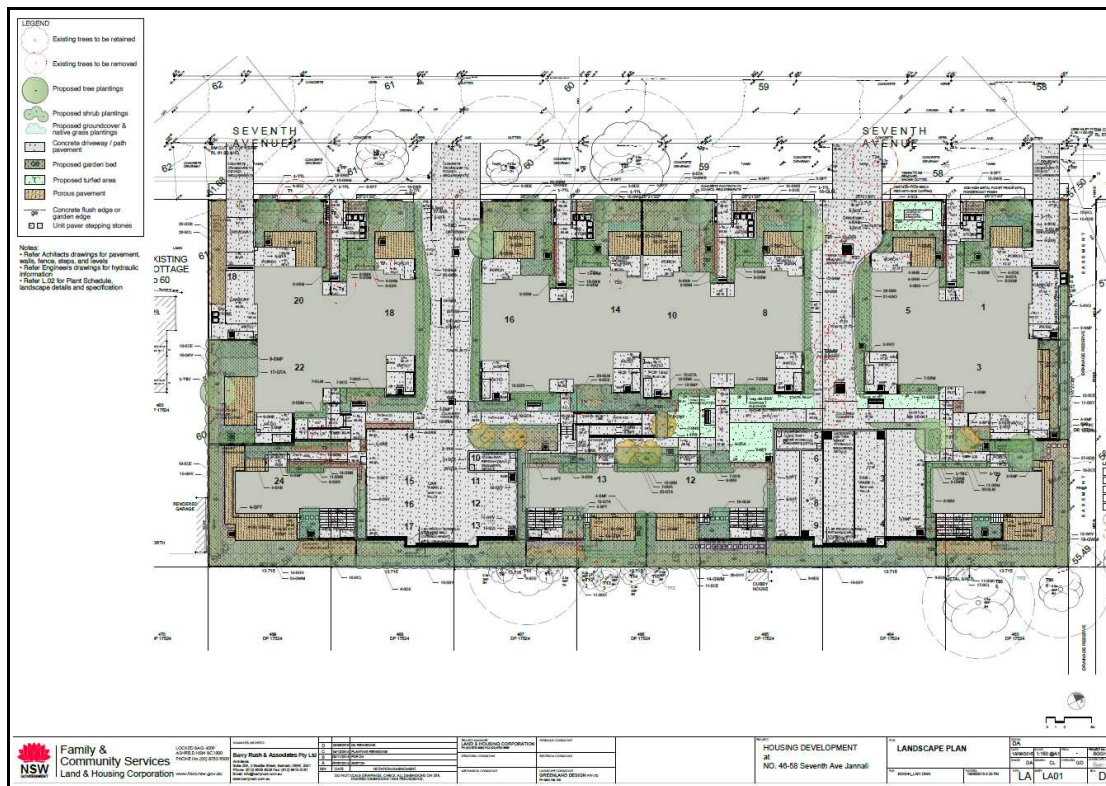
The proposal involves the demolition of the existing buildings and construction of a Seniors' Housing development comprising of 12 x 1 bedroom units and 12 x 2 bedroom units, a total of 24 dwellings. These dwellings are designed as single level villas with private courtyards or single level apartments with courtyards or balconies.

The dwellings are arranged throughout 6 proposed buildings. The 3 buildings addressing the street are 2 storeys in scale and designed in the form of walk-up residential flat buildings. The remaining 3 buildings within the rear half of the site are single storey in scale and designed in the form of villa houses.

The buildings feature external walls of masonry and light weight cladding and metal skillion roofs. The proposal includes a front fence of partially open form design and masonry/metal construction. Various landscaping works are also proposed.

There are 4 proposed vehicular access ways leading to 2 separate car parks located in the rear half of the site and 2 carports located adjacent to the side boundaries of the site. The proposal provides 18 on-site car parking spaces in total.

