

2016SYE087 – 2-4 Locksley Street & 31-39 Sturt Road  
Cronulla

DA16/0994

## ASSESSMENT REPORT APPENDICES

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21 October 2016

**Our Ref:** P15-235 (MW)

**The General Manager**  
Sutherland Shire Council  
Locked Bag 17,  
SUTHERLAND NSW 1499

**Attention: Slavco Bujaroski**

Dear Slavco,

**RE: RESPONSE TO REQUEST FOR INFORMATION TO DEVELOPMENT APPLICATION (DA) 16/0994 FOR DEVELOPMENT AT 31-39 STURT ROAD, AND 2-4 & 2A LOCKSLEY STREET, CRONULLA**

We refer to Council's letter dated 13 November 2015 requesting additional information to be submitted to assist in the assessment of the abovementioned DA. On behalf of the Applicant (Pathways Property Group Pty Ltd), the following provides a response to each of the items raised in Council's requests for further information (RFI).

To address matters raised within Council's preliminary assessment, the proposed development has been amended, as detailed in the plans prepared by MDP Architects at **Annexure 1**. The following summarises the amendments made to the development:

- The setback to Locksley Street has increased to between 6.6m and 8.4m;
- The façade facing Locksley Street has been amended to present more "domestically";
- The development has reduced/lost five (5) bedrooms;
- The Gross Floor Area (GFA) has been reduced by 171m<sup>2</sup>;
- Landscaping within the Sturt Road and Locksley Street front setbacks has been increased and revised;
- The height of Level 3 has been reduced by 600mm;
- The setback of Level 3 to the western boundary adjacent to 41 Sturt Road has increased to between 6.2m and 10m;
- A screen has been placed on the north facing deck on Level 3; and

- The materials and finishes along the Sturt Road (southern) elevation have been revised to assist in accentuating the articulation along this frontage.

These responses should be read in conjunction with the following supporting documentation:

- Amended Architectural Plans prepared by Morris Design Partnership (MPD);
- Amended Landscape Plans prepared by Amber Road;
- Amended Clause 4.6 Variation report prepared by City Plan Strategy and Development;
- Supplementary Engineering Advice prepared by at&I;
- Supplementary Traffic and Parking advice prepared by McLaren Traffic Engineering and Road Safety Consultants; and
- Advice prepared by Traffix.

The subject letter from Council outlines the issues of concern via various points listed 1 to 9. The following advice responds to each of these items.

#### 1. Urban Design

Concern was raised in relation to the compatibility of the proposal within its context. In this regard, it is important to understand that the existing constructed facility actually forms part of the existing character of the area. With this in mind, the proposal has been designed to integrate with this existing facility, as well as the surrounding properties in the immediate area.

The suitability of continuing the design approach of the existing facility also needs to be considered in light of the compatibility within its streetscape as per the Planning Principles established under *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. In this regard, it is important to note that compatible as accepted by the Land and Environment Court is "capable of existing in harmony together", and is different to "sameness".

In terms of the presentation to the streets and the proposed "lower level" along Sturt Road, the proposal adopts a similar design to that of the recently constructed facility on part of the land to ensure that the streetscape presentation is consistent across the site. The site is fenced and contains a vegetated front setback, including 'climbers' that will integrate with the fence, immediately within and along the southern boundary to Sturt Road, as well as revised plantings within the site including additional plantings at street level. Once this vegetation and trees have matured, they will be visible from the public domain, and will contribute to the landscape setting along Sturt Road. Moreover, when mature the "fence" will not be seen as it will be screened with the proposed vegetation in front, as well as being covered with 'climbers'. The only time the lower level would be visible would be if a pedestrian left the pedestrian footpath and were to stand immediately on the boundary of the site, and peer over the fencing and landscaping. In this respect, the plans have been amended to reduce the extent of excavation in some parts, and has introduced an area of soil that is at the same level of the street along the western boundary of 41 Sturt Road. This will allow additional landscaping within the front setback that will be visible from the street.



Figure 1: View of the proposed development from the southern side of Sturt Road, noting that the proposed and existing landscaping has not been shown (Source: MDP)

In terms of the height of the development, given the fall of the land away from Sturt Road it will be viewed as a two (2) storey building from the public domain, despite the claims that the third storey will be visible. As discussed above, the "third level" (i.e. lower ground) is below the level of the street, and will not be highly visible given the proposed fencing and landscaping (once matured) along the southern boundary. Therefore, the presentation of the development as viewed from Sturt Road is consistent with (but lower than) the two (2) storey character of the area, which was also considered "fine" by the ARAP. In this regard, it is also noted that the feedback from the ARAP was that *"the building has been kept low scale in appearance and will fit well into the streetscape. Generally its aesthetics have been well considered."*

The proposed height of this elevation to Sturt Road has also been reduced by 600mm to assist in reducing its bulk as well as improving the views obtained from the properties to the south of the site. Given the functional needs of the seniors facility it is not efficient or practical to provide a physical break between the buildings, particularly given the constraints of the site which limit layout of the development. To assist in reducing the perceived bulk of the building, the design has incorporated articulation along this elevation to present proportions that are reminiscent of individual dwellings. The proposal has amended the materials along this façade to provide further visual relief of this elevation to showcase the articulation points.

Further, as originally designed, glazed elements are proposed to allow light and views through the building mimicking the rhythm of dwelling houses. It is important to note that the width of these glazed elements, between 3.3m and 7m, is greater than combined boundary setbacks of two dwelling houses should they be otherwise constructed on the site. In addition, the western end of the Sturt Road level has been modified to reduce the number of beds and to increase the setback to No 41 Sturt Road to between 6.2m and 10m. This assists in reducing the length of the built form along Sturt Road, as well as improve views between the development and 41 Sturt Road.

As such, it is considered that the proposal is compatible within its context and is in harmony with the streetscape.

## 2. Development Standards-Seniors Housing SEPP

### 2.1 Building Height

In preparing this DA it was important to protect the views (wherever reasonable) of the properties on the southern side of Sturt Road. Concern was raised in relation to the view analysis that was prepared by Architectural Images and submitted with the original DA. The view analysis that was prepared had to be undertaken using a drone, as opposed to photos from the properties themselves as we were not provided access by the residents. We would like to thank Council for providing the photos that they took from these affected properties. Upon receipt of these photos it is evident that the view analysis submitted was not accurate in terms of representing existing views from properties on the southern side of Sturt Road, and



for this we sincerely apologise. Had we known that these were not accurate, we would not have relied upon these for the original proposal.

Given the impact that the original design has on the views from these properties, the proposal has been amended to ensure a more acceptable outcome is achieved. The development has been amended as follows:

- The overall height of Level 3 of the building fronting Sturt Road has been reduced by 600mm; and
- The western end of the level 3 has incorporated an increased setback further from the western boundary to reduce the floor plate and length along this elevation. The setback to this boundary is now between 6.2m and 10m to the shared boundary of 41 Sturt Road, which is well in excess of a compliant dwelling under Council's controls.

The impact on the views from the photos provided by Council for the properties 12, 14 and 20 Sturt Road are indicatively shown in **Figures 2 to 4** as prepared by MDP Architects. To prepare these images, an additional survey has been undertaken of the properties on the southern side of Sturt Road (see **Annexure 1**).



Figure 2: Standing view impact of the amended proposal from the balcony of 12 Sturt Road (Source: SSC)



Figure 3: Standing view impact of the amended proposal from the balcony of 14 Sturt Road (Source: SSC)



Figure 4: Standing view impact of the amended proposal from the balcony of 20 Sturt Road (Source: SSC)

The properties that are most affected from the development in terms of views are 12, 14, 18, 20, 30, and 41 Sturt Road.

In considering the impact of the development on views, an assessment against the Planning Principles established by *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* is provided below:

- *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Each property (with the exception of 41 Sturt Rd) has partial views of the water (Woolloomare Bay), as well as district views that includes the city skyline of the Sydney Central Business District (CBD). Views of Woolloomare Bay are more important views than the district views from these properties. These views are partially obstructed by the vegetation and development to the north of these properties.

As demonstrated in the images originally submitted with the DA, 41 Sturt Road has partial views towards the golf course as well as some surrounding vegetation. These views are partially obstructed by the existing buildings on the land to the north and north east.

- *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from the subject properties are from the balconies of 12, 14, 20, 24, 30, and 41 Sturt Road, and from a habitable room for 18 Sturt Road. All views are obtained from the front of the property looking north. The photos that Council provided, as demonstrated in **Figures 2 to 4** (for 12, 14 and 20 Sturt Road) are all taken from a standing position.

- *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

As demonstrated in the above images, the most adversely affected property by the development in terms of views is 20 Sturt Road given it has the lowest balcony at RL 16.9AHD. The impact to this property is considered to be significant as the view of the water will be mostly removed, with the exception of views through the glazed areas of the building and a small 'slither' over the roof. However, it will still retain district views as well as views of the Sydney CBD.

The remaining properties that currently have views looking north from their second levels on the southern side of Sturt Road (i.e. 12, 14, 18, 24 and 30 Sturt Road) retain the majority of the significant views (i.e. water) as well as the district views and the Sydney CBD.

41 Sturt Road will have their views partially obstructed, however, it is anticipated that it will retain some views of the golf course and surrounding vegetation.

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

It is important to understand that the portion of the building responsible for the loss of view is that at the highest point of the site, being the southernmost side of the Norfolk and Pines Building towards Sturt Road. In this respect, this area of the upper level of these buildings are notably below the height standard contained under the Seniors SEPP as well as the Sutherland Local Environmental Plan (SLEP) by up to 1.5m and 1.8m respectively. As such, the views that are compromised are from portions of the development that comply with the height standard. It is appreciated that there are other areas of the building that exceed the 'standards that cannot be used to refuse consent' under clause 48 of the Seniors SEPP in terms of height. However, at these points there is no impact as a consequence of the breach; the breach of the 8m height standard is due to the fall in land level, and not an increase in height of the built form. In fact, the roof of the Pines/Norfolk building slopes down away from Sturt Road and does not have any impact on the loss of these views.

With regard to the above, it is evident that the amended proposal has responded to the retention of views where possible. Whilst it is accepted, as suggested by Council, that a physical break in the building and/or level 3 may assist in providing additional 'slithers' of views towards the north, this is not possible in the circumstances given the functional requirements of the seniors facility. In this respect, and as originally proposed, the upper Level has incorporated glazed elements that will allow for views through the building at this level to mimic a built form of dwelling houses should they otherwise be constructed, noting that these glazed areas are greater in width than that of a complying building envelope. With regard to setbacks from the boundary. As such, it is considered that the impact to views are reasonable given the impact of views are from a portion of the building that is below the height standard, and the design of the building has altered to maximise the views from these properties. The proposal is consistent with the principles established in *Tenacity*, and provides an acceptable outcome.

Given the amendments made to the building, a revised clause 4.6 variation report has been prepared in relation to breach of the standard under Clause 40(4)(a) of the Seniors SEPP (**Annexure 5**).

In regard to the height of the Links building towards the northern boundary, Council raised concern in relation to the overall bulk and scale of this portion of the development and its compliance with the one storey standard in the rear 25% of the site. As discussed in the clause 4.6 variation submitted with the DA, this boundary would typically be classified as a side boundary given the existing arrangement of allotments and their orientation. Further, it is noted that the Council have chosen to nominate Locksley Street as a 'primary frontage', which further points to this boundary is a side boundary. Nevertheless, the existing facility when it was originally determined was considered on the basis that this boundary was a 'rear' boundary, and for consistency and completeness we lodged a 'without prejudice' clause 4.6.

The underlying purpose of the development standard is to "*ensure a compatible bulk and mass to protect amenity of adjoining properties sharing a rear common boundary*". To this end, the



proposal does not share a rear common boundary with any residential property as it adjoins a golf course. The only area that the northern elevation will be visible is from the golf course, and besides the fact that it is used for recreational purposes, this elevation is screened from the existing vegetation on the golf course, as well as the proposed landscaping; therefore, will not be highly visible (see **Figure 5**).



Figure 5: Views from the golf course looking north towards the site demonstrating the elevation to the northern boundary is screened by existing vegetation (Source: MDP)

In addition to the above, by virtue of the fact that Council have approved a building that already exceeds the height standards of the Seniors SEPP, the standard has arguably been abandoned by Council for this particular site in this location. As such, it is considered that the proposed height of the Links Building is suitable without any adverse impacts, and it is unreasonable and unnecessary to for compliance to achieved under this DA.

## 2.2 Density

Concern was raised in relation to the density of the development, and particularly the calculation of the gross floor area (GFA) of the development. In this respect, it is noted that the definition for GFA under the *State Environmental Planning Policy Housing for Seniors or People with a Disability* 2004 (SEPP Seniors) is as follows:

*"gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level):*

*(a) excluding columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and*

(b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and

(c) excluding car parking needed to meet any requirements of this Policy or the council of the local government area concerned and any internal access to such parking, and

(d) including in the case of in-fill self-care housing any car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level, and

(e) excluding space for the loading and unloading of goods, and

(f) in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility."

MDP have calculated the revised GFA of the development to be 8,536m<sup>2</sup>, in accordance with the abovementioned definition. This equates to an FSR of 1.1:1 and represents a reduction of 171m<sup>2</sup> of GFA from the original proposal.

Whilst the letter alludes to a different interpretation of the above definition, stating that there is in excess of 2,000m<sup>2</sup> above the abovementioned standard, it is unclear where this figure comes from. It is assumed that it is largely attributed to the portions of the building located below ground level that are provided as "services" of the building. As per the original DA, it is MDP's interpretation that these areas fall within the "servicing activities" of the development and are rightfully excluded.

Notwithstanding the above, it is important to note that the standards under clause 48 of the Seniors SEPP are not development standards, rather they are standards that cannot be used to refuse consent. So whilst the standard has been exceeded, it should not be seen as a maximum requirement rather it requires a merit based assessment of the suitability of the development with regard given to its relative impacts as a consequence of the additional floor space.

The revised plans have reduced the GFA of the building by 171m<sup>2</sup> from a result of the following amendments:

- Reduction/loss of five (5) beds;
- Increased setbacks to Locksley Street; and
- Increasing the western boundary setback to 41 Sturt Road on Level 3;

It is these areas of the building which have the potential to cause impacts, and these amendments assist in ameliorating these impacts. Additional landscaping proposed on the site, around the site edges to Locksley Street and Sturt Road, also contribute to providing a visually compatible building within the street. Overall, it is considered that the density of the development proposed is appropriate for the site and has no adverse impacts, and the revised development will assist in alleviating Council's and the ARAP's concerns.

### **2.3 Landscaped Area**

Concern was raised by Council regarding the provision of landscaping on the site. Similar to above, the landscaped area control is not a development standard, rather it is a standard that cannot be used to refuse consent. A clause 4.6 variation is not required if the development is greater than this standard (despite Council's request), and a merit based assessment is required to ascertain the suitability of the overall provision of landscaping.

In this regard, the amended plans have increased the area of landscaping on the site to 3,152m<sup>2</sup>. This equates to an increase of 62m<sup>2</sup> from the original proposal. As per the original application, the development has also included significant balconies/decks to be used by the residents of the building as additional outdoor space. With this additional outdoor space (i.e. 424m<sup>2</sup>) represents an overall provision of 19.2m<sup>2</sup>/bed of landscaped/outdoor area. Whilst this is below the minimum area specified under the Seniors SEPP, it is considered suitable for the proposed development. In this respect, the landscaping proposed has been carefully designed by Amber Road, who have selected a variety of species and treatments to create unique and high quality outdoor spaces for their intended use. It is important to understand that given the nature of the development, the use of these spaces are not intended to be for extended periods of time given that the elderly residents, with an average age of 88 years, typically sit inside and enjoy views out to the outdoor spaces. Given this, the development has been specifically designed to enhance the internal communal areas as well as the outdoor balconies/decks so that they provide a high level of amenity to the residents of the building. These areas have been designed to maximise their views towards the landscaped areas as well as the golf course, which further contributes to the 'sense' of being outdoors.

### 3. Setbacks

Concern was raised regarding the proposed setback to Locksley Street. It is noted that the DCP requires a dwelling house to be setback from a 'street' by 7.5m or the prevailing setback. In this respect, the original development proposed a setback to Locksley Street that is consistent with the prevailing setback of the 41 Sturt Road, being the only other dwelling within Locksley Street that shares the same street boundary. The original design satisfied the setback controls under Council's DCP.

Notwithstanding the above, the proposal has provided an increased setback to Locksley Street of between 6.6m and 8.4m. This has allowed for additional landscaping along this frontage, and assists in reducing the perceived bulk of the building away from Sturt Road. In addition, the elevations fronting Locksley Street have also been amended to include additional windows to provide an improved relationship and presentation to this street.

Overall, it is considered that the setbacks now proposed are more than suitable within this street, and do not result in any adverse impacts to the surrounding area.

### 4. Amenity

Concern was raised regarding the location of the bedrooms 62 and 68, and the amenity that they will receive given their location below street level. It is accepted that these particular bedrooms will not receive the same degree of sunlight as bedrooms that face north on the upper levels, however, it is considered that they will receive acceptable amenity for the future occupants. Of importance to their amenity is the carefully considered landscaping that is proposed to the south of the rooms which will further contribute to the experience of these rooms. This landscaping has been specifically designed to provide a pleasant outlook from these rooms by providing a view up towards the foot path and the street whilst maintaining natural light to these rooms. It is also important to understand that the residents of the building will not spend as much time in the bedrooms compared to a usual residential development. The users will spend a lot of time within common areas of the building, including lounge areas and outdoor settings (decks and courtyards). In this regard, a lot of emphasis has been placed on providing very high levels of amenity to these common areas in the building so that receive great outlook and natural light.

Concerns were raised regarding an elevated terrace and impacts to adjoining land at 49 Sturt Road. Given that 49 Sturt is not within proximity to the site, it is assumed that the property that was meant to be referenced is 29 Sturt Road. It is also assumed that the "elevated terrace" relates to the deck on the third floor of the Pines Building. Whilst it is considered that there is suitable distance between this deck and the adjoining property at 29 Sturt Road of approximately 27m, the amended plans have included a fixed screen along the western edge of the deck which will prevent any opportunity of overlooking to this property, as well reducing the noise from the use of this deck.

#### 5. Architectural Review Advisory Panel (ARAP)

The original DA was subject to review by the ARAP on 29 September 2016. It is considered that the revised proposal has addressed the majority of the issues raised within the meeting.

#### 6. Site Planning

Concern was raised with regard to the internal layout of the development in terms of its functionality. In this respect it is to be noted that the constraints of the site (i.e. sloping land and easement) play a crucial role in the final layout and planning of the development. Further, as the proposal represents an expansion of the existing facility, it also plays an important role in shaping the logical and practical expansion of this facility. It is also important to understand that the internal layout and configuration of seniors facilities may vary depending on the requirements of the aged care provider. That is, there is not 'one size fits all' typology, and each provider may have different internal configuration requirements based on their occupants needs.

The internal layout of the development has been carefully considered to ensure that it is functional to both the residents as well as the staff. The layout of the development does not compromise the overall functionality of the building, nor will it result in a disruptive environment to the residents. The location of rooms 54 and 55 are not considered to be isolated, particularly given the communal area where the residents meet and undertake activities is in close proximity to these rooms.

Pathways are a highly regarded and awarded aged care provider whose high level facilities are sought after by residents. It is their expertise, experience and understanding of such care facilities which has resulted in their current design.

#### 7. Landscape Concept

A revised landscape scheme has been prepared by Amber Road and is provided at **Annexure 2**. The revised scheme has incorporated the following amendments:

- Additional landscaping within the increased setback area to Locksley Street;
- Additional plantings at street level adjacent to the shared boundary to 41 Sturt Road;
- Revised landscaping to the Sturt Road frontage including:
  - additional plantings at street level,
  - fencing has been setback from the boundary to accommodate plantings in front;
  - introduction of additional species as recommended by the ARAP.



## 8. Engineering

The basement has been amended to ensure that the proposal can comply with AS2890.2. Please refer to the revised Traffic Statement prepared by McLaren Traffic Engineering and Road Safety Consultants at **Annexure 3**.

Refer to the Civil Plans at **Annexure 4** prepared by at&I which details the properties alignment levels for the site and the revised access to the site from Locksley Street.

## 9. Environmental Matters

Please be advised that this report is currently being revised by Environmental Investigation Services. However, due to timing constraints this has yet to be finalised. This will be provided to Council as soon as possible within two (2) weeks of this letter.

## RESPONSE TO SUBMISSIONS

The original DA was notified to the public, and a number of submissions have been submitted. We have reviewed the submissions, and consider that the majority of the issues raised have otherwise been addressed previously in this letter or within the originally submitted documentation with the DA. A summary of the issues that were commonly raised are discussed below:

### Traffic Impacts

A number of submissions raised concerns regarding the local traffic impacts that may arise as a consequence of the proposed development, including the impact during the construction phase of the development.