Figure 1: Site Plan



3.0 SITE DESCRIPTION AND LOCALITY

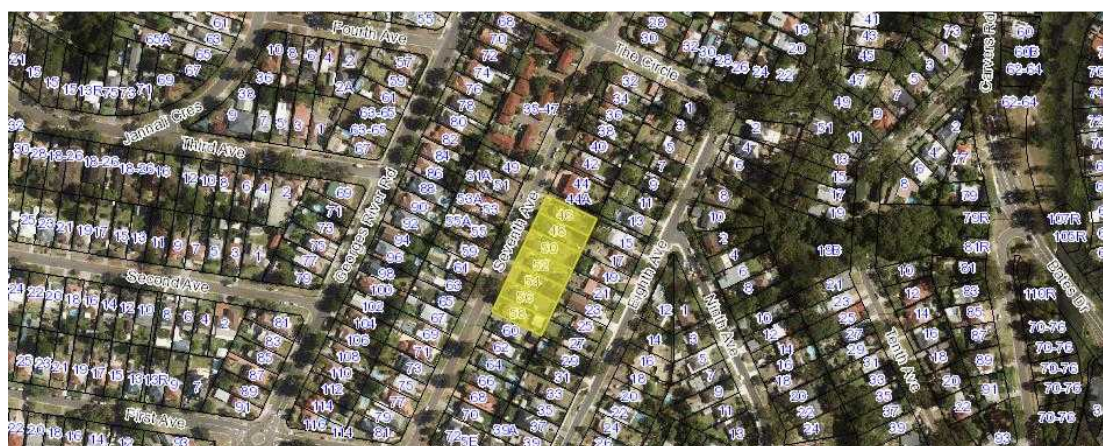
The subject land is located at 46-58 Seventh Avenue. The site is located off the eastern side of Seventh Avenue, mid-way between First Avenue and The Circle in Jannali. The site comprises 7 lots and has an area of 3950m². Each of the lots is currently occupied by a modest single storey dwelling owned by NSW Land and Housing Corporation. The site slopes away from the street frontage generally north-eastwards. Several major trees exist within the road reserve fronting the site.

Development in the immediate vicinity of the site comprises of a mixture of detached dwelling houses and duplexes. A Council drainage reserve adjoins the northern boundary of the site. The wider locality is predominantly residential in character and comprises mainly of detached dwelling houses.

Figure 2: Locality map



Figure 3: Aerial map



4.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 20 June 2014 regarding the Seniors' Housing development. A formal letter of response was issued by Council dated 11 July 2014. A full copy of the advice provided to the Applicant is contained within Appendix "B" of this report and the main points contained in this letter are as follows:
 - Council's concern regarding the location of the bin storage areas within the front setback area.
 - The proposed finished floor levels of dwellings adjacent to the rear boundary were of concern.
 - Accessibility throughout the site and over-use of ramps.
 - The living areas of many of the dwellings were suggested to be enlarged.
 - The proposed provision of car parking was of concern to Council in relation to the surrounding street network and potential overflow.
- A pre-DA meeting was held with the Architectural Review Advisory Panel on 7 August 2014 regarding the proposal. A formal letter of response was issued by Council dated 18 August 2014. A full copy of the advice provided to the Applicant is contained within Appendix "C" of this report and the main points contained in this letter are as follows:
 - ARAP's concern regarding the lack of communal open space within the development.
 - The proliferation of ramps and individual street entries to units.
 - Privacy to neighbouring properties and landscaping.

- The location of the bin storage areas at the entries of buildings.
- The current application was submitted on 8 April 2015.
- The application went before the Architectural Review Advisory Panel on 23 April 2015, with written comments being issued on 18 May 2015, provided at Appendix “D”.
- The application was placed on exhibition with the last date for public submissions being 7 May 2015. 3 submissions were received.
- An Information Session was held on 28 April 2015 and 2 people attended.
- Council officers recommended the following design changes in a letter dated 18 May 2015:
 - Reduced finished floor levels of dwellings adjacent to the rear boundary.
 - Specific design changes to facilitate and rectify CPTED concerns.
 - The relocation of bin storage areas to be behind the building line.
 - The provision of landscaping to allow for more usable spaces and the improvement of the communal open space area.
- Amended plans were lodged on 18 June 2015.

5.0 ADEQUACY OF APPLICANT’S SUBMISSION

The applicant through the assessment process was asked to address issues relating to height of proposed structures to the rear, bin storage areas and landscaping. Amended plans were received on 18 June 2015. Whilst the information has not addressed all of Council’s concerns, the plans and other documentation submitted with the application are adequate to enable a proper assessment of the proposal.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006).

Forty-three adjoining or affected owners were notified of the proposal and 3 submissions were received as a result.

Submissions were received from the following properties:

Address	Date of Letter/s	Issues
23 Eighth Avenue, Jannali	29/04/15	1 and 4
19 Eighth Avenue, Jannali	07/05/15	1 and 2
21 Eighth Avenue, Jannali	06/05/15	1, 2, 3 and 4

The issues raised in these submissions are as follows:

6.1 Issue 1 – Privacy and Overlooking

Residents adjoining to the rear of the site are concerned about impacts of the rear setbacks of the proposal, height above natural ground level of the dwellings and car parks at the rear of the site. Of particular concern are the loss of privacy and overlooking from these structures to neighbouring properties adjoining the rear boundary.

Comment: This matter is addressed below in the “Assessment” section of this report.

6.2 Issue 2 – Overshadowing

Concerns have been raised in regards to the impacts of overshadowing to the properties adjoining to the rear of the site.

Comment: The proposal will not overshadow properties to a significant extent or to one that exceeds Council’s relevant controls and standards.

6.3 Issue 3 – Noise

Concern has been raised in relation to the noise generated from the proposal development.

Comment: Given the use and positioning of the dwellings on site and the nature of the proposed use, the proposal is not expected to generate an excessive level of noise and will not be detrimental to adjoining properties. However, conditions are recommended to reduce the height of the car parking area relative to the rear neighbours, which will have a positive impact in terms of acoustic privacy.

6.4 Issue 4 – Safety

Concerns have been raised in relation to crime and safety issues as a result of the development. In particular, the potential for overlooking and access from elevated car parking areas into adjoining properties at the rear.

Comment: The proposal is not expected to increase crime or reduce security of adjoining properties. People gaining access to neighbouring properties at the rear is unlikely, given the 3m landscaped area between the car park and the rear boundary fence of the proposal. In addition, the application has been referred to the NSW Police Force, who has indicated the development poses 'low' crime risk and has no objections subject to the imposition of conditions. The car parking areas have been conditioned to be significantly lowered in height. Crash barriers and balustrades will also be provided at the end of each car park, which will prevent 'climbing' of such structures.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within *Zone 4 – Local Housing* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being a Seniors Housing development for 24 units, is a permissible land use within the zone, and under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 with development consent from Council.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004 (Seniors SEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
- Sutherland Shire Development Control Plan 2006 (SSDCP 2006)

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls:

Standard/Control	Required	Proposed	Complies? (% Variation)
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Clause 40(2) – Site Area	1000m ²	3940m ²	Yes (although not applicable to Land and Housing Corporation)

Standard/Control	Required	Proposed	Complies? (% Variation)
Clause 40(3) - Site Frontage	20 metres	96m	Yes (although not applicable to Land and Housing Corporation)
Clause 40(4)(a),(b) & (c) – Building Height	(a) 8m (ground to ceiling) (b) 2 storeys (c) Rear 25% of site must not exceed 1 storey.	5.7m 2 storeys 1 storey within rear 25% of site.	Yes Yes Yes
Clause 50(b) – Density & Scale	0.50:1	0.49:1	Yes
Clause 50(c) (i) – Landscaped area	35m ² per dwelling (840m ²)	30.12% (331.4m ²)	Yes
Clause 50(d) – Deep soil zones	15% (592.5m ²)	19% (748m ²)	Yes
Clause 50(e) – Solar access	70% of dwellings with 3 hour sunlight.	70%	Yes
Clause 50(f) (ii) – Private open space	15m ² (mini 3m x 3m)	>15m ² with min. 3m x 3m accessible from living.	Yes
Clause 50 (h)(i) – Parking	1 car parking space for each 5 dwellings (5 spaces in total)	18 spaces provided	Yes
Sutherland Shire Development Control Plan 2006			
2.b.2 Front building line	7.5m	5.3m to front porch and balcony (7.5m to front building line)	No (30% variation) – See ‘Assessment’ section of this report
3.b.6 Side setback	3m	3m	Yes
3.b.6 Rear setback	6m	3m to patio (6m to rear building line)	No (50% variation) – See ‘Assessment’ section of this report
7.b.3 Site Layout	Dwellings to be well organised and functional. Ceiling height 2.7m	Dwellings have acceptable internal layouts and reasonable connectivity to outdoor areas. A minimum of 2.7m ceilings provided. Waste storage is a shared arrangement.	Yes