In terms of the proposed parking spaces required for the development and the traffic generated, the proposal exceeds the minimum parking requirements of the Seniors SEPP to accommodate the needs of the development. In this regard, the SEPP requires a minimum of 33 spaces for the entire facility as amended, and the proposal facility will contain 36 spaces and Council cannot refuse consent on this basis. In addition to this, the applicant has undertaken a survey of a similar sized seniors development that they operate which is located at 170 Sailors Bay Road, Northbridge, to ascertain if the parking provided catered for the parking demand of the development. The results of this survey, which was undertaken by Traffix (this month), is provided at **Annexure 6**, and confirms that the traffic generation of that development operates at the lower end of the range anticipated by the 'RMS Guide to Traffic Generating Developments'. This assists in confirming that the RMS traffic generation rates are reflective of the actual demand generated by this type of development, which were also relied upon by McLaren Engineers for the original application. Accordingly, there is no reason why the results and conclusion made by McLaren Engineers cannot be relied upon.

In terms of traffic impacts associated with the construction of the proposed development, these would be mitigated through an appropriate Construction and Traffic Management Plan (CTMP) which could be prepared prior to construction. To assist with ameliorating localised traffic changes during the construction phase, construction staff could utilise some of the existing parking provided on the site. Given the Traffix assessment above, it is likely that the existing basement will have spare capacity to accommodate this. It is anticipated that any consent would require the preparation of a suitable CTMP to ensure that there are no adverse impacts to the local traffic and parking conditions.

## Views

There were various submissions that raised concerns relating to the impacts of their views to the north. As previously discussed under **Section 2.1**, the portion of the development that affects the views of properties on the southern side of Sturt Road is compliant with the height standard under the Seniors SEPP. Design solutions have been included in the amended proposal that have assisted in maintaining some views to the north of the site. Overall, the view impacts are considered acceptable with regard to the Planning Principles as established under *Tenacity*.

## Character of the Area

There were various concerns raised that considered that the proposal was 'out of character' with the surrounding area. As previously discussed under Section 1 of this letter, the proposal is considered to be compatible and in harmony with the character of the area.

## Privacy

There were various concerns raised regarding privacy impacts to the properties on the southern side of Sturt Road. In this regard, it is considered that there is suitable separation between the properties (i.e. approximately 34m) that prevents any adverse privacy impacts.

## SUMMARY OF CHANGES TO THE DEVELOPMENT

As a result of the changes made to the plans, a summary of some of the various changes to the development statistics is provided below in **Table 1**.

**Table 1: Development Statistics**

Element	Original DA	Amended DA	Comment
<b>Total Beds</b>	103 additional beds (includes 15 dementia beds), with a total of 191 beds within the overall facility	98 additional beds (includes 13 dementia beds), with a total of 186 beds within the overall facility	Reduction of 5 beds within the overall development.
<b>Parking Spaces</b>	An additional 16 car parking spaces, with an overall total of 36 spaces in the facility comprising: <ul style="list-style-type: none"> <li>26 staff spaces;</li> <li>9 Visitor spaces</li> <li>2 disabled spaces;</li> <li>1 ambulance bay</li> </ul>	An additional 16 car parking spaces, with an overall total of 36 spaces in the facility comprising: <ul style="list-style-type: none"> <li>26 staff spaces;</li> <li>9 Visitor spaces</li> <li>2 disabled spaces;</li> <li>1 ambulance bay</li> </ul>	No change to the overall provision of parking spaces. However, the parking areas have been reconfigured in response to Council's comments.
<b>Gross Floor Area</b>	An additional 4,419m <sup>2</sup> , with a combined total of	An additional 4,248m <sup>2</sup> , with a combined total of	A reduction of 171m <sup>2</sup> of GFA.

	8,707m <sup>2</sup> for the overall facility.	8,536m <sup>2</sup> for the overall facility.	
<b>FSR</b>	1.14:1	1.12:1	A reduction of 0.02:1 of FSR.
<b>Maximum Height (underside of upper ceiling)</b>	10.256m (Maximum height is at bedroom 26 of the Norfolk Building)	10.256m (Maximum height is at bedroom 26 of the Norfolk Building)	The maximum height of the building has not changed. However, the height of Level 3 of the Pines/Norfolk building has reduced by 600mm to improve the views from the southern side of Sturt Road.
<b>Landscaped Area</b>	An additional 1,323m <sup>2</sup> , with a combined total of 3,090m <sup>2</sup>  This equates to 16.2m <sup>2</sup> /bed	An additional 1,385m <sup>2</sup> , with a combined total of 3,152m <sup>2</sup> .  This equates to 16.9m <sup>2</sup> /bed.	The amended proposal has increased the provision of landscaped area by 62m <sup>2</sup> of landscaping, and also increased the overall provision per bed to 0.7m <sup>2</sup> /bed.

The proposed changes to the proposal do not result in any adverse impacts to the surrounding locality, and do not change our previous conclusion in the original submitted SEE and reports prepared by CPSD.

We trust that the above information addresses the matters raised by Council, and is sufficient to finalise the assessment of the DA.

Yours Sincerely,



**Susan E Francis**  
EXECUTIVE DIRECTOR

## ANNEXURE 1

Amended Architectural Plans and View Analysis prepared by Morris Design Partnership

Survey prepared by Project Surveyors









[illegible]

**LEGEND - PLAN**

	WATER RESERVE (177000000)
	WATER RESERVE (177000000)
	DEMOLITION
	WATER RESERVE
	LANDSCAPE AREA
	WATER RESERVE (177000000)
	WATER RESERVE (177000000)

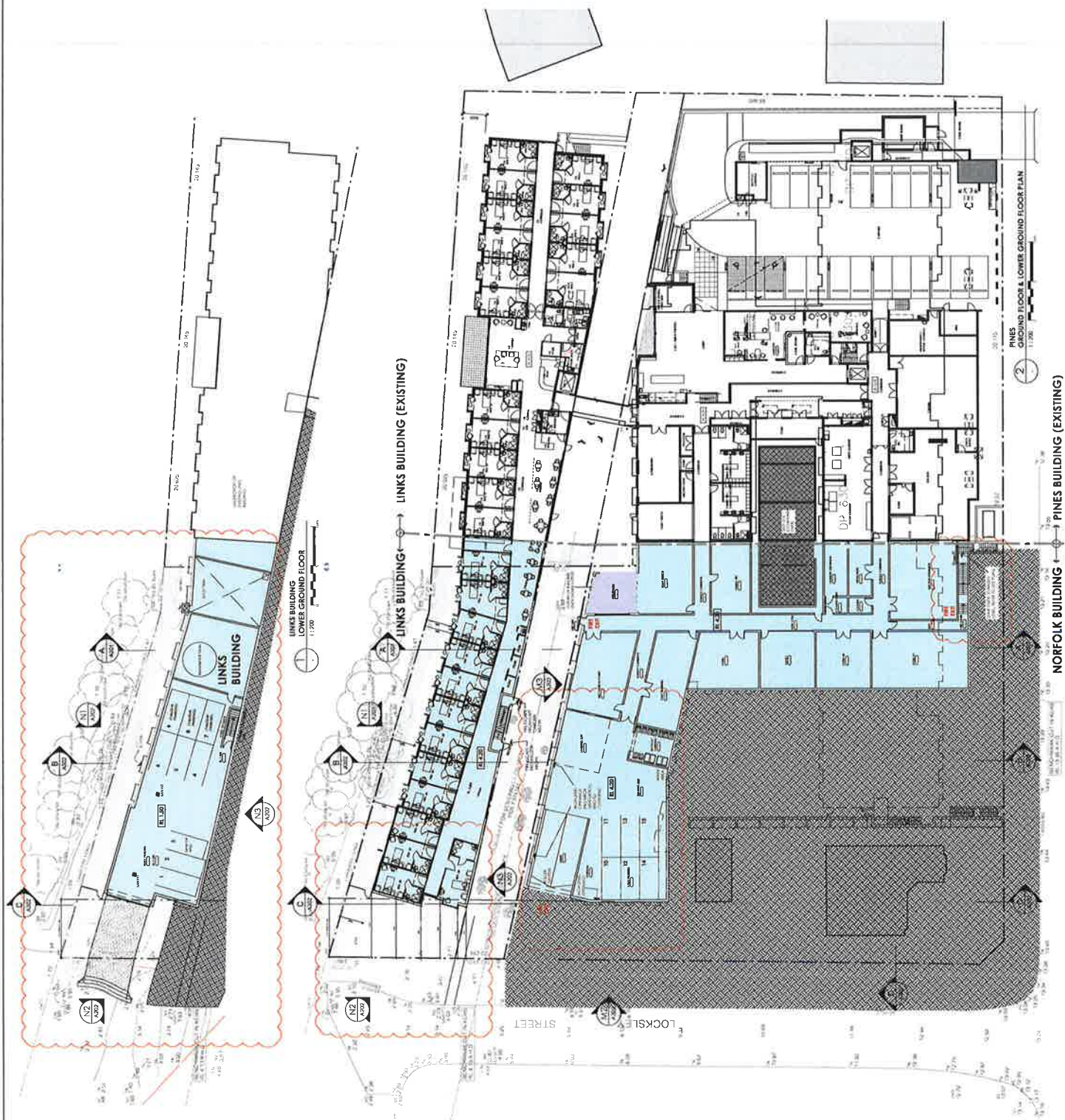
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**CRONULLA PINES**  
**AGED CARE FACILITY**  
31-35 Siml Road Cronulla NSW 2230

WORKING

PROJECT NO.	DATE	REVISION NO.	05	Morrison Design Partnership
2894	11/11/00	A051		



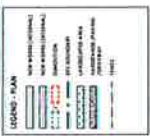
NORFOLK BUILDING ↔ PINES BUILDING (EXISTING)



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LINKS BUILDING FIRST FLOOR  
PLAN & PINES BUILDING FIRST  
FLOOR PLAN

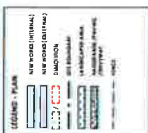
04  
A052

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PINES BUILDING  
SECOND FLOOR PLAN

PROJECT NO. <b>2694</b>		01	A053
DATE <b>00/00/00</b>			



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SPINES BUILDING  
THIRD FLOOR PLAN

02

4-107

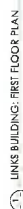
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OVER ALL SITE  
ROOF PLAN  
STURD RD. LEVEL

A055





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LINKS BUILDING  
FIRST FLOOR PLAN  
ROOF PLAN

2894	03	1000
A102		

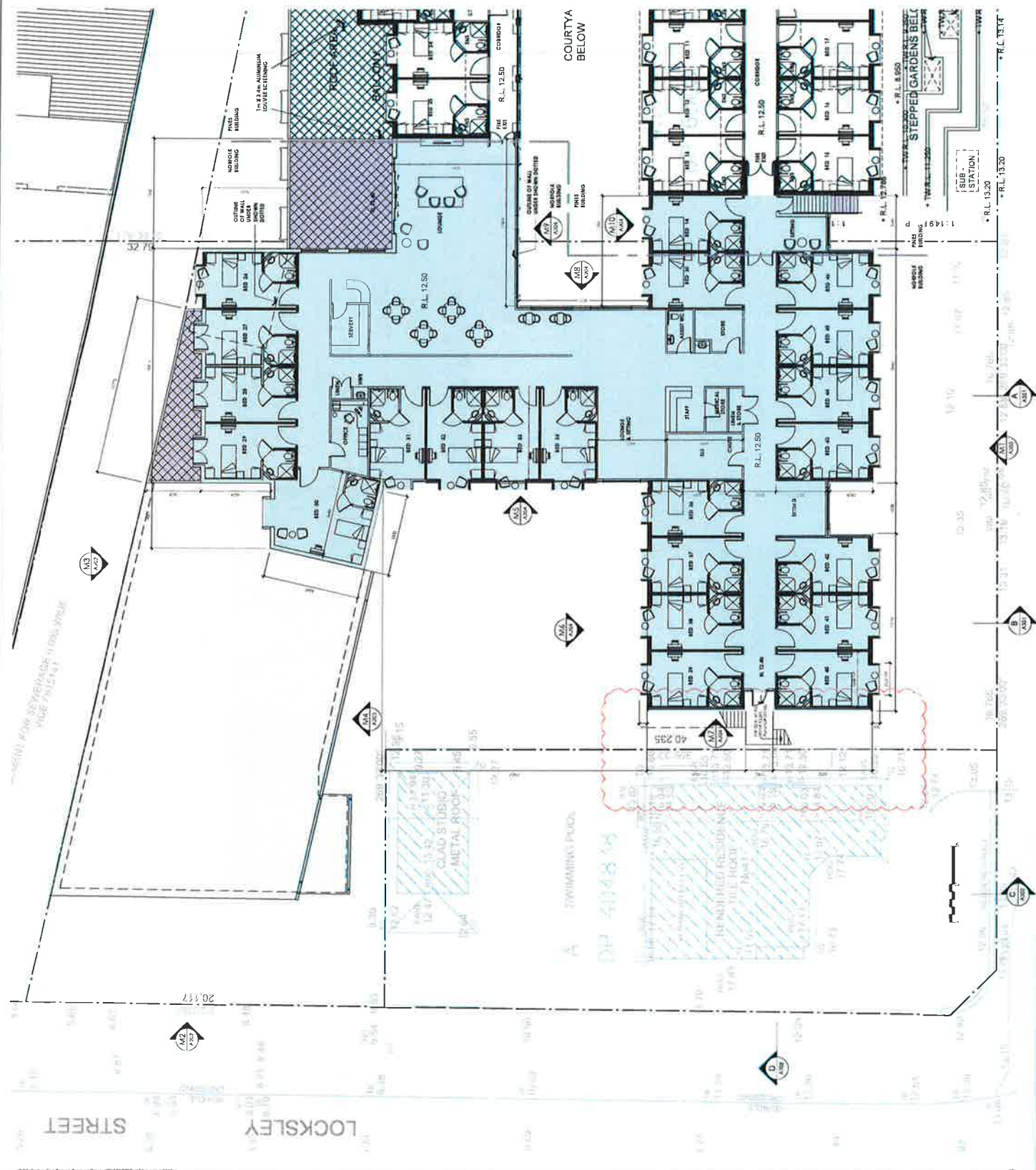


















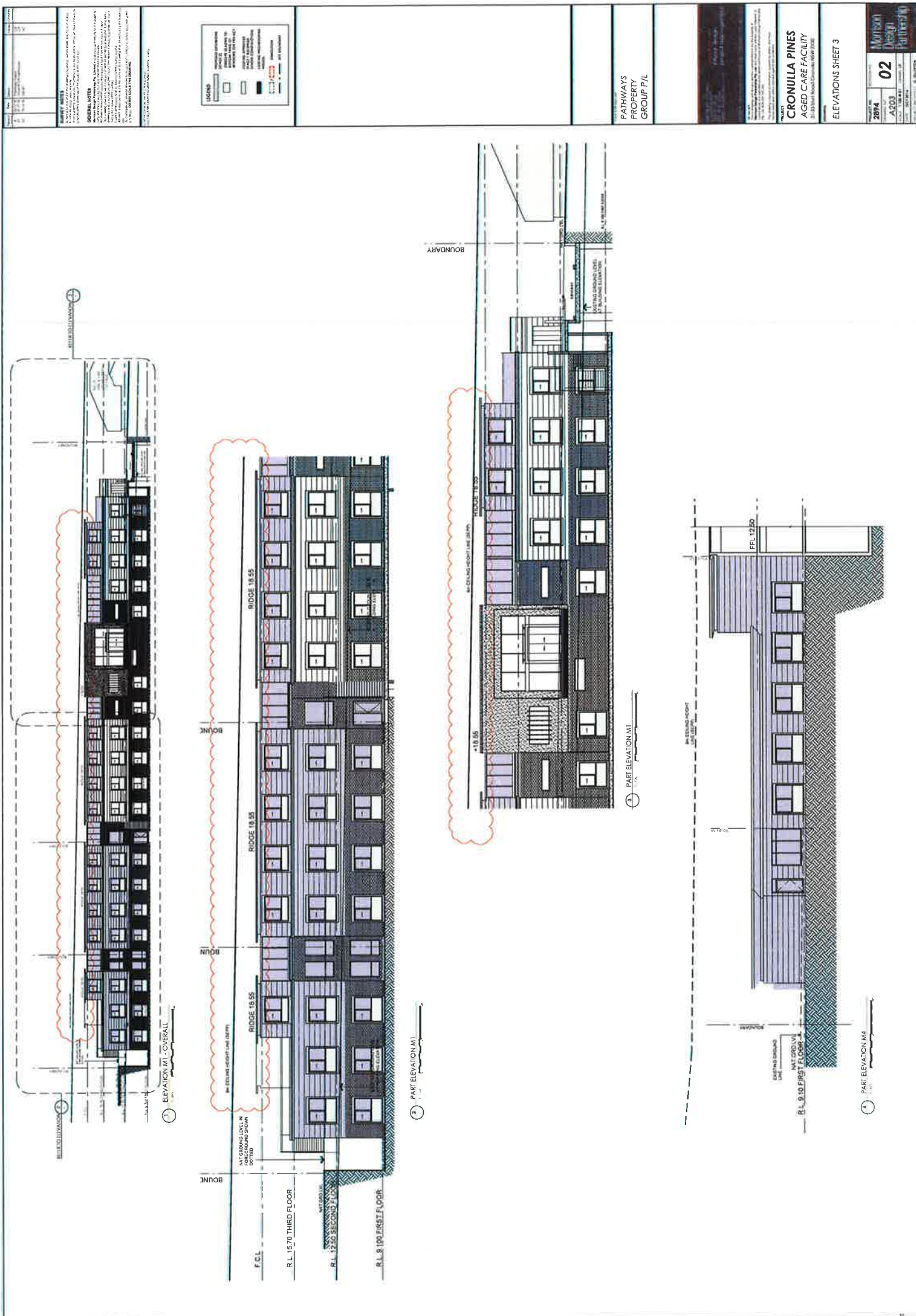




PROJECT NO.	2394	02	Morrison Design Partnership
DATE	A202		
BY	ALL	100	100
DATE	05/10/14		

















## ANNEXURE 2

Amended Landscape Plans prepared by Amber Road



## CRONULLA PINES STAGE 2 LANDSCAPE DOCUMENTATION

## DRAWING LIST

DRAWING NUMBER	DESCRIPTION
L00	DRAWING LIST, LEGEND, PLANTING SCHEDULES & GENERAL NOTES
L01	LANDSCAPE PLAN
L02	LANDSCAPE DETAILS

### LEGEND

## DEMOLITION

**EXISTING TREES TO BE REMOVED**  
[REFER ARBORIST'S REPORT FOR DETAILS]

- 1) *Syagrus tamaritiformis* (Cocos Is. Palm)
- 2) *Syagrus tamaritiformis* (Cocos Is. Palm)
- 3) *Archontophoenix alexandrinae* (Alexander Palm)
- 4) *Dracaena marginata* (Dracena)
- 5) *Dracaena recurvata* (Pencil Palm)
- 6) *Syagrus tamaritiformis* (Cocos Is. Palm)
- 7) *Muraya paniculata* (Muraya)
- 8) *Warringtonia laeta* (Collar Palm)
- 9) *Dracaena marginata* (Dracena)
- 10) *Allocasuarina torulosa* (Forest She-Oak)
- 11) *Streitza nicotia* (Giant Bird of Paradise)
- 12) *Streitza nicotia* (Giant Bird of Paradise)
- 13) *Streitza nicotia* (Giant Bird of Paradise)

**EXISTING TREES TO BE RETAINED**  
[REFER ARBORIST'S REPORT FOR DETAILS]

**PROPOSED FEATURE TREES**  
[REFER PLANTING SCHEDULE FOR DETAILS]

**PROPOSED SHRUBS AND ACCENT PLANTS**  
[REFER PLANTING SCHEDULE FOR DETAILS]

**MASS PLANTING AREAS**  
[REFER PLANTING SCHEDULE FOR DETAILS]

**HEDGE**

**TURF**

**LANDSCAPE ELEMENTS**

**PAVEMENT TYPE 1: CONCRETE FOOTPATH (AKA: COUNCIL FOOTPATH)**

**PAVEMENT TYPE 2: 400 X 400 X 40mm CONCRETE PAVES**

**PAVEMENT TYPE 3: SAWN STONE SANDSTONE FLAGGING 50mm THICKNESS WITH MAX 30mm WIDE JOINTS, FLUSH GROUTED**

**PAVEMENT TYPE 4: BLUESTONE STEPPERS 900 X 500mm STEPPERS 32" FLUSH IN-TURE OR GROUND/COVER PLANTING**

**PAVEMENT TYPE 5: 600 X 400 X 40mm CONCRETE PAVES**

**PAVEMENT TYPE 6: STONESET**

**PAVEMENT TYPE 7: DECOMPOSED GRANITE**

**PAVEMENT TYPE 8: CONCRETE DRIVEWAY CROSSINGS (TO ARCHITECT + ENGINEER'S DETAILS)**

**PAVEMENT TYPE 9: CONCRETE FOOTPATHS (PUBLIC DOMAIN)**

**PAVEMENT TYPE 10: EXPOSED AGGREGATE CONCRETE - DARK AGGREGATE**

**PAVEMENT TYPE 11: EXPOSED AGGREGATE CONCRETE - LIGHT AGGREGATE**

**PAVEMENT TYPE 12: BLUESTONE STEPPERS RANGING IN SIZE BETWEEN 400 X 400 - 900 X 500mm Laid WITH MAX 30mm JOINTS, FLUSH GROUTED**