Standard/Control	Required	Proposed	Complies? (% Variation)
7.b.3 Private Open Space	6m x 6m	No dwellings meet this criterion.	No - however overridden by SEPPSL
7.b.7 Waste storage area	Within floor space of building or integrated service.	Provided within shared bin storages area within each allotment.	Yes
10.b.3 Ancillary facilities	6m ³ storage	No dwellings satisfy this criterion.	No, but acceptable.
13.b.1 Privacy	Privacy to be maximised.	Conditions are recommended to reduce the height of rear dwellings and car parking areas.	Yes subject to conditions.
14.b.2 Daylight Access	New development must not eliminate more than one third of the existing sunlight, to adjoining properties.	Achieved given the proposed side setbacks.	Yes
17.b.1 Adaptable housing = 30% of dwellings on site or at least 1 dwelling	8 dwellings	15 dwellings	Yes
19.b.3 Fencing	High courtyard fencing is not permitted, except where it is common in the street.	Low picket style fencing is proposed across the front of the site. Low scale rendered walls separate landscaping beds from vehicle movements. Privacy screens are utilised to separate private open space areas from the greater development.	Yes
1.b.5 Car parking	1 space/1bed unit= 12 spaces 1.5 space/2bed unit= 18 1 visitor space/4 = 6 spaces Total: 36 spaces	18 spaces	No however overridden by SEPPSL, requiring a total of 5 spaces.

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1. NSW Police Force

Correspondence received on 29 May 2015 from the NSW Police Force recommended the following be incorporated into the design:

- Clear line of sight to the development, removal of vegetation that interrupts view lines.
- All windows installed with locks.
- Street numbers should be clearly seen and identifiable.
- Front boundary fencing would benefit security, preventing trespassing.
- Security intercom to be installed at the entries of the dwellings.
- Individual premises are to be well lit, motion sensors after dark.

A number of the items listed above have been incorporated into the design. The remainder of the relevant suggestions will be recommended as conditions to be imposed (Appendix "A").

9.2. Architectural Review Advisory Panel

Comments dated 18 May 2015 (Appendix "D") included the following:

- The removal of individual street entries.
- Solar power and hot water to be provided.
- Landscaping within private open space areas to be re-designed to improve usability.
- Inclusion of seating areas within communal open space.
- Further refinement of bin storage areas.
- Letter boxes to be positioned under entry canopies.
- Flipping patios of rear units to front of dwellings.
- Entries to bathroom located directly off kitchen/dining areas to be relocated to entry areas.
- External lighting plan for rear communal spaces.
- Use of concrete block material to be reconsidered.

9.3. Engineering

Council's Development Engineer has undertaken an assessment of the application and advised that subject to suitable conditions of development consent no objection is raised to the proposal.

9.4. Traffic Engineer

Council's Traffic Engineer has undertaken an assessment of this application. Recessed parking bays provided within the road reserve and the widening of the roadway to 8.5m was suggested, to improve on-street parking and traffic flows. This is discussed in further detail in the 'Assessment' section of this report.

9.5. Community Services

The application was referred to Council's Community Services Department, which has suggested the following conditions of consent:

- Sensor lights should be placed under the front eaves of the rear dwellings.
- Place bins under open-slatted porticos.
- Mailboxes to be obscured from street view.

A number of the items listed above have been incorporated into the design. The remainder of the relevant suggestions will be recommended as conditions to be imposed (Appendix "A").

9.6. Landscape Architect

The application was referred to Council's Landscape Architect who has no objections to the proposal, subject to suitable conditions of consent. Further detail on these conditions is provided in the 'Assessment' section of this report.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 Provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)

The subject land is zoned as Zone 4 – Local Housing under the provisions of SSLEP 2006 wherein development for the purpose of 'seniors housing' is permissible with development consent. Relevant provisions of SSLEP 2006 are considered in the assessment of the application.

10.2 Provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)

This application was lodged prior to the commencement of SSLEP 2015 on 23 June 2015. Accordingly, the application has been assessed and determined in accordance with the savings provisions contained within clause 1.8A of SSLEP 2015. This clause requires applications to be determined as if SSLEP 2015 has not commenced.

The site has been rezoned to R2 – Low Density Residential in accordance with the best information and latest mapping available at the time of writing (the most up-to-date mapping was not published on the NSW legislation website with the LEP). The proposed development is permissible and consistent with the objectives of this zone.

SSLEP 2015 maintains similar development standards to the 2006 LEP in terms of height (8.5m) but increases FSR to 0.55:1 and reduces the required landscaped area to 35%. The proposed development is consistent with these development standards.

10.3 Provisions of SEPP for Seniors Housing (SEPPSL)

Permissibility – Land to which Policy applies: Clause 4(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 specifies *“that the Policy applies to land within New South Wales that is land zoned primarily for urban purposes [where]:*
(a) *Development for the purpose of any dwelling houses, residential flat buildings [etc]... is permissible”*.

Dwelling houses are permissible within Zone 4 – Local Housing therefore the proposal is permissible and can be submitted under the SEPP for Seniors Housing.

The relevant provisions of SEPPSL are addressed as follows:

Location & Access to Services: The applicant provided satisfactory evidence that demonstrates how the residents of the proposed development will have access to the necessary services and facilities in accordance with the provisions of Clause 26 of SEPPSL. Clause 26(2)(a) of SEPPSL requires that a public transport system that provides access to facilities and services are to be located at a distance of not more than 400 metres from the site of the proposed development and accessible by means of a suitable access pathway.

In this regard there is a bus stop located on Georges River Road near the junction of Fifth Avenue and The Circle (some 132m walking distance away). “Transdev” operates a regular bus service (Route 967) that meets the frequency requirements of Clause 26(2)(b)(iii). Buses

can transport the residents to Jannali centre, as well as Miranda.

There are portions of paved footpath that extend along Seventh Avenue, The Circle and Georges River Crescent. The applicant has agreed with Sutherland Shire Council to construct sections of paved footpath to complete the link from the site to the bus stop. Small sections of the route are required to be re-graded by the applicant. A suitable condition requiring compliance with the accessible gradient in accordance with Clause 26(2) of SEPPSL is proposed on the development consent should the application be supported.

Water & Sewer: Reticulated water and sewerage infrastructure is presently available to the site. The applicant has indicated that the development will be connected to the relevant services. The existing services are considered suitable for the development.

Site Analysis: The information provided to Council in the development application is considered satisfactory in terms of the site analysis requirements as outlined in Clause 30 of SEPPSL.

Design Principles: Clause 32 of SEPPSL requires that Council must not consent to a development application made under the policy unless it is satisfied that the proposal demonstrates that adequate regard has been given to the following design principles as relevant to the development:

Neighbourhood Amenity and Streetscape

The area surrounding the site is predominantly residential in character, with 1 and 2 storey detached dwellings located on medium to large size blocks of land. Development to the north at No. 44 comprises an attached two storey dual occupancy and to the south of the site adjoins a 2 storey dwelling (No. 60). A mix of single and two storey detached dwellings and attached dual occupancies exist to the west of the site, fronting Seventh Avenue. A mix of single and two storey dwellings adjoin the site to the rear.

Based on the existing character of the area, it is observed that the majority of dwelling houses are single and 2 storeys within landscaped settings, forming a dominant and defining character of the locality. The locality is clearly well established in terms of its character. The zoning as Zone 4 – Local Housing incorporates objectives that indicate that the existing character is consistent with the desired future character of low density residential dwellings.

There are a number of dual occupancy style developments and a Seniors Housing development, owned by Land and Housing Corporation within the street.

The proposed development is compatible with the character of the area and satisfies the provisions of clause 33 of SEPPSL.

Visual and Acoustic Privacy

Clause 34 of SEPPSL provides that the proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents. The site planning of the proposed dwellings within the front section of the site including the design and location of windows is considered satisfactory. The first floor windows facing the northern and southern side properties have sufficient setbacks to comply with minimum distance between habitable areas and therefore do not cause adverse privacy overlooking impacts by looking into the habitable rooms of adjoining dwellings.