**BENCH SEATING**

**FEATURE POIS & PLANTS**  
[REFER PLANTING SCHEDULE FOR DETAILS]

**STRUCTURES**

**FENCES**

**WALLS, FENCES AND SCREENS**

**FENCE TYPE 1: PICKET FENCE**

**FENCE TYPE 2: 2" O GOLF COURSE (CHAIN-LINK POWDERCOATED BLACK)**

**FENCE TYPE 3: 1100mm HIGH PAISADE FENCE (POWDERCOATED BLACK) TO LOCKSLEY STREET & STURT ROAD**

**FENCE TYPE 4: 1800mm HIGH HARRIPED & CLIMBED TIMBER FENCE**

**FENCE TYPE 5: 2000mm HIGH SECURITY FENCE**

**WALL TYPE 1: PROPOSED STONE CLAD MASONRY WALLS**

**WALL TYPE 2: MASONRY RETAINING WALLS**

**WALL TYPE 3: CORTEN STEEL RETAINING WALLS**

### PLANTING SCHEDULE

CODE / SYMBOL	LATIN NAME	COMMON NAME	MATURE SIZE (3)	PROPOSED POT SIZE	SPACING	CODE / SYMBOL	LATIN NAME	COMMON NAME	PROPOSED POT SIZE	SPACING	
TREES											
AC	Angophora costata	Sydney Red Gum	15 - 20 m	100L	As shown	HDG		<b>HEDGES / SCREENS</b>			
AP	Acacia palmata	Acacia Palmata	3 - 7m	100L	As shown			Acacia costata Umeight	Dwarf Wattle	300mm	1.0m centres
BF	Banksia integrifolia	Coastal Banksia	10-12m	100L	As shown			Cornus sp.	Native Puckaz	300mm	0.7m centres
BL	Banksia laevis	Old Man Banksia	12m	100L	As shown			Cordyline alluaudi	Swamp Lily	300mm	0.8m centres
CA	Casuarina acuticarpa	Sheoak	8m	100L	As shown			Crotonia 'Grey Star'	Heave Heave plant	300mm	0.8m centres
CG	Corymba gummifera	Blackwood	13m	100L	As shown			Gardenia magnifica	Gardenia	300mm	0.8m centres
LI	Lagerflorina indica	Crope Myrtle	4 - 6m	100L	As shown			Gardenia orientalis	Indoor Hawthorn	300mm	0.8m centres
MS	Myrsine laetevirens	Laucer Myrtle	6m	100L	As shown			Syngonium paniculatum	(Shrublet Cherry [dwarf])	300mm	1.0m centres
SE	Syngonium autotale 'Helelance'	Helelance	3m	75L	As shown			Westringia huiusce	Coastal Watermary	300mm	1.0m centres
WT	Walteria laevis	Water Fern	6m	100L	As shown						
WT	Walteria laevis	Water Fern	10m	100L	As shown						
NEW MASS PLANTING AREAS (SHRUBS, ACCENT + GROUND COVER, FERNS, GRASSES AND CLIMBING PLANTS)											
STREET FRONTAGE AND BOUNDARY PLANTINGS											
HDG	<b>HEDGES / SCREENS</b>					HDG		<b>ACCENTS</b>			
	Acacia costata Umeight	Dwarf Wattle	300mm	1.0m centres	Agave attenuata			Century Plant	300mm	0.8m centres	
	Banksia virgata (dwarf)	Dwarf Banksia	300mm	0.5m centres	Alpinia calcarata Redscar			Native Ginger	300mm	0.6m centres	
	Cornus species	Native Puckaz	300mm	0.7m centres	Alcornoque imperialis			Giant Boromelad	300mm	0.9m centres	
	Crataegus punctata	Wax Flower	300mm	0.8m centres	Atriplex canescens			NZ Rock Lily	300mm	0.5m centres	
	Syngonium paniculatum (dwarf)	Brown Cherry (dwarf)	300mm	1.0m centres	Cycas revoluta			Sago Palm	45L	0.8m centres	
	Westringia huiusce	Coastal Watermary	300mm	1.0m centres	Dryopteris caudata			Gymnocladia	45L	1.0m centres	
					Neoregelia sp.			Bromeliad	200mm	0.4m centres	
								HDG		<b>GROUNDCOVERS, GRASSES AND CLIMBERS</b>	
<b>ACCENTS</b>					Agave attenuata	Bugle Weed	150mm			0.4m centres	
Cycas revoluta	Sago Palm	45L	0.8m centres	Dichondra Silver Falls	Silver Dichondra	150mm	1.0m centres				
Cordyline alluaudi	Cordyline	45L	1.2m centres	Hippea sp.	Flame Tree	150mm	0.4m centres				
Croton paniculatum	Swamp Lily	300mm	0.8m centres	Lomandra time fl.	Lomandra cv.	150mm	0.5m centres				
Corymba gummifera	Gymnocladia	45L	1.0m centres	Lomandra lutea	Lomandra cv.	150mm	0.5m centres				
Heliconia glaberrima	Stream Lily	300mm	0.7m centres	Lomandra lutea	Lomandra cv.	150mm	0.5m centres				
Hymenocallis filiformis	Soliter Lily	300mm	0.4m centres	Ophiopogon japonicus	Wanda Grass	150mm	0.2m centres				
Premiera Bracteata	Dwarf NZ Box	300mm	0.6m centres	Tradescantia virginiana	Star Jasmine	300mm	0.8m centres				
HDG	<b>GROUNDCOVERS, FERNS, GRASSES AND CLIMBERS</b>					HDG		<b>POT PLANTS</b>			
	Blechnum Silver Lady	Water Fern	150mm	0.3m centres	Alcornoque imperialis			Giant Boromelad	75L	As shown	
	Brachycome multifida	Culcated Daisy	150mm	0.3m centres	Bomboa (clumping varieties)			Bomboa	75L	As shown	
	Dianella lutea	Flax Lily	150mm	0.3m centres	Cordyline species				75L	As shown	
	Dianella Silver Star	Mauve Flax Lily	150mm	0.3m centres	Cycas revoluta			Sago Palm	75L	As shown	
	Dicentra repens	Kidney Weed	150mm	0.3m centres	Magnolia liliifolia			Dwarf Magnolia	75L	As shown	
	Eranthis pinnatifida	Rasp Fern	150mm	0.3m centres	Miscanthus sinensis			Chinese Silver Grass	25L	As shown	
	Eranthis pinnatifida	Spiderflower	150mm	0.3m centres	Junonia luteocephala			Cardboard Plant	75L	As shown	
	Eranthis pinnatifida	No Wee Sassafras	150mm	0.3m centres							
	Lomandra lutea	Hill Rush	150mm	0.3m centres							
Lomandra longifolia	Spiky-headed Hill Rush	150mm	0.3m centres								
Saxifraga hypnoides	Native Bushbell	150mm	0.4m centres								
Thymus australis	Carpet Grass	150mm	0.5m centres								
Valeriana	Native Vole	150mm	0.4m centres								

### GENERAL NOTES:

### STRUCTURES:

ALL STRUCTURAL COMPONENTS INCLUDING SIZES OF MEMBERS, DETAILS OF FOOTINGS, FIXINGS AND CONSTRUCTION METHODS ARE TO BE REVIEWED AND SIGNED OFF BY THE STRUCTURAL ENGINEER.  
ALL RETAINING WALLS, MASONRY AND STEEL TO BE WATERPROOFED TO STRUCTURAL ENGINEER'S DETAIL.

**PAVEMENTS:**

- ALL PAVEMENTS TO BE SEALED AS RECOMMENDED BY SUPPLIER
- PAVEMENTS TO BE CUT AROUND COR-TEN STEEL PLANTERS LEAVING 10mm GAP FILLED WITH SAND TO ABSORB LEACHING FROM COR-TEN

**IRRIGATION:**

LANDSCAPE CONTRACTOR TO DESIGN, INSTALL AND TEST A FULLY AUTOMATIC IRRIGATION SYSTEM. PIPE TO RUN VIA EVERY COURSE OF PLANTING (ALL MASS PLANTING, PLANTERS, WALL MOUNTED PLANTERS AND INDIVIDUAL POTS). WATER TO BE EXPELLED THROUGH 1/2" DRIP LINE 2.6 gph WITH EMITTERS AT 300mm SPACINGS.

AN 8 STATION TORO/HUNTER OR EQUIVALENT COMPUTER TIMER WILL CONTROL THE SYSTEM. HARD WIRE ELECTRICAL WORK TO BE SUPPLIED AND INSTALLED BY A LICENSED ELECTRICIAN.

CONTRACTOR WILL ENSURE THAT NO DIRT ENTERS PIPES DURING CONSTRUCTION AND WILL MAINTAIN THROUGHOUT THE LANDSCAPE WORKS.

**DRAINAGE;**  
• DRAINAGE

- DRAINAGE TO BE INSTALLED BEHIND ALL RETAINING WALLS FOR STRUCTURAL AND HYDRAULIC ENGINEER'S DETAIL.
- REFER HYDRAULIC ENGINEER'S DRAWINGS FOR DRAINAGE TO ALL OTHER LANDSCAPE AREAS.

#### PREPARATION FOR TURF AND GARDEN BED AREAS :

CULTIVATE SUBGRADE IN ALL MASS PLANTING AND TURF AREAS TO 200mm DEPTH. INSTALL A MINIMUM OF 400mm OF IMPORTED TOPSOIL, RESULTING IN A MIN. 600mm DEPTH FRIABLE AND CULTIVATED PLANTING MEDIUM TO ALL PLANTING AREAS. 300mm MIN IMPORTED TOPSOIL TO BE PLACED IN ALL TURF AREAS.

**SOILS:**

- SOIL MIXES FOR TURF PLANTING AREAS AND PLANTERS TO BE APPROVED BY LANDSCAPE ARCHITECT.
- MASS PLANTING AREAS ON NATURAL GROUND: THE HILLS PREMIUM GARDEN MIX
- A HORIZON (TO 400mm DEPTH) IN PLANTERS AND/ OR FOR TREE PLANTING: THE HILLS PREMIUM GARDEN MIX
- B HORIZON (BELOW 400mm DEPTH) A HORIZON, IN PLANTERS AND/ OR FOR TREE PLANTING: THE HILLS PREMIUM B HORIZON MIX
- TURF: THE HILLS TURF UNDERLAY

**PLANTING:**

LANDSCAPE ARCHITECT TO SELECT AND SOURCE PLANT MATERIAL AND ARRANGE FOR PURCHASE AND DELIVERY. LANDSCAPE ARCHITECT TO SET OUT ALL PLANTS IN ASSISTANCE WITH LANDSCAPE CONTRACTOR. PLANTING AND MULCHING BY LANDSCAPE CONTRACTOR.

**POT PLACEMENT + PLANTING:**

LANDSCAPE ARCHITECT TO SPECIFY POIS AND PLANTS IN POTS, PRIOR TO LANDSCAPE CONTRACTOR PLANTING THEM.

**MULCH**

IN-STALL 75mm MINIMUM OF ANI COMPOSED HORT TO ALL GARDEN BED AREAS. MULCH TO BE PLACED SO TO BE CLEAR OF PLANT STEMS AND FOLIAGE AND RAKED SMOOTH TO FINISH 25mm BELOW SURROUNDING PAVEMENTS, EDGES AND RETAINING WALLS.

**ESTABLISHMENT PERIOD:**

ALL LANDSCAPE WORKS ARE TO BE MAINTAINED FOR A PERIOD OF FIFTY TWO (52) WEEKS AFTER ISSUING OF THE CERTIFICATE OF PRACTICAL COMPLETION.

APPENDIX 11 TO THE ESTABLISHMENT PERIOD. ALL PLANTS SHALL SHOW SIGNS OF HEALTHY AND VIGOROUS GROWTH. ESTABLISHMENT SHALL INCLUDE THE CARE OF THE WORKS ACCEPTED (HORIZONTAL), AS WELL AS RECTIFYING ANY DEFECTS IT MAY BECOME APPARENT IN THE WORKS UNDER NORMAL USE. IT IS TO BE LIMITED TO: BUT SHALL NOT BE LIMITED TO THE FOLLOWING ITEMS WHERE AND AS REQUIRED: WATERING, FERTILIZING, CULTIVATING, WEEDING, PEST AND DISEASE CONTROL, STAKING, REPLACEMENT OF PLANT MATERIALS, REPLANTING, PRUNING AND KEEPING THE SITE NEAT AND TIDY. ANY SOIL SUBSIDENCE OR EROSION WHICH MAY OCCUR AFTER THE SOIL FILLING AND PREPARATION OPERATIONS SHALL BE MADE GOOD. ALL MULCHED SURFACES SHALL BE KEPT IN A CLEAN AND TIDY CONDITION, AND BE REINSEATED OR TOPPED UP WHEN NECESSARY. ALL LANDSCAPE SURFACES TO BE KEPT FREE FROM DEBRIS.

FIRST FLOOR - RESIDENTIAL AREAS - RL 7.60  
GROUND FLOOR - RESIDENTIAL AREAS - RL 4.20  
LOWER GRD. FLOOR - STAFF PARKING - RL 1.50

THIRD FLOOR - RESIDENTIAL AREAS - RL 15.70  
SECOND FLOOR - RESIDENTIAL AREAS - RL 12.50  
FIRST FLOOR - RESIDENTIAL AREAS - RL 9.10  
LOWER GRD. FLOOR - BASEMENT LEVEL - RL 4.20

THIRD FLOOR - RESIDENTIAL AREAS - RL 15.70  
SECOND FLOOR - RESIDENTIAL AREAS - RL 12.50  
FIRST FLOOR - RESIDENTIAL AREAS - RL 9.10  
LOWER GRD. FLOOR - BASEMENT LEVEL - RL 4.20

**THE 1.3-CD**

01

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION  
PUBLISHED WEEKLY  
CHICAGO, ILL., MAY 11, 1938  
Vol. 55, No. 20

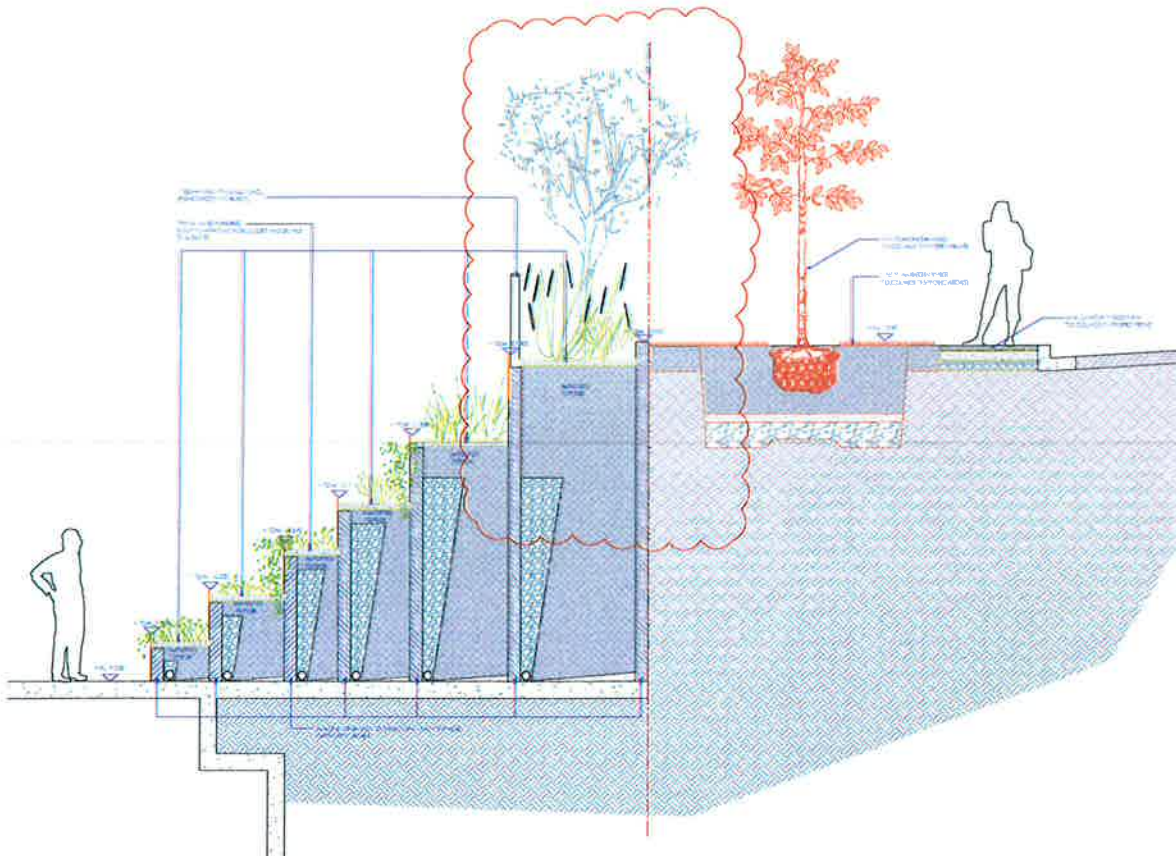
AMBER ROAD  
When Time is on Your Side

244W-37 108 N  
3M - KS 1600

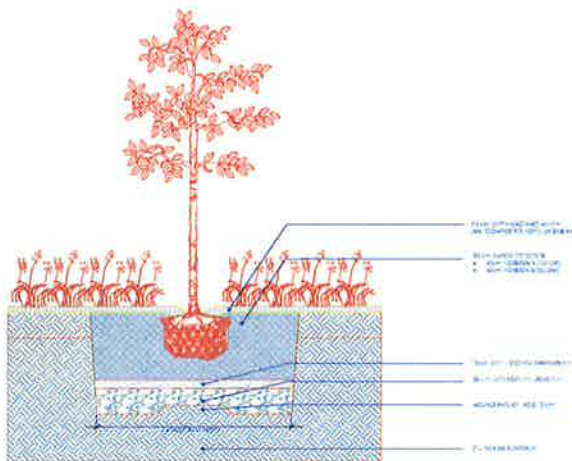


L01

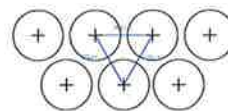




01 DETAIL SECTION/ELEVATION: RETAINING WALLS TO FRONT BOUNDARY (STURT ROAD)  
1:25 @ B1

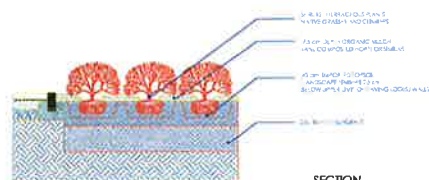


02 DETAIL: TYPICAL TREE IN MASS PLANTING DETAIL  
1:25 @ B1



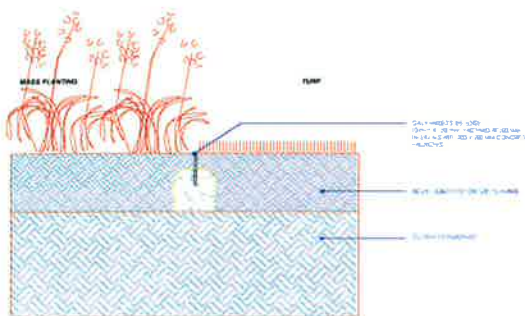
ON-SITE VARIATION  
ON-SITE VARIATION  
ON-SITE VARIATION

PLAN



SECTION

03 DETAIL: TYPICAL MASS PLANTING DETAIL  
1:25 @ B1



04 DETAIL: TYPICAL TURF PLANTING DETAIL  
1:25 @ B1

05 DETAIL: TYPICAL GARDEN BED EDGE/TURF/GARDEN BED  
1:10 @ B1





## ANNEXURE 3

Advice prepared by McLaren Traffic Engineering and Road Safety Consultants

## MCLAREN TRAFFIC ENGINEERING

Address: Shop 7, 720 Old Princes Highway Sutherland NSW 2232  
Postal: P.O Box 66 Sutherland NSW 1499

Telephone: +61 2 8355 2440

Fax: +61 2 9521 7199

Web: [www.mclarenttraffic.com.au](http://www.mclarenttraffic.com.au)

Email: [admin@mclarenttraffic.com.au](mailto:admin@mclarenttraffic.com.au)

Division of RAMTRANS Australia ABN: 45067491678

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

20th October 2016

Reference: 16049.02FB

Morrison Design Partnership  
Suite 302, 69 Christie Street  
St Leonards NSW 2065  
Attention: Vee Chin

### RESPONSE TO SUTHERLAND SHIRE COUNCIL IN REGARDS TO THE PROPOSED EXTENSIONS TO EXISTING RESIDENTIAL AGED CARE FACILITY AT 31-37 STURT ROAD, CRONULLA

Dear Vee,

Reference is made to Sutherland Shire Council's request for additional information contained in their letter dated 23<sup>rd</sup> September 2016. The relevant traffic and parking issues raised by Council are provided in **Annexure A** for reference. Modified plans, as a result of Council's feedback, are provided in **Annexure B** whilst updated swept paths are shown in **Annexure C**.

With respect to Council's letter, the undersigned provides the following responses in regards to Item 8 of Council's letter,

- i. Minimum headroom of 3.5m has been provided for the SRV loading and circulation areas.
- ii. Section 1 provided in **Annexure B** show compliant gradients for SRV access; that is a maximum grade of 15.4% with transitions of 8.3% are not exceeded.
- iii. Amended swept paths are provided in **Annexure C** for the revised parking and loading layout. The on-site manoeuvring facilitates forward entry and exit onto Locksley Street. It should be noted that the parking demand within Locksley Street is low and the probability of parked cars adjacent to the southern driveway is unlikely, however it would be beneficial that an 8.0m kerb length be signposted as "No Stopping" to ensure manoeuvring to and from the driveway can be achieved. The revised driveway location for the SRV is unlikely to result in headlight issues, as opposite the driveway is a retaining wall and vegetation, both of which will mitigate any concerns relating to headlights.
- iv. This is to be addressed by others.
- v. Detailed civil plans have been prepared by AT&L.
- vi. This is to be addressed by others.
- vii. This is to be addressed by others.

Please contact the undersigned should you require further information or assistance.

Yours faithfully

**McLaren Traffic Engineering**

Craig McLaren

Director

BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE [1985]

RMS Accredited Level 3 Road Safety Auditor

RMS Accredited Traffic Control Planner, Auditor & Certifier (Orange Card)



## ANNEXURE A: EXTRACT OF COUNCIL'S 23<sup>RD</sup> SEPTEMBER 2016 LETTER

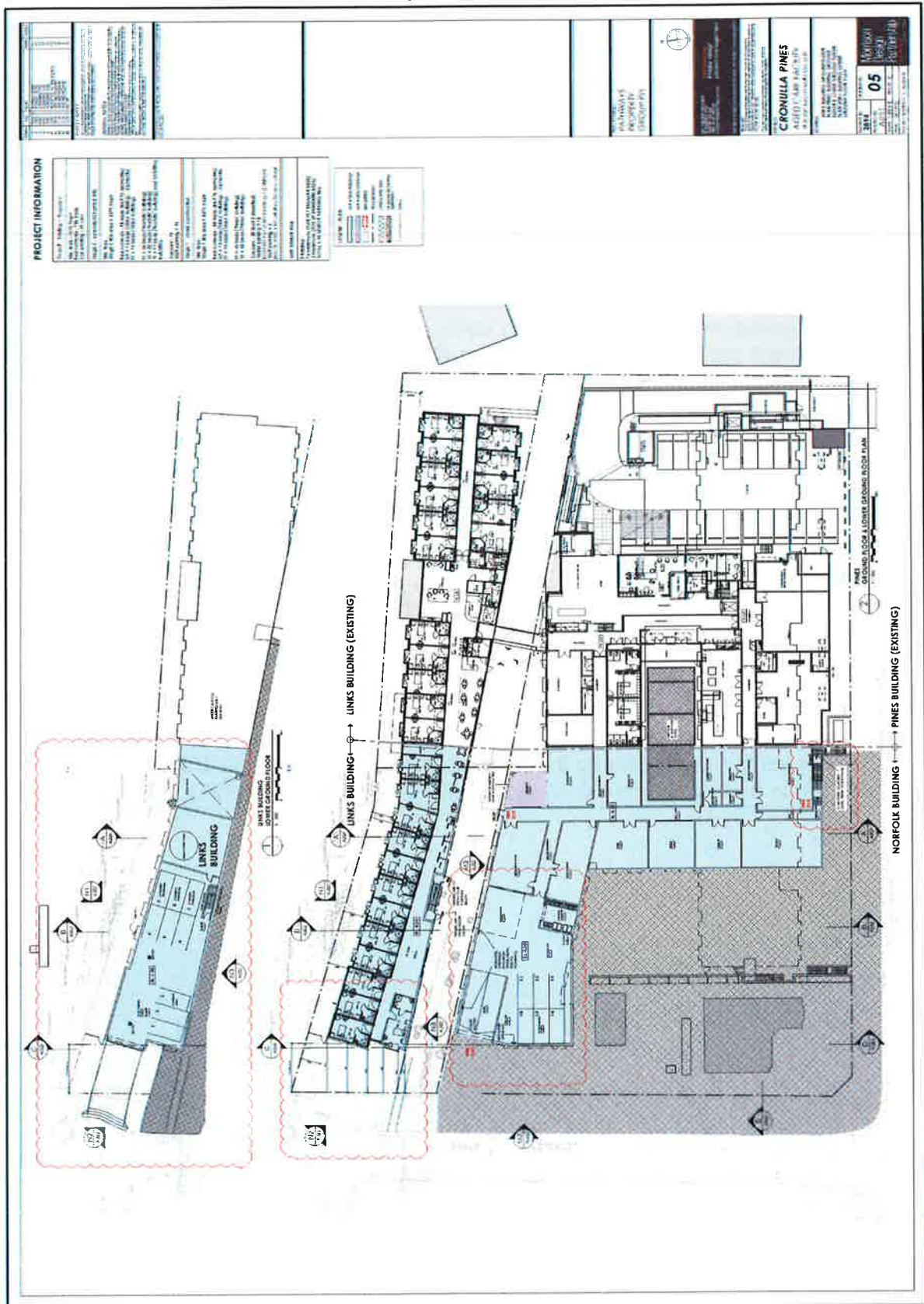
### 8. Engineering matters

Council's Engineer has reviewed the submitted documentation and has required additional information as follows:

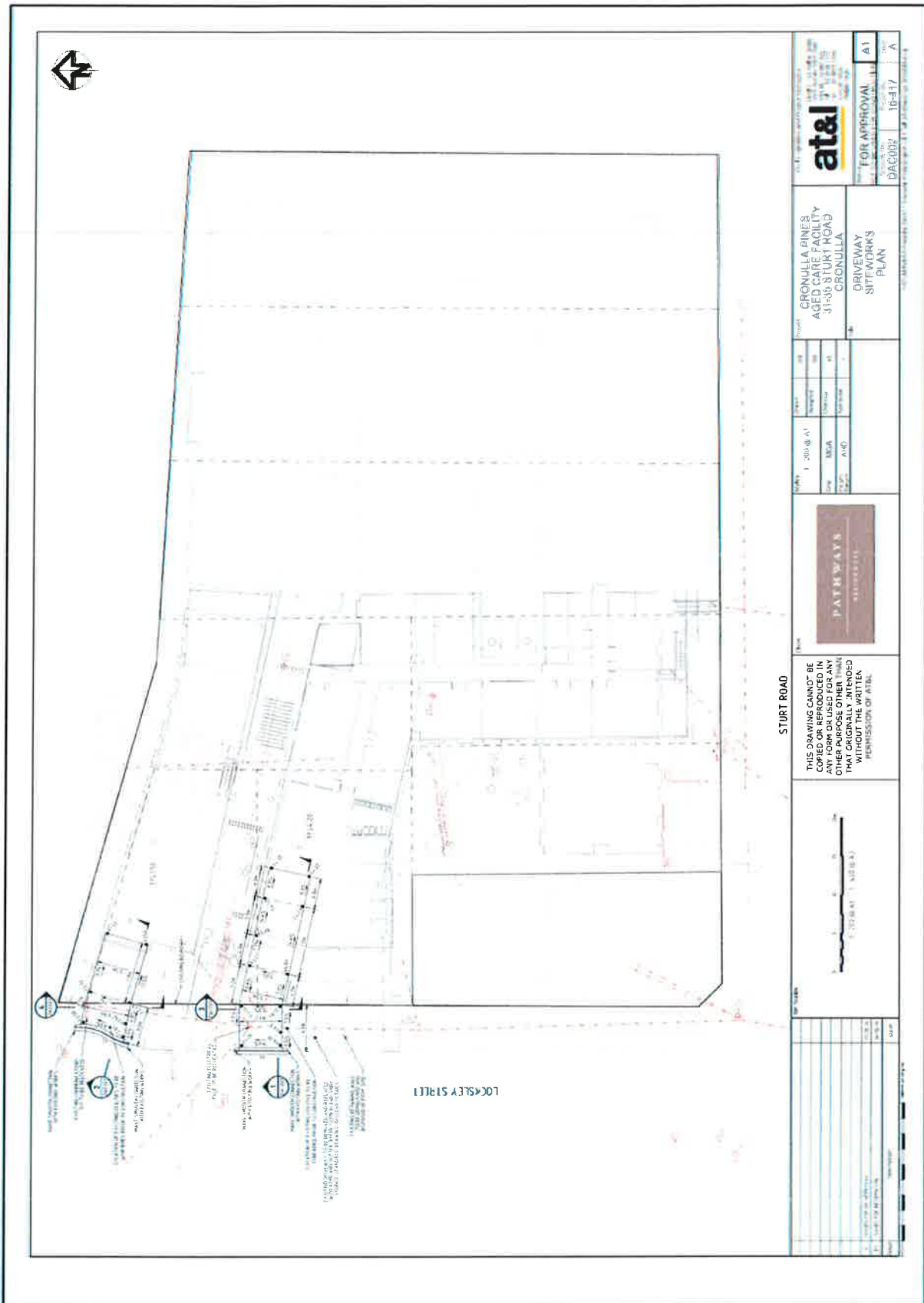
- i) The height of the basement door must be adjusted to achieve 3.5m to facilitate the proposed "SRV" entering / exiting the basement level in accordance with AS2980.2.
- ii) The driveway grade to the southern basement does not comply with AS2890.2 for an "SRV" to enter / exit the site in a forward direction. The applicant must obtain property alignment levels from Council to determine the FFL of the basement floor.
- iii) An amended traffic report must be submitted addressing the following:
  - The manoeuvring diagrams within traffic report must be updated to match the basement parking layout shown in the Architectural plans and the SRV must demonstrate forward entry / exit within the site using the proposed turning bay and without scraping the basement walls,
  - Demonstrate an "SRV" can enter/exit the driveway within Locksley Street when vehicles are parked adjacent and opposite the proposed crossing,
  - Detail the headlight treatment required for the properties opposite both driveway accesses within Locksley Street,
- iv) A single basement should be investigated and located on the northern side of the Sydney Water easement.
- v) A frontage design must be submitted to Council by a suitably qualified civil engineer detailing the driveway locations, driveway widths, long sections and cross sections of the driveways from Locksley Street. Council will not support any retaining walls, handrails, stairs or barriers within the Locksley Street verge.
- vi) No details have been provided on the orifice diameter. The applicants engineer must provide orifice details to be included onto the stormwater plans.
- vii) Carpark vents / louvres along the northern elevation of the Links Building are required to have a sill level at or above the PMF level of 2.1m AHD.



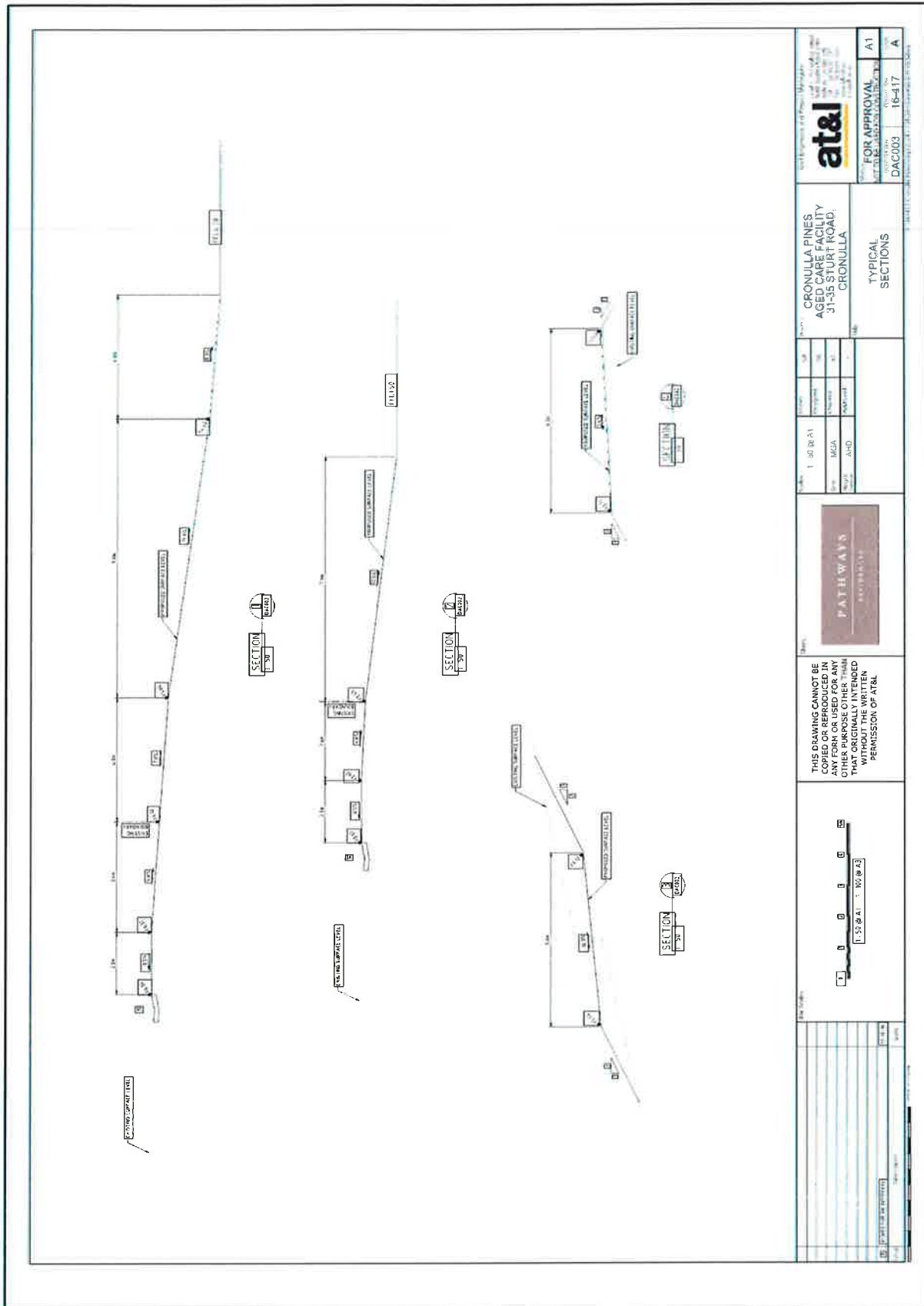
**ANNEXURE B: AMENDED LAYOUT**  
(Sheet 1 of 3)



**ANNEXURE B: AMENDED LAYOUT**  
**(Sheet 2 of 3)**

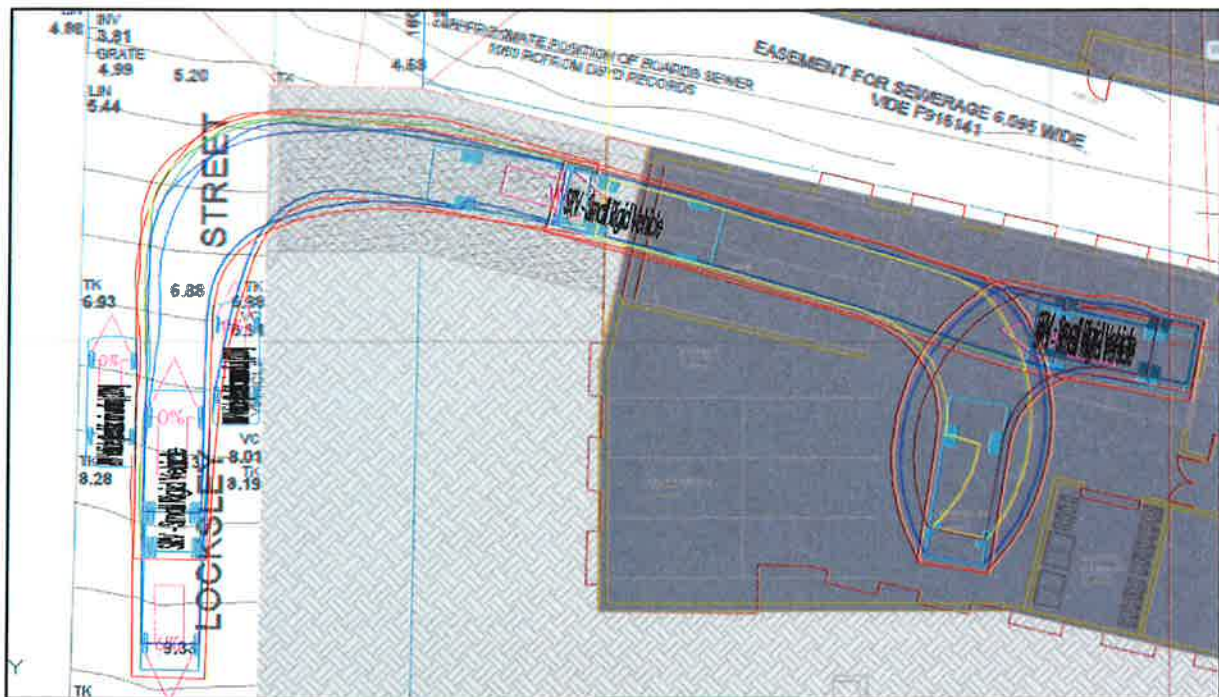


**ANNEXURE B: AMENDED LAYOUT**  
(Sheet 3 of 3)





## ANNEXURE C: SWEEP PATH MANOEUVRING



### SRV Forward Entry & Forward Exit

Tested @ 5km/hr

Successful – 2 manoeuvres entry; 1 manoeuvre exit

Blue = Vehicle Tyres

Green = Vehicle Body

Red = 300mm clearance

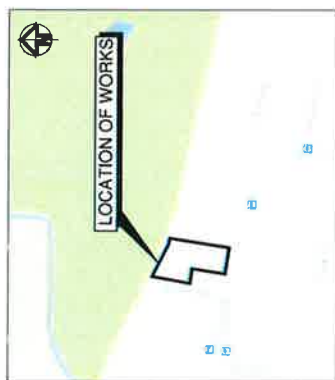
Although parking demand in Locksley Street will be low, it is recommended that a kerb length of approximately 8m of “No Stopping” be installed on the eastern side of Locksley Street, to the south of the driveway



## ANNEXURE 4

Engineering Plans prepared by at&I

**CRONULLA PINES AGED CARE FACILITY**  
**31-35 STURT ROAD, CRONULLA**  
**CIVIL WORKS PACKAGE**  
**DEVELOPMENT APPLICATION**



LOCALITY PLAN  
NTS

## DRAWING LIST

- |        |                                |
|--------|--------------------------------|
| DAC001 | COVER SHEET, NOTES AND LEGENDS |
| DAC002 | DRIVEWAY SITEWORKS PLAN        |
| DAC003 | TYPICAL SECTIONS               |

**LEGEND**

	EXISTING
	PROPOSED

VIC  
VEHICULAR CROSSING  
TRAFFIC SIGNAL CONTROLLED  
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## EXISTING UNDERGROUND SERVICES

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## SURVEY NOTES

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## SITEWORKS NOTES

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## CONCRETE NOTES

- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING SPECIFICATIONS, AS ADOPTED BY THE CONTRACT DOCUMENTS:
- CONCRETE DIVISION
- SECTION 05110 - CONCRETE
- 1.01 SUMMARY
- A. Section Includes
1. Formwork
2. Reinforcing Steel
3. Cast-in-Place Concrete
4. Precast Concrete
5. Grout
6. Joints
7. Repair
8. Protection
9. Finishing
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ABP (Sydney East Region) Business Paper - (21AEST0167) 14 November 2016





LOCKLEY STREET

STURT ROAD

<b>at&amp;l</b> Civil Engineers and Project Managers Level 2, 133 Rymer Street North Sydney NSW 2060 Tel: 02 9439 1177 Fax: 02 9439 1055 info@atandl.com.au atandl.com.au		<b>CRONULLA PINES AGED CARE FACILITY 31-35 STURT ROAD, CRONULLA</b>		<b>DRIVEWAY SITEWORKS PLAN</b>	
Scale: 1:200 @ A1		Drawn: GB		Project: GB	
Crd: MGA		Checked: A1		Project No: A1	
Revised: AHD		Approved: A1		Drawing No: DAC002	
Title: DRIVEWAY SITEWORKS PLAN		Scale: 16-417		Sheet: B	
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FOR APPROVAL					
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Project: 16-417					
Drawing No: DAC002					
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THIS DRAWING CANNOT BE COPIED OR REPRODUCED IN ANY FORM OR USED FOR ANY OTHER PURPOSE OTHER THAN THAT ORIGINALLY INTENDED WITHOUT THE WRITTEN PERMISSION OF AT&L

**PATHWAYS**  
RESIDENCES

Bar Scales

1:200 @ A1 1:400 @ A3

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Issue	Description	Date
1	ISSUED FOR APPROVAL	16-11-20
2	ISSUED FOR APPROVAL	16-11-20
3	ISSUED FOR APPROVAL	16-11-20





## ANNEXURE 5

Amended Clause 4.6 Variation report prepared by City Plan Strategy and Development





PLANNING



BUILDING



HERITAGE



URBAN DESIGN

## Amended Clause 4.6 Variation Request Height of Buildings Development Standard ~ SEPP (Housing for Seniors or People with a Disability) 2004 - Clause 40(4)(a)

31-39 Sturt Road and 2, 4 and 2A Locksley Street,  
Cronulla NSW 2230

Submitted to Sutherland Shire Council

On Behalf of Pathways Property Group

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## 1. Introduction

This amended Clause 4.6 variation report is prepared for Development Application (DA) DA 16/0994 which has been submitted to Sutherland Shire Council for the subject site at **Nos. 31-39 Sturt Road, and 2, 2A and 4 Locksley Street, Cronulla ("the site")**. The proposed development includes the expansion of the existing residential aged care facility (RACF) that is currently under construction, onto new land that has recently been purchased adjacent to the existing development. The proposal will result in an additional of 103 beds to the facility which currently contains 88 beds (combined 191 beds).