The proposed rear dwellings, particularly, towards the northern end of the site and car parking areas present significant visual privacy impacts to adjoining properties at the rear.

It is therefore concluded the proposed design does not satisfy the visual and acoustic privacy requirements of SEPPSL. However, this may be addressed via a condition of consent. This is discussed in further detail below in the 'Privacy' section of this report.

Solar Access and Design for Climate

Clause 35 of SEPPSL provides that the proposed development should ensure adequate daylight is provided to adjoining properties.

The applicant's building design proposes dwellings oriented in an east-west direction, with rooms and courtyard generally facing north. The applicant's shadow diagrams show that the principal living areas and private open space of No. 60 facing north will receive solar access for more than 2 hours on June 21.

It is considered that the proposed design satisfies the solar access and design for climate requirements of the Design Principles of SEPPSL, and therefore is acceptable.

10.4 Privacy

As discussed above, concern has been raised by neighbours regarding privacy and amenity. The concerns focus on the single storey dwellings positioned at the rear of the site. Of particular concern are the finished floor levels on Units 7, 12 and 13 and the height-out-of-ground of the proposed car parking areas and the potential for overlooking into neighbouring properties to the rear.

The finished floor levels and patios of Unit 7 and 12 slightly exceed 1.3m out of ground, Unit 13's floor level and patio is apparently 1.0m out of ground. Car parks 1 and 2 have a proposed height out of ground of 1.0m and 1.4m respectively. These heights can be attributed to the natural fall of the site to the north-eastern corner and the accessibility requirements of SEPPSL (Schedule 3(2)(1) of SEPPSL states that disabled access must be provided to all ground floor units). As such, achieving the appropriate height of the dwellings and car parks at the rear, whilst also ensuring the site is not dominated by accessible footpaths and ramps (i.e. maintaining landscaped area) are a difficult balance for this site, given the orientation and layout of the design.

It was recommended to the applicant at the pre-DA stage that the provision of ramping be reduced within the middle section of the site. Whilst this has been improved since the original design, it has essentially created further problems to the height of structures to the rear of the site. It is Council's assessment having viewed both 'extremes', that a balance has not been satisfactorily achieved.

Whilst SEPPSL does not specify a maximum height for finished floor levels for dwellings, the SEPP limits dwellings located within the rear 25% to one storey. The underlying objectives of this control are to reduce the amenity impact on neighbouring properties by maintaining a low scale and to reduce bulk of the development in the rear of the site. The rear dwellings are only single storey, built on a 1300mm plinth and the dwellings behind them are lower again, exaggerating the height differential.

Given that the site sits at a higher natural ground level than adjoining properties at the rear, the future relationship of the rear dwellings and car parks to these properties is exaggerated and considered unacceptable. The visual and acoustic privacy of these properties will be detrimentally affected by the proposal. Although privacy screens have been provided on both car parking areas and rear patio areas of the dwellings, these are not considered an acceptable outcome. The privacy screens add to the visual bulk of the development and do not mitigate visual and acoustic amenity impacts. Further, the objections state that physical responses to this issue (such as privacy screen and landscaping) will create further overshadowing and dominance impacts and are not desirable.

Following discussions with Council's Architect and Engineer, conditions have been recommended to reduce the finished floor levels of Units 7, 12 and 13 to a maximum of 500mm and reduce the height out of ground of car park 1 and 2 to a maximum of 500mm. This can be readily achieved through the alterations of accessible pathway grades and augmented switchback ramps.

The reduction of the car park will mitigate privacy and amenity concerns for adjoining neighbours; it is therefore Council's position that the privacy screens provided on car parking areas are no longer necessary. However, given the height and location of the car parking areas, a crash barrier and balustrade will be required at the end of each car parking area. Notwithstanding, if the Panel see it fit to include the balustrade to act as a privacy screen, then the proposal can remain as existing.

10.5 Bin Storage Areas

The proposed bin storage areas are inconsistent with Council's controls and the character of the street. In their proposed location, they are visually intrusive and become a dominant feature within the street. The bin storage needs to be located behind the building line, hidden from street view.