The purpose of this Clause 4.6 variation report is to address a variation to Clause 40(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

This variation to the height development standard applicable to the site is largely a result of the relatively steep sloping land, and the fact that the proposal seeks to adjoin the existing RACF, that currently breaches the height standard, to provide a functional and useable expansion of the overall development. The amended proposal has reduced the height of Level 3 of the Norfolk and Pines Building that fronts Sturt Road, as well as altered the building setback to Locksley Road which has reduced the extent the proposal breaches this height standard.

## 2. What is the environmental planning instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP). However, we note that the *Sutherland Shire Local Environmental Plan 2015* (SSLEP) also applies to the land.

## 3. What is the zoning of the land?

The zoning of the land is R2- Low Density Residential zone pursuant to the SSLEP, as shown in **Figure 1** below.

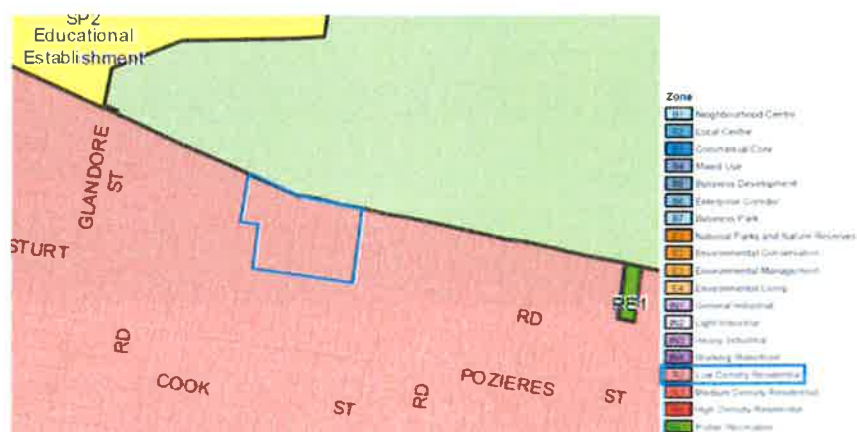


Figure 1: Extract of Land Zoning Map pursuant to SSLEP 2015



4. What are the objectives of the zone?

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.*
- *To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.*
- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

5. What is the development standard being varied?

The relevant development standard is the "height in zones where residential flat buildings are not permitted" standard under Clause 40(4)(a) of the Seniors SEPP. Refer below.

**"40 Development standards—minimum sizes and building height"**

*(4) Height in zones where residential flat buildings are not permitted  
If the development is proposed in a residential zone where residential flat buildings are not permitted:*

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

*Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a)."*

6. Under what clause is the development standard listed in the EPI?

The subject development standard is listed under Clause 40(4)(a) of the Seniors SEPP.

7. What are the objectives of the development standard?

The Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls. It is therefore necessary to assume what the purpose of the standard might be to then evaluate whether a variation to the control would be consistent with that these objectives and Aims of the Policy (Clause 2(1)(a)) as indicated in Section 11. It is assumed that the intent/purpose of this control is:

- *to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area;*
- *to not cause unreasonable amenity impacts on adjoining developments.*

8. What is the numeric value of the development standard in the EPI?

The maximum allowable height is 8m, pursuant to Clause 40(4)(a) of the Seniors SEPP.

9. What is the proposed numeric value of the development standard in the DA?

As demonstrated on the plans prepared by Morrison Design Partnership, the proposal seeks to provide a maximum RL of 18.55 AHD (Level 3 roof towards Sturt Road). However, the development does not breach the standard at this point, with the areas that breach the height having a lower RLs located downslope on the land. The maximum breach of the standard has an RL of 15.75 AHD which is the top of the roof of the 'Norfolk' building (located towards the centre of the site) as a consequence of the sloping nature of the land. The maximum height of the building is approximately 10.256m as measured from the existing ground level of the site in accordance with the definition of building 'height' under the Seniors SEPP. This is a breach of the standard by 2.256m which represents a breach of 28% of the standard (refer to Section Drawing Number A301 within **Appendix 6**). **Figures 2 to 6** give an understanding of the breach of the standard.



Figure 2: Northern (rear) elevation that adjoins the golf course showing indicative extent of height breach outlined in red



Figure 3: Southern elevation showing that the amended proposal is significantly below the height standard at this elevation



Figure 4: Section of the building showing the areas that exceed the standard (in red) and areas where the building is below the height standard (in green) (Source: MDP Architects)

The predominant reasons that the proposal breaches the height standard are discussed below:

- The subject site has a significant slope downwards away from Sturt Road to the northern boundary, with an approximate fall of 15m. As a consequence of this sloping land, portions of the building exceed the standard to provide a functional and logical building for the occupants and users of the building;
- The site contains an existing RACF that is approved and currently under construction on the site, which already breaches the height standard. As the proposal seeks to expand this existing facility, it is necessary to breach the standard to provide a consistent built form that is functional, useable, and efficient.
- Some of the floor space has been redistributed on the site, to provide for greater amenity to the existing residential building located at 41 Sturt Road. By redistributing this floor space, a portion of the building breaches the standard;
- The development provides for floor to ceiling heights that exceed the minimum requirements to provide for high levels of internal amenity to the residents of the building. This increases the extent of the breach of the standard, however, there are no benefits for minimising these floor to ceiling heights as discussed within this statement. Moreover, reducing these floor to ceiling heights would reduce the amenity for the users of the building, and provide a built form that is discontinuous, and otherwise less compatible, with the approved building to the east of the site.

#### 10. Matters to be considered under Clause 4.6 of the relevant EPI

The following table provides a summary of the key matters for consideration under Clause 4.6 of the SSLEP 2015 and a response as to where each is addressed in this written request:

Requirement/Subclause of Clause 4.6	Response/Comment
(1) The objectives of this clause are as follows: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	It is key to note that the objectives of the clause are to provide flexibility in applying development standards in that in so doing a better planning outcome ensues.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	The maximum building height development standard under clause 40(4)(a) of the SEPP is not expressly excluded from operation of this clause.



<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>This written request seeks to justify the variation by demonstrating (a) is achieved (refer to Section 11 below), and (b) is achieved (refer to Section 12 below).</p>
<p>(4) Development consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Director-General has been obtained.</p>	<p>This written request addresses all requirements of subclause (3).</p> <p>As set out in Section 13 of this written request, the proposed development will be in the public interest because it is consistent with the assumed objectives of the particular standard and the objectives for the zone.</p> <p>Concurrence is assumed but is a matter to be determined by the consent authority.</p>
<p>(5) In deciding whether to grant concurrence, the Director-General must consider:</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</p>	<p>Potential matters of significance for State or regional environmental planning are addressed in Section 14 below.</p> <p>Consideration of whether there is any public benefit in maintaining the development standard is considered in Section 15 below.</p> <p>Concurrence is a matter to be determined by the consent authority.</p>
<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if.....</p>	<p>Does not apply.</p>
<p>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p>	<p>This is a matter for the determining authority.</p>
<p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following....</p>	<p>Does not apply to the site/proposed variation.</p>

11. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the variation.

Under *Four2Five*, whilst this can still be considered under this heading, consideration of the remaining four (4) ways in *Wehbe* was considered to be warranted.

The following discussion provides a response to each of these five (5) "tests".

*Test 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard:*

As noted earlier, the Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls.

In the absence of any planning objectives for this development standard it is assumed that the intent/purpose of this control is as follows:-

- *to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area; and*
- *to not cause unreasonable amenity impacts on adjoining developments.*

Each assumed 'objective' is discussed below separately:

***to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area***

The subject site has a unique character in terms of the surrounding context. In this respect, the surrounding area has the following specific characteristics:

- One and two storey residential development along Sturt Road and Locksley Road;
- A golf course adjoins the site along the northern boundary;
- The site slopes significantly away from Sturt Road, towards the golf course in a northerly direction;
- There is an approved RACF on a portion of the site, currently under construction, which ranges in height between two and three storeys; and
- A portion of the site is flood affected along the northern boundary of the site.

The proposed development has been designed with regard to the existing/approved streetscape and the context of the site. The areas that breach the standard are predominantly situated more centrally, away from the street edges of the development, and do not add additional bulk to the building as viewed from the public domain.

As viewed along the southern/Sturt Road elevation (looking north) the proposed development has a built form that presents as a two storey building, which is between 1m and 4.8m below the 8m height standard. The areas that breach the standard are a result of the sloping site, and are situated away from the sites street frontage more centrally on the land. As such, as the breach is a consequence of the land sloping away from Sturt Road, the portions of the building that breach the standard do not contribute to additional bulk, as the breach is not distinguishable from the public domain and surrounding properties. If the building were to strictly comply with the standard, the height of the building would be reduced, but this would not have any distinguishable change as viewed from any public area (refer to **Figure 6**).



Figure 5: Elevation along Sturt Road (Source: MDP Architects)

Whilst the portion of the building fronting Sturt Road is below the height standard, the building has included articulation and a variety of colours and materials that assist in breaking up the bulk and scale of the building. The design intent of the proposal is to replicate the approved form on the site, so that the building presents as separate built forms along Sturt Road so as to break up the length of the building. This elevation has also specifically included glazed areas to provide site lines through the building, similar to the separation of individual dwellings should they otherwise be constructed on the land.

As viewed from Locksley Street, the proposed development only breaches the height standard by a portion of minor roof elements. Again, this is a consequence of the sloping land. Furthermore, the additional height at this location fronting the golf course allows for more spacious rooms for people otherwise confined to their beds. In doing so however, there is no consequential impact relating to bulk. Other parts of the development are, in fact, lower than the existing building at 4 Locksley Street. Notwithstanding the breach of the standard, the proposal is physically broken up and there are two distinct building forms that present to this frontage. This is consistent with the existing built form on the site and the proposal is of similar bulk and scale to the existing conditions (refer to **Figure 7**).

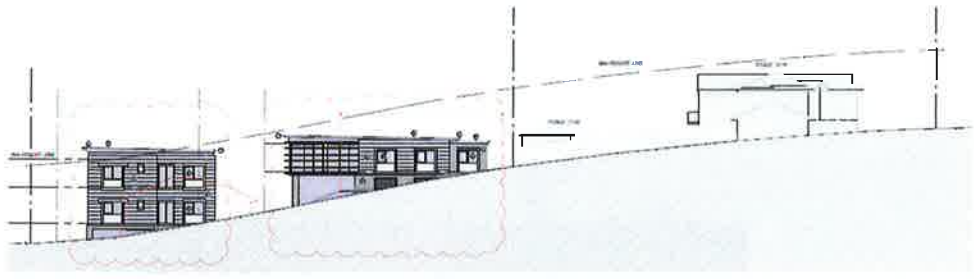


Figure 6: Locksley Street elevation noting that the built form in the middle of the site is not shown in this elevation (Source: MDP Architects)

In addition to the above, it is to be noted that the existing character of the area comprises the building currently being constructed on the site, noting that this building already breaches the standard. As the proposal represents an expansion of this approved RACF, it is considered more suitable to continue the breach of the standard so that the resultant built form is consistent with the existing building and provides a built form that is functional and logical for the future occupants. Overall, the proposed breach of the standard is considered to be more compatible with the existing character of the street and is more efficient and functional with the existing building on the site, which would otherwise not be possible should compliance be achieved.

The proposed breach of the standard does not affect the achievement of this objective

***to not cause unreasonable amenity impacts on adjoining developments.***

The amenity of adjoining developments is a result of various factors. These are discussed separately below as views, overshadowing, and privacy:



## Views

The amended proposal has been accompanied by an indicative view impact analysis prepared by MDP Architects in relation to the photos taken and provided by Council. The view analysis provided with the original SEE is not accurate, and these photos provided by Council give a more veracious depiction of the views currently enjoyed from Nos. 12, 14 and 20 Sturt Road. In response to this information, the plans were amended to reduce the height of Level 3 of the Pines/Norfolk building, as well as increase the setback of Level 3 to the western boundary adjacent to 41 Sturt Road.

This revised analysis demonstrates that the proposed breach of the standard does not impact on the views obtained from surrounding properties, than otherwise anticipated by a compliant built form. In fact, the amended proposal has been designed to improve the outlook from 41 Sturt Road, than otherwise anticipated, as it is lower than the existing dwelling at 4 Locksley Street and has provided setbacks in excess of a compliant dwelling envelope at 39 Sturt Road.

The impact on the views from the photos provided by Council for the properties 12, 14 and 20 Sturt Road are indicatively shown in **Figures 2 to 4** as prepared by MDP Architects.



Figure 7: Standing view impact of the amended proposal from the balcony of 12 Sturt Road (Source: SSC)



Figure 8: Standing view impact of the amended proposal from the balcony of 14 Sturt Road (Source: SSC)



Figure 9: Standing view impact of the amended proposal from the balcony of 20 Sturt Road (Source: SSC)

The properties that are most affected from the development in terms of views are 12, 14, 18 20, 30, and 41 Sturt Road.

In considering the impact of the development on views, an assessment against the Planning Principles established by *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 is provided below:

- *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Each property (with the exception of 41 Sturt Rd) has partial views of the water (Woolloomare Bay), as well as district views that includes the city skyline of the Sydney Central Business District (CBD). Views of Woolloomare Bay are more important views than the district views from these properties. These views are partially obstructed by the vegetation and development to the north of these properties.

As demonstrated in the images originally submitted with the DA, 41 Sturt Road has partial views towards the golf course as well as some surrounding vegetation. These views are partially obstructed by the existing buildings on the land to the north and north east.

- *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from the subject properties are from the balconies of 12, 14, 20, 24, 30, and 41 Sturt Road, and from a habitable room for 18 Sturt Road. All views are obtained from the front of the property looking north. The photos that Council provided, as demonstrated in **Figures 2 to 4** (for 12, 14 and 20 Sturt Road) are all taken from a standing position.

- *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively a negligible, minor, moderate, severe or devastating.*

As demonstrated in the above images, the most adversely affected property by the development in terms of views is 20 Sturt Road given it has the lowest balcony at RL 16.9AHD. The impact to this property is considered to be significant as the view of the water will be mostly removed, with the exception of views through the glazed areas of the building and a small 'slither' over the roof. However, it will still retain district views as well as views of the Sydney CBD.

The remaining properties that currently have views looking north from their second levels on the southern side of Sturt Road (i.e. 12, 14, 18, 24 and 30 Sturt Road) retain the majority of the significant views (i.e. water) as well as the district views and the Sydney CBD.

41 Sturt Road will have their views partially obstructed, however, it is anticipated that it will retain some views of the golf course and surrounding vegetation.

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

It is important to understand that the portion of the building responsible for the loss of view is that at the highest point of the site, being the southernmost side of the Norfolk and Pines Building towards Sturt Road. In this respect, this area of the upper level of these buildings are notably below the height standard contained under the Seniors SEPP as well as the Sutherland Local Environmental Plan (SLEP) by up to 1.5m and 1.8m respectively. As such, the views that are compromised are from portions of the development that comply with the height standard. It is appreciated that there are other areas of the building that exceed the 'standards that cannot be used to refuse consent' under clause 48 of the Seniors SEPP in terms of height. However, at these points there is no impact as a consequence of the breach; the breach of the 8m height standard is due to the fall in land level, and not an increase in height of the built form. In fact, the roof of the Pines/Norfolk building slopes down away from Sturt Road and does not have any impact on the loss of these views.

With regard to the above, it is evident that the amended proposal has responded to the retention of views where possible. Whilst it is accepted, as suggested by Council, that a physical break in the building and/or level 3 may assist in providing additional 'slithers' of views towards the north, this is not possible in the circumstances given the functional requirements of the seniors facility. In this respect, and as originally proposed, the upper Level has incorporated glazed elements that will allow for views through the building at this level to mimic a built form of dwelling houses should they otherwise be constructed, noting that these glazed areas are greater in width than that of a complying building envelope. With regard to setbacks from the boundary. As such, it is considered that the impact to views are reasonable given the impact of views are from a portion of the building that is below the height standard, and the design of the building has altered to maximise the views from these properties. The proposal is consistent with the principles established in *Tenacity*, and provides an acceptable outcome.

### **Overshadowing**

The original proposal has been accompanied by Shadow Diagrams prepared by MDP Architects which is provided at **Appendix 6** of the SEE. The only property that was overshadowed by the proposal is 41 Sturt Road. The shadow diagrams demonstrate that the original proposal provides similar shadows to this property as the existing conditions of the site, and that it maintains in excess of 3hrs of solar access to their private open space and north facing windows. Moreover, the original proposal provides improved shadowing to the rear open space of 41 Sturt Road than the current conditions. The amended plans have reduced the height of Level 3 of the Norfolk/Pines building, as well as setback further from Sturt Road. As such, the shadows will have improved from the original development.

The proposal has specifically not built in the area to the east of 41 Sturt, in what would otherwise be the rear garden of 39 Sturt Road. As a result, this has resulted in no greater an impact by virtue of overshadowing than would be anticipated by a compliant development at 39 Sturt Road. In this respect, it is to be noted that the development adjacent to No 41 Sturt Road does not exceed the height standard.



The breach of the standard does not result in any adverse shadows to any surrounding properties.

### **Privacy**

The most sensitive property to privacy impacts in 41 Sturt Road. The development has been designed to provide amenity to this existing property. This is achieved by providing a large landscaped area adjacent to this property in the location that would otherwise be the rear garden of 39 Sturt Road, as well as providing a built form that is less in height and greater setbacks than the existing development at 4 Locksley Street. The breach of the standard does not result in any loss of privacy to any surrounding properties.

### **Conclusion**

The proposed height and massing of the building ensures that:

- the development does not dominate the streetscape by virtue of its scale and bulk and compatible with the character of the area;
- the development does not cause unreasonable amenity impacts on adjoining properties.

Accordingly, notwithstanding the non-compliance with the numerical standard the proposed development achieves the assumed objectives of the standard as well as being consistent with the future planning controls and thus the objection is well founded. Strict compliance in the circumstances of this case is unnecessary and unreasonable to achieve the specified objective of the standard.

In addition to the above objectives the proposal considers the following elements of the Policy:

- Clause 2(1)(a) - Aims of the Policy; and
- Clause 40(4)(a).

The terms of those provisions are considered below:

Clause 2(1)(a) - Aims of the Policy

This clause states:

*"This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

*(a) increase the supply and diversity of residences that meet the needs of seniors*

*or people with a disability, and*

*(b) make efficient use of existing infrastructure and services, and*

*(c) be of good design Response "*

### **Response**

The proposal is consistent with the aims of the policy as:

- The proposed development will promote the social and economic welfare of the local community through the provision of additional seniors housing to comply with all relevant standards relating to facilities and accessibility for the aged and disabled people. In fact, the breach of the height standard allows for improved amenity for the elderly residents of the RACF by providing rooms with greater than minimum floor to ceiling heights;
- The proposal will create additional jobs during the construction and ongoing use of the development;
- The proposed development represents the expansion of the existing RACF, and will connect to the surrounding infrastructure that currently services the development;
- There will be no unreasonable adverse impacts on the environment and the proposal remains compatible with the existing built form and overall the proposal is a good design response;
- The proposed breach of the standard does not affect consistency or achievement with the above objectives.

*Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

We do not rely on this reason.

*Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

We do not rely on this reason.

*Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

In this respect the approved RACF on the site already exceeds the 8m height limit by approximately 1.1m. Therefore, for the purpose of this site, Council has abandoned compliance with the standard per se. The proposal continues the same design intent of this existing RACF, and represents an expansion of this facility. The proposed development does not result in any adverse environmental impacts or loss of amenity to adjoining properties. Whilst the proposal exceeds the height standard, it does not contribute to any excessive bulk and scale when viewed from the public domain or adjacent properties, and maintains a two storey presentation. Should compliance be achieved, it would result in a building that is not compatible with the approved building on the site. Moreover, the breach of the standard allows for a consistent built form on the overall site, which provides a more functional and useable facility with consideration given to the amenity and accessibility for the residents/occupants/staff. Overall, the benefits of compliance would not outweigh the benefit of non-compliance

*Test 5: The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

We do not rely on this reason.

For the reasons as set out above, it is considered that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.

12. Sufficient environmental planning grounds to justify the contravention

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. In particular, the SEE has demonstrated that the proposal is substantially compliant with the relevant environmental planning framework. A height-compliant development would clearly result in a lesser built form, but in this case the parts of the building that breach the standard are indiscernible from the public domain and do not cause any adverse impacts to surrounding residential properties. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts and it is considered there are sufficient environmental planning grounds to justify the contravention. Some of the specific environmental grounds to justify the breach of the standard are summarised as follows:

- The proposed breaches are directly related to the steeply sloping nature of the site, which slopes away from Sturt Road towards the golf course and the northern boundary;
- The proposal adjoins an approved RACF that is currently under construction, which already breaches the height standard to a similar degree. As such, the proposed breach of the standard allows the proposal to continue the approved building form to provide for a development that is more functional, efficient, and useable to the occupants. This would not be otherwise achieved if compliance were to be required, and would result in a building that is not compatible with the existing character of the area including the approved RACF;
- The areas that exceed the development standard are not discernible as viewed from the public domain, and do not contribute to distinguishable bulk, scale or density of the building;
- The proposal only adjoins one other residential property, and has responded appropriately to this existing property;
- The proposal adjoins a golf course on the northern boundary; and
- There are no adverse environmental impacts as a result of the proposed breach of the standard.

13. Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the assertive objectives of the particular standard, Aims of the SEPP and the objectives for the relevant zone in which the development is proposed to be carried out.

The objectives of the standard are addressed in **Section 11** above and are satisfied. As stated above, the non-compliance arguably better achieves the objectives of the relevant development standard because it reduces the extent of building bulk and built form remains consistent with the locality. For this particular reason, the variation provides a public benefit and is in the public interest.

The objectives of the R2 Low Density zone are addressed below:

- *To provide for the housing needs of the community within a low density residential environment.*



The proposed development provides for additional seniors housing to cater for the needs of the surrounding community. The proposed breach of the standard does not affect consistency with this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is for seniors housing which is permissible under the SSLEP within the zone. The proposed breach of the standard does not affect consistency with this objective.

- *To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.*

The proposed breach of the standard does not affect consistency with this objective.

- *To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.*

The proposed breach of the standard does not affect consistency with this objective.

- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

As discussed previously, the proposed development has been designed with regard to the character of the surrounding area. In particular, the proposal represents the expansion of the existing RACF that is on the site, and has borrowed the development cues from this facility. The areas that breach the standard are not discernible when viewed from the public domain, and do not contribute to any adverse bulk and scale from the development when viewed from the surrounding area and the character of the area is maintained.

The proposed breach of the standard does not affect consistency with this objective.

## Conclusion

The objectives of the zone, as demonstrated above, as well as the asserted objective for the standard and aim of the SEPP, as demonstrated under **Section 11**, have been satisfied. Therefore, the variation to the height standard is in the public interest.

### 14. Matters of state or regional significance (cl. 4.6(5)(a))

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

### 15. The public benefit of maintaining the standard (cl. 4.6(5)(b))

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There is no public benefit in maintaining strict compliance with the development standard given that there are no adverse impacts that will result from the breach of the standard. However, the proposal will provide additional seniors accommodation and care for the community in a purpose built facility with excellent internal and external amenity. Further,

expanding the existing new facility is more desirable and beneficial in planning terms because it achieves economies of scale in terms of facilities duration and consolidates the built form in a single location rather than ad-hoc piecemeal seniors development in other R2 zoned land. Therefore, the advantages of the proposal outweigh the disadvantages.

16. Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the SSLEP 2015, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify the contravention;
- The proposed breach of the standard is a consequence of the steeply sloping site, which slopes away from Sturt Road towards the golf course on the northern boundary;
- The proposed development represents an extension of the existing RACF, and the breach of the standard allows for a development that responds to the context of the site and at the same time is efficient, functional, useable, and compatible with the character of the area and the existing facility;
- The breach of the standard allows for an increased floor to ceiling heights within the building, which provides for improved amenity and outlook for the elderly residents of the building. To achieve compliance does not provide any tangible benefits that outweigh
- The development achieves and is consistent with the objectives of the development standard and the objectives of the R2 zone, notwithstanding the variation;
- The proposed development is an appropriate response to the context of the site, and the breach of the standard is compatible with the existing and future character of the area;
- The proposed development will not have any environmental impact and is in the public interest and better achieves the development standard's objectives;
- The proposed variation will not hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979; and
- The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.



## ANNEXURE 6

Advice prepared by Traffix





Reference: 16.326r02v2

13 October 2016

Pathways Residences  
PO Box 502  
ST LEONARDS NSW 1590

**traffix**  
Traffic & Transport Planners

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**director** Graham Pinder  
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Attention: Mr Graeme Skeritt, Managing Director

**Re: Pathways Sailors Bay – 170 Sailors Bay Road, Northbridge  
Traffic Survey**

Dear Graeme,

We refer to the subject development and confirm that TRAFFIX has recently completed a survey of the on-site basement car park.

The survey was undertaken on Tuesday 11 October between 6:45am and 8:15am, coinciding with the start of the morning shift, which we understand has the maximum number of staff rostered.

The basement car park contains 41 parking spaces, with 28 spaces allocated for staff use and 13 spaces allocated for visitor use. During the surveyed timeframe, a maximum of 21 spaces were recorded as occupied at any one time, comprising of 19 staff vehicles and two (2) visitors.

The highest number of traffic movements recorded in an hour was 9 vehicle trips, between 7:15am and 8:15am. Under the RMS *Guide to Traffic Generating Developments*, the recommended peak hour traffic generation rate for housing for aged and disabled persons is between 0.1 and 0.2 vehicle trips per dwelling. This equates to 12 and 24 vehicle trips per hour in the case of the subject 120 bed facility.

The traffic generated by Pathways Sailors Bay is therefore consistent with the lower end of this range, which may be attributed to the advanced age of residents and proximity to public transport services.

We trust the above is of assistance and please don't hesitate to contact the undersigned should you have any queries.

Yours faithfully,

**traffix**

**Kedar Ballurkar  
Traffic Engineer**

## OBJECTIONS

Address	Issues
1A Locksley Street	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Setback to Locksley Street insufficient</li> <li>- Building height</li> <li>- Insufficient parking for staff will put pressure on street</li> <li>- Loading dock off dead-end street inappropriate</li> <li>- Noise concerns from traffic, doors to sub floor parking and A/C running continuously</li> </ul>
1 Locksley Street	<ul style="list-style-type: none"> <li>- Additional storey will result in loss of property values</li> <li>- Out of character</li> <li>- Setback to Locksley Street insufficient</li> <li>- Increased traffic and noise to Locksley Street</li> <li>- Limited parking within the facility resulting on impacts on street parking</li> </ul>
5 Locksley Street	<ul style="list-style-type: none"> <li>- Setback to Locksley Street insufficient</li> <li>- Overdevelopment</li> </ul>
6 Sturt Road	<ul style="list-style-type: none"> <li>- Inconsistent with zone objectives</li> <li>- Bulk and scale</li> <li>- Negative impact on the streetscape</li> <li>- Out of character</li> <li>- Increased traffic and parking impacts - - overflow parking on street, safety</li> <li>- Underestimated traffic movements</li> <li>- Privacy of adjoining neighbours</li> <li>- View loss from properties on southern side of Sturt Road</li> <li>- Disruption during construction</li> <li>- No justification provided to more than double the existing aged care facility</li> </ul>
10 Sturt Road	<ul style="list-style-type: none"> <li>- Misrepresentation by owner regarding nature of development</li> <li>- Commercial scale proposal within a low density residential setting</li> <li>- Limited parking within the facility resulting on impacts on street parking</li> <li>- Inconsistent with zone objectives</li> <li>- Out of proportion with low density residential housing</li> <li>- Loss of views</li> <li>- Loss of property values</li> <li>- Building height non-compliance</li> <li>- Noise from development (A/C plant, vehicle &amp; delivery movements, gates, roller door)</li> <li>- Overspill parking impacting the street</li> <li>- Increased traffic noise on Locksley Street</li> <li>- Existing loading zone hours not provided</li> <li>- Traffic and parking issues</li> <li>- Pedestrian access along Sturt Road impeded during construction</li> <li>- Issues with pedestrian movement after construction</li> <li>- Damage to kerbs and crossovers during construction</li> <li>- Refuse the 3<sup>rd</sup> level proposed along Sturt Road</li> <li>- The approval of the proposal is a formality</li> </ul>
12 Sturt Road	<ul style="list-style-type: none"> <li>- Commercial scale proposal within a low density residential setting</li> <li>- Traffic movements resulting in safety issues entering and existing property</li> <li>- Construction noise and excessive dust</li> <li>- Privacy impacts from construction workers</li> <li>- Loss of amenity</li> <li>- Excessive light spill</li> <li>- View of employees in front foyer / reception</li> <li>- Additional storey along Sturt Road is inappropriate</li> <li>- Loss of property values</li> </ul>

	<ul style="list-style-type: none"> <li>- Car headlights from existing driveway</li> <li>- Non-compliance with DA - landscaping</li> </ul>
14 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- View loss</li> <li>- Bulk and scale</li> <li>- Inadequate on-site parking</li> <li>- Potential disruption from vehicle / servicing vehicle movements</li> <li>- Safety concerns regarding entering and exiting property</li> </ul>
16 Sturt Road	<ul style="list-style-type: none"> <li>- View loss</li> <li>- Public safety relating to traffic and parking</li> <li>- Density and aesthetics</li> <li>- Noise from vehicle movements</li> <li>- Light spill</li> <li>- Loss of property value</li> </ul>
18 Sturt Road	<ul style="list-style-type: none"> <li>- Accuracy of cost of proposed works</li> <li>- Out of character</li> <li>- Bulk and scale</li> <li>- Loss of views</li> <li>- Loss of privacy</li> <li>- Existing loading zone and limited parking on street</li> <li>- Light spill</li> <li>- Noise from plant</li> <li>- Inadequate on-site parking</li> <li>- Building height and landscaped area non-compliances</li> </ul>
20 Sturt Road	<ul style="list-style-type: none"> <li>- Building height non-compliance</li> <li>- Loss of views</li> <li>- Inconsistent with low density residential area</li> <li>- Traffic related noise</li> <li>- Out of character</li> <li>- Bulk and scale</li> </ul>
22 Sturt Road	<ul style="list-style-type: none"> <li>- No submission but site inspection undertaken</li> </ul>
24 Sturt Road	<ul style="list-style-type: none"> <li>- Confirmation of building height and how it is calculated</li> </ul>
25 Sturt Road	<ul style="list-style-type: none"> <li>- Environmental impacts</li> <li>- Pedestrian, traffic and parking impacts</li> <li>- Car parking study inaccurate</li> </ul>
26 Sturt Road	<ul style="list-style-type: none"> <li>- Loss of street parking</li> <li>- Road safety concerns regarding entering and exiting property</li> <li>- View loss</li> <li>- Loss of property value</li> </ul>
28 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Traffic and parking issues</li> <li>- Loss of privacy</li> </ul>
29 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Street setbacks (Locksley St)</li> <li>- Privacy to No.41 Sturt Road</li> <li>- Insufficient parking particularly due to loading zone</li> <li>- Landscaped area deficiency</li> <li>- Unauthorised work</li> <li>- Outstanding issues with construction of first stage</li> <li>- Loss of property value</li> </ul>
30 Sturt Road	<ul style="list-style-type: none"> <li>- Loss of views</li> <li>- Commercial scale proposal within a low density residential setting</li> <li>- Traffic movements resulting in safety issues entering and exiting property</li> <li>- Construction noise and excessive dust</li> <li>- Loss of property values</li> <li>- Existing loading zone and limited parking on street</li> <li>- Traffic and parking</li> <li>- Pedestrian access during and after construction</li> <li>- Damage to surrounding properties</li> </ul>



34 Sturt Road	<ul style="list-style-type: none"> <li>- Insufficient parking provided</li> <li>- Loss of property value</li> <li>- Breach to the height standard</li> <li>- Poor visual quality</li> </ul>
36 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Bulky and visually intrusive</li> <li>- Contravenes LEP objectives</li> <li>- Inadequate parking facilities</li> <li>- Breach to the height standard</li> </ul>
41 Sturt Road	<ul style="list-style-type: none"> <li>- Street setbacks (Locksley Street)</li> <li>- Insufficient parking provided</li> <li>- Out of character</li> </ul>
No address	<ul style="list-style-type: none"> <li>- Traffic and parking</li> <li>- Overdevelopment</li> </ul>

## OBJECTIONS

Address	Issues
1A Locksley Street	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Setback to Locksley Street insufficient</li> <li>- Building height</li> <li>- Insufficient parking for staff will put pressure on street</li> <li>- Loading dock off dead-end street inappropriate</li> <li>- Noise concerns from traffic, doors to sub floor parking and A/C running continuously</li> </ul>
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5 Locksley Street	<ul style="list-style-type: none"> <li>- Setback to Locksley Street insufficient</li> <li>- Overdevelopment</li> </ul>
6 Sturt Road	<ul style="list-style-type: none"> <li>- Inconsistent with zone objectives</li> <li>- Bulk and scale</li> <li>- Negative impact on the streetscape</li> <li>- Out of character</li> <li>- Increased traffic and parking impacts - - overflow parking on street, safety</li> <li>- Underestimated traffic movements</li> <li>- Privacy of adjoining neighbours</li> <li>- View loss from properties on southern side of Sturt Road</li> <li>- Disruption during construction</li> <li>- No justification provided to more than double the existing aged care facility</li> </ul>
10 Sturt Road	<ul style="list-style-type: none"> <li>- Misrepresentation by owner regarding nature of development</li> <li>- Commercial scale proposal within a low density residential setting</li> <li>- Limited parking within the facility resulting on impacts on street parking</li> <li>- Inconsistent with zone objectives</li> <li>- Out of proportion with low density residential housing</li> <li>- Loss of views</li> <li>- Loss of property values</li> <li>- Building height non-compliance</li> <li>- Noise from development (A/C plant, vehicle &amp; delivery movements, gates, roller door)</li> <li>- Overspill parking impacting the street</li> <li>- Increased traffic noise on Locksley Street</li> <li>- Existing loading zone hours not provided</li> <li>- Traffic and parking issues</li> <li>- Pedestrian access along Sturt Road impeded during construction</li> <li>- Issues with pedestrian movement after construction</li> <li>- Damage to kerbs and crossovers during construction</li> <li>- Refuse the 3<sup>rd</sup> level proposed along Sturt Road</li> <li>- The approval of the proposal is a formality</li> </ul>
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	<ul style="list-style-type: none"> <li>- Car headlights from existing driveway</li> <li>- Non-compliance with DA - landscaping</li> </ul>
14 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- View loss</li> <li>- Bulk and scale</li> <li>- Inadequate on-site parking</li> <li>- Potential disruption from vehicle / servicing vehicle movements</li> <li>- Safety concerns regarding entering and exiting property</li> </ul>
16 Sturt Road	<ul style="list-style-type: none"> <li>- View loss</li> <li>- Public safety relating to traffic and parking</li> <li>- Density and aesthetics</li> <li>- Noise from vehicle movements</li> <li>- Light spill</li> <li>- Loss of property value</li> </ul>
18 Sturt Road	<ul style="list-style-type: none"> <li>- Accuracy of cost of proposed works</li> <li>- Out of character</li> <li>- Bulk and scale</li> <li>- Loss of views</li> <li>- Loss of privacy</li> <li>- Existing loading zone and limited parking on street</li> <li>- Light spill</li> <li>- Noise from plant</li> <li>- Inadequate on-site parking</li> <li>- Building height and landscaped area non-compliances</li> </ul>
20 Sturt Road	<ul style="list-style-type: none"> <li>- Building height non-compliance</li> <li>- Loss of views</li> <li>- Inconsistent with low density residential area</li> <li>- Traffic related noise</li> <li>- Out of character</li> <li>- Bulk and scale</li> </ul>
22 Sturt Road	<ul style="list-style-type: none"> <li>- No submission but site inspection undertaken</li> </ul>
24 Sturt Road	<ul style="list-style-type: none"> <li>- Confirmation of building height and how it is calculated</li> </ul>
25 Sturt Road	<ul style="list-style-type: none"> <li>- Environmental impacts</li> <li>- Pedestrian, traffic and parking impacts</li> <li>- Car parking study inaccurate</li> </ul>
26 Sturt Road	<ul style="list-style-type: none"> <li>- Loss of street parking</li> <li>- Road safety concerns regarding entering and exiting property</li> <li>- View loss</li> <li>- Loss of property value</li> </ul>
28 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Traffic and parking issues</li> <li>- Loss of privacy</li> </ul>
29 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Street setbacks (Locksley St)</li> <li>- Privacy to No.41 Sturt Road</li> <li>- Insufficient parking particularly due to loading zone</li> <li>- Landscaped area deficiency</li> <li>- Unauthorised work</li> <li>- Outstanding issues with construction of first stage</li> <li>- Loss of property value</li> </ul>
30 Sturt Road	<ul style="list-style-type: none"> <li>- Loss of views</li> <li>- Commercial scale proposal within a low density residential setting</li> <li>- Traffic movements resulting in safety issues entering and exiting property</li> <li>- Construction noise and excessive dust</li> <li>- Loss of property values</li> <li>- Existing loading zone and limited parking on street</li> <li>- Traffic and parking</li> <li>- Pedestrian access during and after construction</li> <li>- Damage to surrounding properties</li> </ul>



34 Sturt Road	<ul style="list-style-type: none"> <li>- Insufficient parking provided</li> <li>- Loss of property value</li> <li>- Breach to the height standard</li> <li>- Poor visual quality</li> </ul>
36 Sturt Road	<ul style="list-style-type: none"> <li>- Out of character</li> <li>- Bulky and visually intrusive</li> <li>- Contravenes LEP objectives</li> <li>- Inadequate parking facilities</li> <li>- Breach to the height standard</li> </ul>
41 Sturt Road	<ul style="list-style-type: none"> <li>- Street setbacks (Locksley Street)</li> <li>- Insufficient parking provided</li> <li>- Out of character</li> </ul>
No address	<ul style="list-style-type: none"> <li>- Traffic and parking</li> <li>- Overdevelopment</li> </ul>

## Architectural Review Advisory Panel

Proposal: **Demolition of existing structures and extension to existing approved residential aged care facility**

Property: 35 Sturt Road CRONULLA NSW 2230

4 Locksley Street CRONULLA NSW 2230

33 Sturt Road CRONULLA NSW 2230

31 Sturt Road CRONULLA NSW 2230

39 Sturt Road CRONULLA NSW 2230

37 Sturt Road CRONULLA NSW 2230

2 Locksley Street CRONULLA NSW 2230

**2A Locksley Street CRONULLA NSW 2230**

Applicant: Pathways Property Group Pty Limited

File Number: DA16/0994

The following is the report of the Architectural Review Advisory Panel Meeting held on Thursday, 29 September 2016 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

### **"5. DA16/0994 - DEMOLITION OF EXISTING STRUCTURES AND EXTENSION TO EXISTING APPROVED RESIDENTIAL AGED CARE FACILITY AT 2-4 LOCKSLEY STREET & 31-39 STURT ROAD, CRONULLA**

Council's David Jarvis, Slavco Bujaroski, and Stevie Medcalf outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Rachel Story (architect); Brendan Moar (landscape architect) and Michael Watson (town planner) addressed the Panel regarding the aims of the proposal and the constraints of the site.

### **Description of the Site and Proposal**

The Development Application is for the demolition of existing dwellings and extension to existing residential aged care facility, comprising two (2) to three (3) level buildings for 103 beds, (combined 191 beds) at 2-4 Lockley Street and 31-39 Sturt Road, Cronulla. The existing facility contains 88 beds. The combined site area is 7,775sqm.

The site is within Zone R2 – Low Density Residential with a maximum permissible FSR of 1:1 (7,775sqm GFA – combined sites), maximum permissible HOB of 8m and minimum landscaped area of 25sqm of landscaped area per bed.

### **Key Controls**

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).

Sutherland Shire Council Draft Development Control Plan 2015 (SSDDCP 2015).

## **Applicant's Submission**

### **PRINCIPLE 1 – CONTEXT & NEIGHBOURHOOD CHARACTER**

The site is located within a low density residential context, featuring one and two level, single detached dwellings. It sits on a northern slope which falls to an adjacent golf course which has an existing stand of endangered Swamp Estuarine Oak Forest and some areas of Coastal Sand Littoral along its shared boundary. The golf course is designated 'support' in the Shire's Greenweb. A drainage/sewerage easement runs east-west through the site. Powerlines run along the north side of Sturt Street, limiting the growth of street trees.