A condition has been recommended to relocate bin storage areas wholly behind the building line, in various locations adjoining the proposed car parking areas. This location will ensure the storage areas are at a reasonable distance from dwellings and are accessible to the street frontage.

10.6 Tree Removal and Landscaping

The proposed development involves the removal of 23 trees and shrubs. Council's Landscape Architect has assessed the application and has raised no objection to the proposal subject to tree replacement as per Council's Tree Replacement Policy.

Further conditions have been recommended to improve the use of material used on driveway and pedestrian areas, to ensure way finding and safety. The proposed areas of porous pavement throughout the site are better suited to grass. A condition has been recommended to convert larger areas of porous pavement to grass to promote usability of such spaces and to 'screen' the electrical sub-station located within the front setback of the site.

10.7 Car Parking and Traffic

The proposed car parking spaces comply with the requirements of SEPPSL, which specifies a rate of 1 space per 5 dwellings. Using this control, the development requires a total of 5 spaces. However, in Council's experience, this provision is likely to be insufficient based on the car ownership rates of the intended occupants and having regard to the limited public transport options in the immediate locality. This was communicated to the Department at the pre-DA stage and met with a positive response. As such, 18 spaces have been provided on site. This amount is lower than that typically provided within townhouse developments of a similar scale but is significant in excess of SEPP requirements.

It was suggested by Council that in order to reduce overflow parking on the street and increases in traffic, recessed parking bays be provided within the road reserve adjacent to the site. Land and Housing Corporation consider traffic generation resulting from the development to be insignificant and have not agreed to the implementation of recessed parking bays within the road reserve.

10.8 Front Setback

A minimum front setback of 5.3m is proposed to a lightweight open form awning extending from each ground floor dwelling, and to balconies extending toward the street from first floor dwellings. The non-compliances are substantially for the aesthetic contribution to the facade. Whilst 5.3m is the minimum proposed setback, occurring on the 2 dwellings adjacent to the northern and southern boundaries, the setback increases to 6.1m for the remaining dwellings. A compliant setback of 7.5 is proposed to the primary building line of all dwellings. In the immediate context of the site, some dwellings exhibit a setback within the 7.5m front setback line. It should be noted that the Draft DCP 2015 allows a 1.5m 'articulation' zone within the front boundary setback and as such, the proposed development is consistent with the desired future character of the locality.

The variation proposed is not considered to have a significant impact on the spatial proportions of the street. The minimum proposed setback reflects the position of the existing dwelling on the subject site, and the protruding elements are lightweight in design.

The Seniors SEPP provides design principles which provide the following comment regarding street setbacks:

Division 2 Design Principles

33 Neighbourhood amenity and streetscape

The proposed development should:

...(d) be designed so that the front building of the development is setback in sympathy with, but not necessarily the same as, the existing building line..

The development provides a well articulated, quality architectural design providing visual interest through generous breaks, increased setbacks to upper levels, breaking roof elements and a varied materials selection. The development reflects a setback that is sympathetic to the street character. Despite not being the same as the surrounding dwellings and numerical control within the DCP, the proposal relates appropriately to adjoining development.

The development is consistent with design principles established in the Seniors SEPP and the overriding intent of the front setback control, as articulated in the DCP objectives, and as such is supported.

10.9 Side Setback

The proposed carports located adjacent to the northern and southern side boundaries of the proposal do not comply with the 3 metre minimum side setbacks specified for Seniors Housing within the SSDCP 2006. The proposed carports adjacent to the side boundaries have a minimum setback of 0.9m proposed. The proposed carports are open in form and will facilitate the parking of one car, without a "hard" structure at the edges of the development.

The proposal will not result in any significant impacts to the acoustic or visual privacy of either No. 44 or No. 60 Seventh Avenue. The side setback to the building is compliant, allowing for appropriate separation for the bulk of the proposal. The proposed variation will not result in the reduction of existing solar access to private open space or windows of adjoining properties by more than one third.

The site is able to adequately provide for deep soiling planting opportunities within the rear of the site. The proposed development will ensure that adequate access to the site is provided through various points.