### **PRINCIPLE 2 – SCALE & BUILT FORM**

While the existing building has an appearance of a one storey frontage, it is in fact two storeys high with its lower level located a storey below street level. The proposal extends this (below street) level, adds an additional two storeys above that and an additional storey above the already built two level frontage to achieve a consistent two storey appearance along the street. The proposed built form also includes the completion of a centrally located C-shaped form of up to three levels and an extension of the two storey above parking rear block to its west. The result is a low scale, but quite bulky, building incorporating long narrow east-west courtyards, generally two storeys in height.

Rooms facing out into the golf course are very attractive; rooms facing inward however are quite constrained. Therefore any modification to improve the outlook from courtyard rooms would be highly beneficial to residents. For example the removal of the four, south facing rooms (30, 31, 27 and 28) would not only open up the adjacent living area but also allow better views out from rooms 42 - 46 to Locksley Street and the golf course. Similarly, the aligning of bed 47 and 48 with the building's south alignment would increase the size of the setback from No 41 and enhance views from the north.

While the two storey streetscape scale is fine, the below grade level is not supported by the Panel for amenity and streetscape reasons. These spaces should be replaced with non-habitable spaces and the front garden provided at street level, or not excavated at all as the project is so far over the FSR.

The engineering requirements for the easement appear to set out the building envelope when instead it should be set out by a more positive idea of built form and amenity for the residents. Removing the four bedrooms noted above would allow the courtyard space to open up positively to Locksley Street and the golf course. Setbacks to Locksley Street should be enforced and common rooms overlooking these landscape setbacks would create a more positive engagement with the street. More should be made of the layout of the common rooms to punctuate the overall mass and form of the project.

### **PRINCIPLE 3 – DENSITY**

The proposal breaks the height limit and exceeds the LEP's density standards according to Council Officers. The area of landscape provided by the proposal does not meet the landscape requirements. In addition, many habitable spaces at lower ground floor (such as office, kitchen extension, staff training and staff lunch) are not included in the GFA calculations. All of these spaces should be provided with access to air and natural light and are considered by the Panel to be GFA.



#### **PRINCIPLE 4 – SUSTAINABILITY**

Sustainability was not discussed at the meeting. A full suite of sustainability measures should be integrated into the proposal. As a minimum this proposal should provide a RWT for irrigation and WC flushing, solar/PV cells for domestic hot water and lighting of communal spaces.

The site is constrained by acid sulphate soils.

#### **PRINCIPLE 5 – LANDSCAPE**

The proposal seeks to continue the landscape character of the existing development. The Sturt Street frontage is currently one storey below street level with stepped planting beds up to the street and *Cupaniopsis sp* as new street trees. Concern is expressed about continuing the void and its compromised amenity as noted above. The excavation of the lower ground floor creates a landscape void to the street.

The proposed extension of the Links Building will impact the tree Preservation Root Zone of the endangered Swamp Estuarine Oak Forest on the boundary of the golf course. Root mapping should be undertaken to locate these roots.

The elongated courtyard between the Links Building and Norfolk Building is limited to the alignment of the sewerage easement. The spatiality of this courtyard can be improved by deleting the rooms 27, 28, 30 and 31 as suggested above and by creating full width communal space between the golf course and the courtyard – such as an open dining area near bed 17 and 18.

#### **PRINCIPLE 6 – AMENITY**

The existing layout, including its rooms and communal areas are well designed and comfortably finished, which is highly commendable. The Panel hopes that the current proposal will extend the same design quality and sensitivity throughout the new areas. Refer to LANDSCAPE above regarding improving courtyard spaces, providing better amenity to lower ground areas and the unacceptability of extending the street facing lower level. It is notable that many of the rooms face the wrong way into courtyards, when they could be afforded views from beds to open space if they were to be rotated.

The proposed western courtyard provides an attractive open space however the open terrace at the western end of the Pines/Norfolk Buildings may have privacy implications for the neighbouring house on the corner. The Dementia Garden could be better explained to provide a more sound basis for assessment.

The dogleg circulation that the Panel experienced to access the golf course wing, and that the Applicant defended, is not desirable and if required should be carefully sequenced with natural lighting, lights and spatial variation. The same applies to the long, internal passages on the lower ground which would be extended if the addition at this level is approved.

A much more positive and legible hierarchy of private room to common room should be expressed on the street and throughout the project generally. Common rooms overlooking the street reconnect the residents in what is often a very hermetic environment to the world outside. Common rooms maybe break the height of the more generic bedroom scale they may also break the geometry and alignment to create room of greater meaning, amenity and outlook. They also provide opportunities for a change in scale and fenestration more appropriate to the street

#### **PRINCIPLE 7 – SAFETY**

Safety is clearly well considered but *Cupaniopsis sp* as street trees will enable hiding places with views to lower bedrooms. These trees will require under-pruning.

#### **PRINCIPLE 8 – HOUSING DIVERSITY & SOCIAL INTERACTION**

Where possible common rooms overlooking the street instead of bedrooms would create a more positive engagement of the project generally with its context.

#### **PRINCIPLE 9 – AESTHETICS**

The building has been kept low scale in appearance and will fit well into the streetscape. Generally its aesthetics have been well considered. Landscape aesthetics are low key.

Residential accommodation makes up the generic fabric of the project whilst common rooms should punctuate the generic with more specific expressive forms that can create a greater connection to the outdoors. This might be done with a change in material, scale, fenestration and or alignment.

#### **RECOMMENDATIONS/CONCLUSIONS**

The threshold issue relating to excess GFA needs to be resolved as a matter of priority and, if required, built form removed along the Sturt Road, the main frontage, and Locksley Street on the side frontage to reduce the GFA.

Design improvements suggested above should be implemented.

The Applicant is requested to respond to the suggestions of this ARAP report as part of the resolution of design quality issues arising from its submission. The Applicant's response should be descriptive and adopt a format of Panel suggestion and response, clearly transcribing the suggestion from the report, followed by the Applicant's response under each Principle."

Frank Stanisic  
ARAP Chairman

27 October 2016



PLANNING



BUILDING



HERITAGE



URBAN DESIGN

Amended Clause 4.6 Variation Request  
Height of Buildings Development Standard ~  
SEPP (Housing for Seniors or People with a Disability)  
2004 - Clause 40(4)(a)

31-39 Sturt Road and 2, 4 and 2A Locksley Street,  
Cronulla NSW 2230

Submitted to Sutherland Shire Council

On Behalf of Pathways Property Group



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## 1. Introduction

This amended Clause 4.6 variation report is prepared for Development Application (DA) DA 16/0994 which has been submitted to Sutherland Shire Council for the subject site at **Nos. 31-39 Sturt Road, and 2, 2A and 4 Locksley Street, Cronulla** ("the site"). The proposed development includes the expansion of the existing residential aged care facility (RACF) that is currently under construction, onto new land that has recently been purchased adjacent to the existing development. The proposal will result in an additional of 103 beds to the facility which currently contains 88 beds (combined 191 beds).

The purpose of this Clause 4.6 variation report is to address a variation to Clause 40(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

This variation to the height development standard applicable to the site is largely a result of the relatively steep sloping land, and the fact that the proposal seeks to adjoin the existing RACF, that currently breaches the height standard, to provide a functional and useable expansion of the overall development. The amended proposal has reduced the height of Level 3 of the Norfolk and Pines Building that fronts Sturt Road, as well as altered the building setback to Locksley Road which has reduced the extent the proposal breaches this height standard.

## 2. What is the environmental planning instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP). However, we note that the *Sutherland Shire Local Environmental Plan 2015* (SSLEP) also applies to the land.

## 3. What is the zoning of the land?

The zoning of the land is R2- Low Density Residential zone pursuant to the SSLEP, as shown in **Figure 1** below.

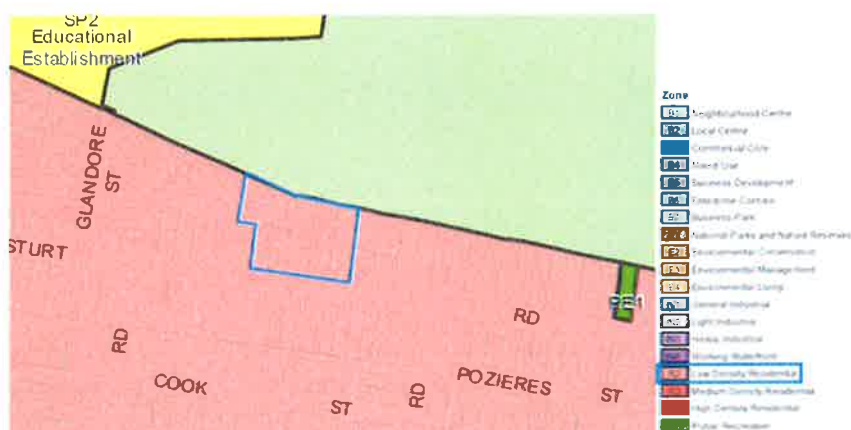


Figure 1: Extract of Land Zoning Map pursuant to SSLEP 2015

4. What are the objectives of the zone?

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.*
- *To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.*
- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

5. What is the development standard being varied?

The relevant development standard is the "height in zones where residential flat buildings are not permitted" standard under Clause 40(4)(a) of the Seniors SEPP. Refer below.

**"40 Development standards—minimum sizes and building height**

*(4) Height in zones where residential flat buildings are not permitted  
If the development is proposed in a residential zone where residential flat buildings are not permitted:*

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

*Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a)."*

6. Under what clause is the development standard listed in the EPI?

The subject development standard is listed under Clause 40(4)(a) of the Seniors SEPP.

7. What are the objectives of the development standard?

The Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls. It is therefore necessary to assume what the purpose of the standard might be to then evaluate whether a variation to the control would be consistent with that these objectives and Aims of the Policy (Clause 2(1)(a)) as indicated in Section 11. It is assumed that the intent/purpose of this control is:

- *to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area;*
- *to not cause unreasonable amenity impacts on adjoining developments.*

8. What is the numeric value of the development standard in the EPI?

The maximum allowable height is 8m, pursuant to Clause 40(4)(a) of the Seniors SEPP.

9. What is the proposed numeric value of the development standard in the DA?

As demonstrated on the plans prepared by Morrison Design Partnership, the proposal seeks to provide a maximum RL of 18.55 AHD (Level 3 roof towards Sturt Road). However, the development does not breach the standard at this point, with the areas that breach the height having a lower RLs located downslope on the land. The maximum breach of the standard has an RL of 15.75 AHD which is the top of the roof of the 'Norfolk' building (located towards the centre of the site) as a consequence of the sloping nature of the land. The maximum height of the building is approximately 10.256m as measured from the existing ground level of the site in accordance with the definition of building 'height' under the Seniors SEPP. This is a breach of the standard by 2.256m which represents a breach of 28% of the standard (refer to Section Drawing Number A301 within **Appendix 6**). **Figures 2 to 6** give an understanding of the breach of the standard.



Figure 2: Northern (rear) elevation that adjoins the golf course showing indicative extent of height breach outlined in red



Figure 3: Southern elevation showing that the amended proposal is significantly below the height standard at this elevation



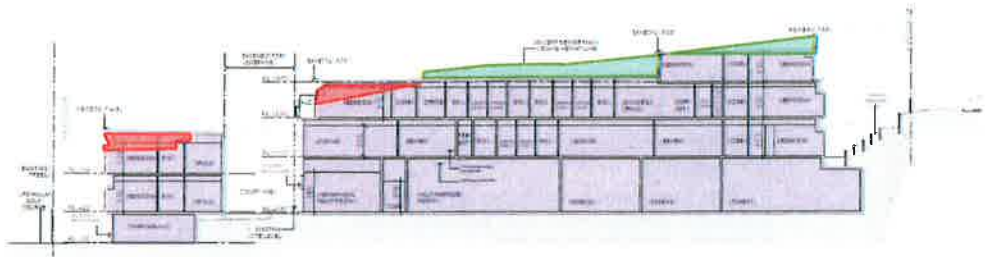


Figure 4: Section of the building showing the areas that exceed the standard (in red) and areas where the building is below the height standard (in green) (Source: MDP Architects)

The predominant reasons that the proposal breaches the height standard are discussed below:

- The subject site has a significant slope downwards away from Sturt Road to the northern boundary, with an approximate fall of 15m. As a consequence of this sloping land, portions of the building exceed the standard to provide a functional and logical building for the occupants and users of the building;
- The site contains an existing RACF that is approved and currently under construction on the site, which already breaches the height standard. As the proposal seeks to expand this existing facility, it is necessary to breach the standard to provide a consistent built form that is functional, useable, and efficient.
- Some of the floor space has been redistributed on the site, to provide for greater amenity to the existing residential building located at 41 Sturt Road. By redistributing this floor space, a portion of the building breaches the standard;
- The development provides for floor to ceiling heights that exceed the minimum requirements to provide for high levels of internal amenity to the residents of the building. This increases the extent of the breach of the standard, however, there are no benefits for minimising these floor to ceiling heights as discussed within this statement. Moreover, reducing these floor to ceiling heights would reduce the amenity for the users of the building, and provide a built form that is discontinuous, and otherwise less compatible, with the approved building to the east of the site.

#### 10. Matters to be considered under Clause 4.6 of the relevant EPI

The following table provides a summary of the key matters for consideration under Clause 4.6 of the SSLEP 2015 and a response as to where each is addressed in this written request:

Requirement/Subclause of Clause 4.6	Response/Comment
(1) The objectives of this clause are as follows: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	It is key to note that the objectives of the clause are to provide flexibility in applying development standards in that in so doing a better planning outcome ensues.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	The maximum building height development standard under clause 40(4)(a) of the SEPP is not expressly excluded from operation of this clause.

<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>This written request seeks to justify the variation by demonstrating (a) is achieved (refer to Section 11 below), and (b) is achieved (refer to Section 12 below).</p>
<p>(4) Development consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Director-General has been obtained.</p>	<p>This written request addresses all requirements of subclause (3).</p> <p>As set out in Section 13 of this written request, the proposed development will be in the public interest because it is consistent with the assumed objectives of the particular standard and the objectives for the zone.</p> <p>Concurrence is assumed but is a matter to be determined by the consent authority.</p>
<p>(5) In deciding whether to grant concurrence, the Director-General must consider:</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</p>	<p>Potential matters of significance for State or regional environmental planning are addressed in Section 14 below.</p> <p>Consideration of whether there is any public benefit in maintaining the development standard is considered in Section 15 below.</p> <p>Concurrence is a matter to be determined by the consent authority.</p>
<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if.....</p>	<p>Does not apply.</p>
<p>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p>	<p>This is a matter for the determining authority.</p>
<p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following....</p>	<p>Does not apply to the site/proposed variation.</p>

11. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the variation.

Under *Four2Five*, whilst this can still be considered under this heading, consideration of the remaining four (4) ways in *Wehbe* was considered to be warranted.

The following discussion provides a response to each of these five (5) "tests".

**Test 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard:**

As noted earlier, the Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls.

In the absence of any planning objectives for this development standard it is assumed that the intent/purpose of this control is as follows:-

- *to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area; and*
- *to not cause unreasonable amenity impacts on adjoining developments.*

Each assumed 'objective' is discussed below separately:

***to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area***

The subject site has a unique character in terms of the surrounding context. In this respect, the surrounding area has the following specific characteristics:

- One and two storey residential development along Sturt Road and Locksley Road;
- A golf course adjoins the site along the northern boundary;
- The site slopes significantly away from Sturt Road, towards the golf course in a northerly direction;
- There is an approved RACF on a portion of the site, currently under construction, which ranges in height between two and three storeys; and
- A portion of the site is flood affected along the northern boundary of the site.

The proposed development has been designed with regard to the existing/approved streetscape and the context of the site. The areas that breach the standard are predominantly situated more centrally, away from the street edges of the development, and do not add additional bulk to the building as viewed from the public domain.

As viewed along the southern/Sturt Road elevation (looking north) the proposed development has a built form that presents as a two storey building, which is between 1m and 4.8m below the 8m height standard. The areas that breach the standard are a result of the sloping site, and are situated away from the sites street frontage more centrally on the land. As such, as the breach is a consequence of the land sloping away from Sturt Road, the portions of the building that breach the standard do not contribute to additional bulk, as the breach is not distinguishable from the public domain and surrounding properties. If the building were to strictly comply with the standard, the height of the building would be reduced, but this would not have any distinguishable change as viewed from any public area (refer to **Figure 6**).



Figure 5: Elevation along Sturt Road (Source: MDP Architects)

Whilst the portion of the building fronting Sturt Road is below the height standard, the building has included articulation and a variety of colours and materials that assist in breaking up the bulk and scale of the building. The design intent of the proposal is to replicate the approved form on the site, so that the building presents as separate built forms along Sturt Road so as to break up the length of the building. This elevation has also specifically included glazed areas to provide site lines through the building, similar to the separation of individual dwellings should they otherwise be constructed on the land.

As viewed from Locksley Street, the proposed development only breaches the height standard by a portion of minor roof elements. Again, this is a consequence of the sloping land. Furthermore, the additional height at this location fronting the golf course allows for more spacious rooms for people otherwise confined to their beds. In doing so however, there is no consequential impact relating to bulk. Other parts of the development are, in fact, lower than the existing building at 4 Locksley Street. Notwithstanding the breach of the standard, the proposal is physically broken up and there are two distinct building forms that present to this frontage. This is consistent with the existing built form on the site and the proposal is of similar bulk and scale to the existing conditions (refer to **Figure 7**).



Figure 6: Locksley Street elevation noting that the built form in the middle of the site is not shown in this elevation (Source: MDP Architects)

In addition to the above, it is to be noted that the existing character of the area comprises the building currently being constructed on the site, noting that this building already breaches the standard. As the proposal represents an expansion of this approved RACF, it is considered more suitable to continue the breach of the standard so that the resultant built form is consistent with the existing building and provides a built form that is functional and logical for the future occupants. Overall, the proposed breach of the standard is considered to be more compatible with the existing character of the street and is more efficient and functional with the existing building on the site, which would otherwise not be possible should compliance be achieved.

The proposed breach of the standard does not affect the achievement of this objective

***to not cause unreasonable amenity impacts on adjoining developments.***

The amenity of adjoining developments is a result of various factors. These are discussed separately below as views, overshadowing, and privacy:



## Views

The amended proposal has been accompanied by an indicative view impact analysis prepared by MDP Architects in relation to the photos taken and provided by Council. The view analysis provided with the original SEE is not accurate, and these photos provided by Council give a more veracious depiction of the views currently enjoyed from Nos. 12, 14 and 20 Sturt Road. In response to this information, the plans were amended to reduce the height of Level 3 of the Pines/Norfolk building, as well as increase the setback of Level 3 to the western boundary adjacent to 41 Sturt Road.

This revised analysis demonstrates that the proposed breach of the standard does not impact on the views obtained from surrounding properties, than otherwise anticipated by a compliant built form. In fact, the amended proposal has been designed to improve the outlook from 41 Sturt Road, than otherwise anticipated, as it is lower than the existing dwelling at 4 Locksley Street and has provided setbacks in excess of a compliant dwelling envelope at 39 Sturt Road.

The impact on the views from the photos provided by Council for the properties 12, 14 and 20 Sturt Road are indicatively shown in **Figures 2 to 4** as prepared by MDP Architects.



Figure 7: Standing view impact of the amended proposal from the balcony of 12 Sturt Road (Source: SSC)



Figure 8: Standing view impact of the amended proposal from the balcony of 14 Sturt Road (Source: SSC)



Figure 9: Standing view impact of the amended proposal from the balcony of 20 Sturt Road (Source: SSC)

The properties that are most affected from the development in terms of views are 12, 14, 18 20, 30, and 41 Sturt Road.

In considering the impact of the development on views, an assessment against the Planning Principles established by *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 is provided below:

- *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Each property (with the exception of 41 Sturt Rd) has partial views of the water (Woolloomare Bay), as well as district views that includes the city skyline of the Sydney Central Business District (CBD). Views of Woolloomare Bay are more important views than the district views from these properties. These views are partially obstructed by the vegetation and development to the north of these properties.

As demonstrated in the images originally submitted with the DA, 41 Sturt Road has partial views towards the golf course as well as some surrounding vegetation. These views are partially obstructed by the existing buildings on the land to the north and north east.

- *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from the subject properties are from the balconies of 12, 14, 20, 24, 30, and 41 Sturt Road, and from a habitable room for 18 Sturt Road. All views are obtained from the front of the property looking north. The photos that Council provided, as demonstrated in **Figures 2 to 4** (for 12, 14 and 20 Sturt Road) are all taken from a standing position.

- *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively a negligible, minor, moderate, severe or devastating.*

As demonstrated in the above images, the most adversely affected property by the development in terms of views is 20 Sturt Road given it has the lowest balcony at RL 16.9AHD. The impact to this property is considered to be significant as the view of the water will be mostly removed, with the exception of views through the glazed areas of the building and a small 'slither' over the roof. However, it will still retain district views as well as views of the Sydney CBD.