From adjoining properties, the proposed development will retain an acceptable level of bulk and scale and the proposed carports will be largely obscured by the side boundary fence and appropriate vegetation.

The proposal is consistent with the underlying objectives of the side setback control, and the carports located adjacent to the northern and southern side of the dwelling are considered to be appropriate.

10.10 Rear Setbacks

The development illustrates non-compliance with the minimum requirements for rear setbacks required by Council's DCP. A minimum 3m rear setback has been provided where the DCP calls for 6m minimum. The non-compliance appears to be a deliberate response by the designer to take advantage of solar access from the north and provide functional private outdoor spaces, whilst also conserving areas within the middle portion of the site for usable communal open space. Despite the non-compliance, the dominant setback to the rear dwellings is 6m. The rear setbacks to the car parking areas are also non-compliant, presenting a 2.1m setback the rear boundary.

The proposed patios extending toward the rear boundary present concerns in regard to visual and acoustic amenity and privacy to neighbouring properties to the rear (as discussed in further detail above). Whilst the proposal provides articulation to the rear elevation, and ensures opportunity for landscaping, the heights of the patios present unacceptable impacts to properties at the rear. These issues would be mitigated with a reduced finished floor level of the proposed patios, as discussed above.

Despite the setback non-compliance discussed above, the proposal (subject to a reduced finished level) is consistent with the design principles in the Seniors SEPP and the objectives for rear setbacks in Council's DCP. The variation to the rear setback is therefore supported subject to recommended conditions.

10.11 Drainage/Easement

The site drains naturally to the north-east. A Council drainage reserve with an associated drainage pipeline and pit adjoins the site to the north. An easement must be obtained over this reserve. This is addressed via a condition of consent. The applicant will be required to liaise with Council's Property section prior to commencement.

10.12 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment (GMREP2) includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and there are minimal likely adverse impacts on existing coastal processes anticipated. With the implementation of the recommended conditions of consent, the proposal would be consistent with the aims and objectives of the GMREP2.

10.13 Archaeological Sensitivity

Council records indicate that the subject site is rated low in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The proposal does not warrant an Aboriginal Archaeological Study being undertaken.

11.0 SECTION 94 CONTRIBUTIONS

Given that the Land and Housing Corporation are the owner and applicant of this proposal, in accordance with the Section 94 Plan, they are exempt from Section 94 contributions. Accordingly, the proposal does not require the generation of Section 94 contributions.

12.0 DECLARATION OF AFFILIATION

Section 147 of the EP&A Act requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

13.0 CONCLUSION

The proposed development is for 24 Seniors Housing dwellings at 46-58 Seventh Avenue, Jannali.

The subject land is located within Zone 4 – Local Housing pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006 and Zone R2 – Low Density Residential under Sutherland Shire Local Environmental Plan 2015. The proposed development, being a Seniors Housing development, is a permissible land use within both zones with development consent.

In response to public exhibition 3 submissions were received. The matters raised in these submissions have been dealt with by design changes or conditions of consent where appropriate. The proposal includes variations to front, side and rear setbacks. These variations have been discussed and are considered acceptable subject to conditions of consent. Two principal issues remain unresolved in the Crown's design from Council's perspective: the finished levels of units and car parking at the rear of the development; and the multiple bin storage structures in the street setback. The former leads to privacy impacts on neighbouring private properties and has attracted objections and the latter is a poor streetscape outcome which would not be approved in a private development. Both can easily be resolved by design change conditions, without reducing the dwelling yield on the site, significantly increasing the cost of the development or altering the building configuration in a fundamental matter.

In terms of the Seniors SEPP, the proposal is consistent with the development standards and design requirements and gives due consideration to the 'Seniors Living Policy: Urban Design Guidelines for Infill Development'. The proposal provides quality housing that meets the need of seniors or people with a disability, while making efficient use of existing infrastructure and services. As such, the development is consistent with the overriding intent of the Seniors SEPP.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. 15/0273 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

That Development Application No. 15/0273 for Demolition of the Existing Structures, Construction of a New Seniors Housing Development and Consolidation into One Lot at Lot 484 to Lot 490 DP 17524, (Nos. 46 - 58 Seventh Avenue, Jannali be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report.