The remaining properties that currently have views looking north from their second levels on the southern side of Sturt Road (i.e. 12, 14, 18, 24 and 30 Sturt Road) retain the majority of the significant views (i.e. water) as well as the district views and the Sydney CBD.

41 Sturt Road will have their views partially obstructed, however, it is anticipated that it will retain some views of the golf course and surrounding vegetation.

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

It is important to understand that the portion of the building responsible for the loss of view is that at the highest point of the site, being the southernmost side of the Norfolk and Pines Building towards Sturt Road. In this respect, this area of the upper level of these buildings are notably below the height standard contained under the Seniors SEPP as well as the Sutherland Local Environmental Plan (SLEP) by up to 1.5m and 1.8m respectively. As such, the views that are compromised are from portions of the development that comply with the height standard. It is appreciated that there are other areas of the building that exceed the 'standards that cannot be used to refuse consent' under clause 48 of the Seniors SEPP in terms of height. However, at these points there is no impact as a consequence of the breach; the breach of the 8m height standard is due to the fall in land level, and not an increase in height of the built form. In fact, the roof of the Pines/Norfolk building slopes down away from Sturt Road and does not have any impact on the loss of these views.

With regard to the above, it is evident that the amended proposal has responded to the retention of views where possible. Whilst it is accepted, as suggested by Council, that a physical break in the building and/or level 3 may assist in providing additional 'slithers' of views towards the north, this is not possible in the circumstances given the functional requirements of the seniors facility. In this respect, and as originally proposed, the upper Level has incorporated glazed elements that will allow for views through the building at this level to mimic a built form of dwelling houses should they otherwise be constructed, noting that these glazed areas are greater in width than that of a complying building envelope. With regard to setbacks from the boundary. As such, it is considered that the impact to views are reasonable given the impact of views are from a portion of the building that is below the height standard, and the design of the building has altered to maximise the views from these properties. The proposal is consistent with the principles established in *Tenacity*, and provides an acceptable outcome.

### **Overshadowing**

The original proposal has been accompanied by Shadow Diagrams prepared by MDP Architects which is provided at **Appendix 6** of the SEE. The only property that was overshadowed by the proposal is 41 Sturt Road. The shadow diagrams demonstrate that the original proposal provides similar shadows to this property as the existing conditions of the site, and that it maintains in excess of 3hrs of solar access to their private open space and north facing windows. Moreover, the original proposal provides improved shadowing to the rear open space of 41 Sturt Road than the current conditions. The amended plans have reduced the height of Level 3 of the Norfolk/Pines building, as well as setback further from Sturt Road. As such, the shadows will have improved from the original development.

The proposal has specifically not built in the area to the east of 41 Sturt, in what would otherwise be the rear garden of 39 Sturt Road. As a result, this has resulted in no greater an impact by virtue of overshadowing than would be anticipated by a compliant development at 39 Sturt Road. In this respect, it is to be noted that the development adjacent to No 41 Sturt Road does not exceed the height standard.

The breach of the standard does not result in any adverse shadows to any surrounding properties.

### Privacy

The most sensitive property to privacy impacts in 41 Sturt Road. The development has been designed to provide amenity to this existing property. This is achieved by providing a large landscaped area adjacent to this property in the location that would otherwise be the rear garden of 39 Sturt Road, as well as providing a built form that is less in height and greater setbacks than the existing development at 4 Locksley Street. The breach of the standard does not result in any loss of privacy to any surrounding properties.

### Conclusion

The proposed height and massing of the building ensures that:

- the development does not dominate the streetscape by virtue of its scale and bulk and compatible with the character of the area;
- the development does not cause unreasonable amenity impacts on adjoining properties.

Accordingly, notwithstanding the non-compliance with the numerical standard the proposed development achieves the assumed objectives of the standard as well as being consistent with the future planning controls and thus the objection is well founded. Strict compliance in the circumstances of this case is unnecessary and unreasonable to achieve the specified objective of the standard.

In addition to the above objectives the proposal considers the following elements of the Policy:

- Clause 2(1)(a) - Aims of the Policy; and
- Clause 40(4)(a).

The terms of those provisions are considered below:

Clause 2(1)(a) - Aims of the Policy

This clause states:

*"This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

*(a) increase the supply and diversity of residences that meet the needs of seniors*

*or people with a disability, and*

*(b) make efficient use of existing infrastructure and services, and*

*(c) be of good design Response "*

### Response

The proposal is consistent with the aims of the policy as:



- The proposed development will promote the social and economic welfare of the local community through the provision of additional seniors housing to comply with all relevant standards relating to facilities and accessibility for the aged and disabled people. In fact, the breach of the height standard allows for improved amenity for the elderly residents of the RACF by providing rooms with greater than minimum floor to ceiling heights;
- The proposal will create additional jobs during the construction and ongoing use of the development;
- The proposed development represents the expansion of the existing RACF, and will connect to the surrounding infrastructure that currently services the development;
- There will be no unreasonable adverse impacts on the environment and the proposal remains compatible with the existing built form and overall the proposal is a good design response;
- The proposed breach of the standard does not affect consistency or achievement with the above objectives.

*Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

We do not rely on this reason.

*Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

We do not rely on this reason.

*Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

In this respect the approved RACF on the site already exceeds the 8m height limit by approximately 1.1m. Therefore, for the purpose of this site, Council has abandoned compliance with the standard per se. The proposal continues the same design intent of this existing RACF, and represents an expansion of this facility. The proposed development does not result in any adverse environmental impacts or loss of amenity to adjoining properties. Whilst the proposal exceeds the height standard, it does not contribute to any excessive bulk and scale when viewed from the public domain or adjacent properties, and maintains a two storey presentation. Should compliance be achieved, it would result in a building that is not compatible with the approved building on the site. Moreover, the breach of the standard allows for a consistent built form on the overall site, which provides a more functional and useable facility with consideration given to the amenity and accessibility for the residents/occupants/staff. Overall, the benefits of compliance would not outweigh the benefit of non-compliance

*Test 5: The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

We do not rely on this reason.

For the reasons as set out above, it is considered that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.

12. Sufficient environmental planning grounds to justify the contravention

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. In particular, the SEE has demonstrated that the proposal is substantially compliant with the relevant environmental planning framework. A height-compliant development would clearly result in a lesser built form, but in this case the parts of the building that breach the standard are indiscernible from the public domain and do not cause any adverse impacts to surrounding residential properties. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts and it is considered there are sufficient environmental planning grounds to justify the contravention. Some of the specific environmental grounds to justify the breach of the standard are summarised as follows:

- The proposed breaches are directly related to the steeply sloping nature of the site, which slopes away from Sturt Road towards the golf course and the northern boundary;
- The proposal adjoins an approved RACF that is currently under construction, which already breaches the height standard to a similar degree. As such, the proposed breach of the standard allows the proposal to continue the approved building form to provide for a development that is more functional, efficient, and useable to the occupants. This would not be otherwise achieved if compliance were to be required, and would result in a building that is not compatible with the existing character of the area including the approved RACF;
- The areas that exceed the development standard are not discernible as viewed from the public domain, and do not contribute to distinguishable bulk, scale or density of the building;
- The proposal only adjoins one other residential property, and has responded appropriately to this existing property;
- The proposal adjoins a golf course on the northern boundary; and
- There are no adverse environmental impacts as a result of the proposed breach of the standard.

13. Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the assertive objectives of the particular standard, Aims of the SEPP and the objectives for the relevant zone in which the development is proposed to be carried out.

The objectives of the standard are addressed in **Section 11** above and are satisfied. As stated above, the non-compliance arguably better achieves the objectives of the relevant development standard because it reduces the extent of building bulk and built form remains consistent with the locality. For this particular reason, the variation provides a public benefit and is in the public interest.

The objectives of the R2 Low Density zone are addressed below:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposed development provides for additional seniors housing to cater for the needs of the surrounding community. The proposed breach of the standard does not affect consistency with this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is for seniors housing which is permissible under the SSLEP within the zone. The proposed breach of the standard does not affect consistency with this objective.

- *To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.*

The proposed breach of the standard does not affect consistency with this objective.

- *To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.*

The proposed breach of the standard does not affect consistency with this objective.

- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

As discussed previously, the proposed development has been designed with regard to the character of the surrounding area. In particular, the proposal represents the expansion of the existing RACF that is on the site, and has borrowed the development cues from this facility. The areas that breach the standard are not discernible when viewed from the public domain, and do not contribute to any adverse bulk and scale from the development when viewed from the surrounding area and the character of the area is maintained.

The proposed breach of the standard does not affect consistency with this objective.

## Conclusion

The objectives of the zone, as demonstrated above, as well as the asserted objective for the standard and aim of the SEPP, as demonstrated under **Section 11**, have been satisfied. Therefore, the variation to the height standard is in the public interest.

### 14. Matters of state or regional significance (cl. 4.6(5)(a))

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

### 15. The public benefit of maintaining the standard (cl. 4.6(5)(b))

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There is no public benefit in maintaining strict compliance with the development standard given that there are no adverse impacts that will result from the breach of the standard. However, the proposal will provide additional seniors accommodation and care for the community in a purpose built facility with excellent internal and external amenity. Further,

expanding the existing new facility is more desirable and beneficial in planning terms because it achieves economies of scale in terms of facilities duration and consolidates the built form in a single location rather than ad-hoc piecemeal seniors development in other R2 zoned land. Therefore, the advantages of the proposal outweigh the disadvantages.

16. Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the SSLEP 2015, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify the contravention;
- The proposed breach of the standard is a consequence of the steeply sloping site, which slopes away from Sturt Road towards the golf course on the northern boundary;
- The proposed development represents an extension of the existing RACF, and the breach of the standard allows for a development that responds to the context of the site and at the same time is efficient, functional, useable, and compatible with the character of the area and the existing facility;
- The breach of the standard allows for an increased floor to ceiling heights within the building, which provides for improved amenity and outlook for the elderly residents of the building. To achieve compliance does not provide any tangible benefits that outweigh
- The development achieves and is consistent with the objectives of the development standard and the objectives of the R2 zone, notwithstanding the variation;
- The proposed development is an appropriate response to the context of the site, and the breach of the standard is compatible with the existing and future character of the area;
- The proposed development will not have any environmental impact and is in the public interest and better achieves the development standard's objectives;
- The proposed variation will not hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979; and
- The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.





## Clause 4.6 Variation Request

Height of Buildings Development Standard ~  
SEPP (Housing for Seniors or People with a  
Disability) 2004 - Clause 40(4)(a)

31-39 Sturt Road and 2, 4 and 2A Locksley Street,  
Cronulla NSW 2230

Submitted to Sutherland Shire Council

On Behalf of Pathways Property Group

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## 1. Introduction

This Clause 4.6 variation report accompanies a Development Application (DA) submitted to Sutherland Shire Council for the subject site at **Nos. 31-39 Sturt Road, and 2, 2A and 4 Locksley Street, Cronulla ("the site")**. The proposed development includes the expansion of the existing residential aged care facility (RACF) that is currently under construction, onto new land that has recently been purchased adjacent to the existing development. The proposal will result in an additional of 103 beds to the facility which currently contains 88 beds (combined 191 beds).

The purpose of this Clause 4.6 variation report is to address a variation to Clause 40(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

This variation to the height development standard applicable to the site is largely a result of the relatively steep sloping land, and the fact that the proposal seeks to adjoin the existing RACF, that currently breaches the height standard, to provide a functional and useable expansion of the overall development.

## 2. What is the environmental planning instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP). However, we note that the *Sutherland Shire Local Environmental Plan 2015* (SSLEP) also applies to the land.

## 3. What is the zoning of the land?

The zoning of the land is R2- Low Density Residential zone pursuant to the SSLEP, as shown in **Figure 1** below.

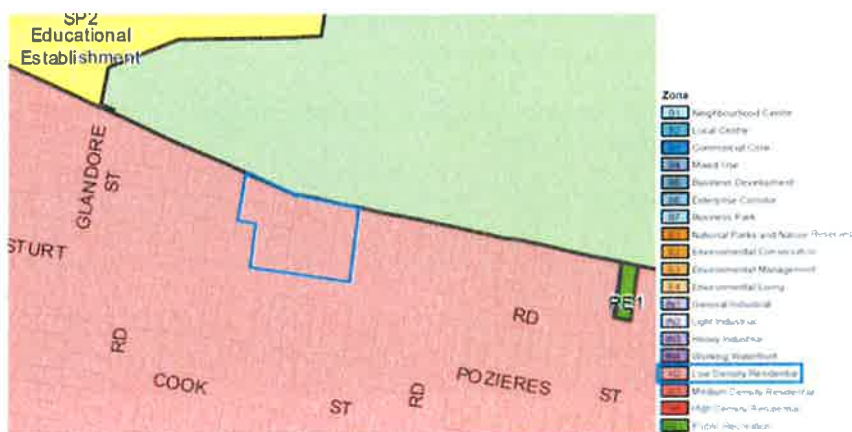


Figure 1: Extract of Land Zoning Map pursuant to SSLEP 2015

4. What are the objectives of the zone?

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.*
- *To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.*
- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

5. What is the development standard being varied?

The relevant development standard is the "height in zones where residential flat buildings are not permitted" standard under Clause 40(4)(a) of the Seniors SEPP. Refer below.

**"40 Development standards—minimum sizes and building height**

*(4) Height in zones where residential flat buildings are not permitted  
If the development is proposed in a residential zone where residential flat buildings are not permitted:*

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

*Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a)."*



6. Under what clause is the development standard listed in the EPI?

The subject development standard is listed under Clause 40(4)(a) of the Seniors SEPP.

7. What are the objectives of the development standard?

The Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls. It is therefore necessary to assume what the purpose of the standard might be to then evaluate whether a variation to the control would be consistent with that these objectives and Aims of the Policy (Clause 2(1)(a)) as indicated in Section 11. It is assumed that the intent/purpose of this control is:

- *to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area;*
- *to not cause unreasonable amenity impacts on adjoining developments.*

8. What is the numeric value of the development standard in the EPI?

The maximum allowable height is 8m, pursuant to Clause 40(4)(a) of the Seniors SEPP.

9. What is the proposed numeric value of the development standard in the DA?

As demonstrated on the plans prepared by Morrison Design Partnership, the proposal seeks to provide a maximum RL of 18.96 AHD (Level 3 roof towards Sturt Road). However, the development does not breach the standard at this point, with the areas that breach the height having a lower RLs noting that the extent of the breach of the standard is at RL 15.75 AHD which is the top of the roof of the 'Norfolk' building (located towards the centre of the site) as a consequence of the sloping nature of the land. The maximum height of the building is approximately 10.256m as measured from the existing ground level of the site in accordance with the definition of building 'height' under the Seniors SEPP. This is a breach of the standard by 2.256m which represents a breach of 28% of the standard (refer to Section Drawing Number A301 within **Appendix 6**). **Figures 2 to 6** give an understanding of the breach of the standard.

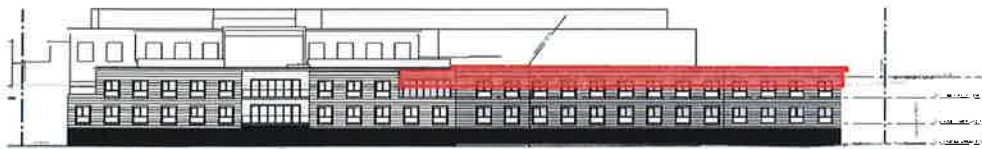


Figure 2: Northern (rear) elevation that adjoins the golf course showing indicative extent of height breach outlined in red



Figure 3: Southern elevation showing that the proposal does not breach the standard at this elevation

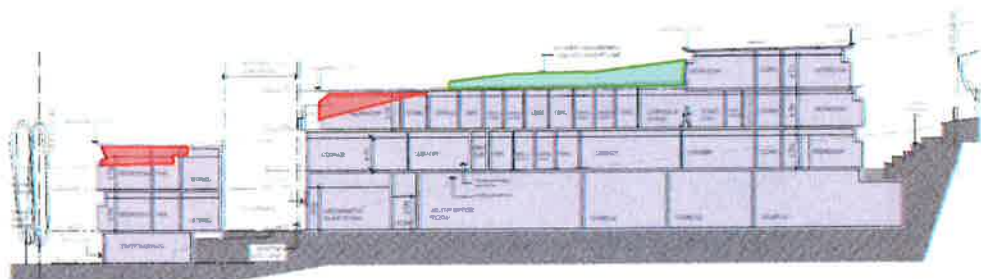


Figure 4: Section of the building showing the areas that exceed the standard (in red) and areas where the building is below the height standard (in green) (Source: MDP Architects)

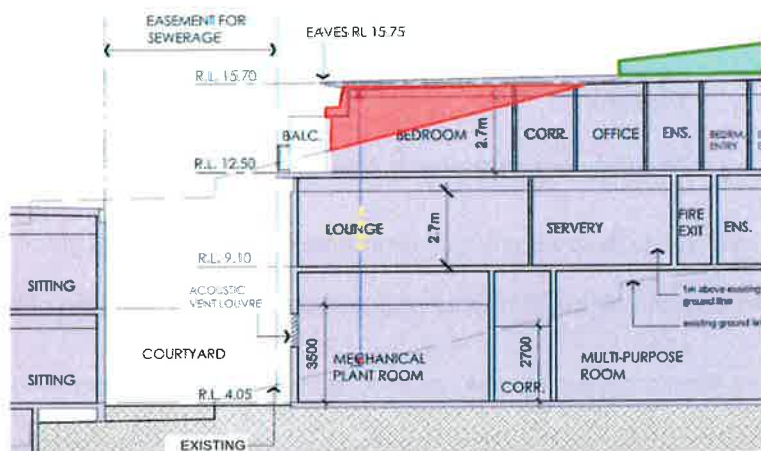


Figure 5: Section of the building showing areas that breach of the standard (in red) and areas where the building is below the height standard (in green) (Source: MDP Architects)

MDP Architects have also prepared a 3D diagram which illustrates what portions of the development breach the height standard as shown below in **Figure 5**.

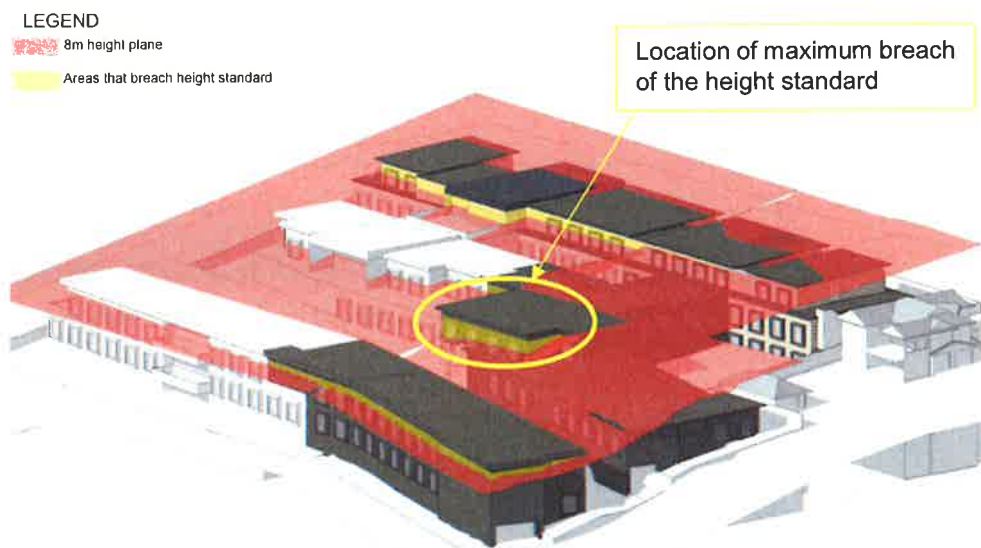


Figure 6: 3D Massing showing the breach of the height standard. Areas in white have been approved under a previous DA (Source: MDP Architects)

The predominant reasons that the proposal breaches the height standard are discussed below:

- The subject site has a significant slope downwards away from Sturt Road to the northern boundary, with an approximate fall of 15m. As a consequence of this sloping land, portions of the building exceed the standard to provide a functional and logical building for the occupants and users of the building;
- The site contains an existing RACF that is approved and currently under construction on the site, which already breaches the height standard. As the proposal seeks to expand this existing facility, it is necessary to breach the standard to provide a consistent built form that is functional, useable, and efficient.
- Some of the floor space has been redistributed on the site, to provide for greater amenity to the existing residential building located at 41 Sturt Road. By redistributing this floor space, a portion of the building breaches the standard;
- The development provides for floor to ceiling heights that exceed the minimum requirements to provide for high levels of internal amenity to the residents of the building. This increases the extent of the breach of the standard, however, there are no benefits for minimising these floor to ceiling heights as discussed within this statement. Moreover, reducing these floor to ceiling heights would reduce the amenity for the users of the building, and provide a built form that is discontinuous, and otherwise less compatible, with the approved building to the east of the site.

10. Matters to be considered under Clause 4.6 of the relevant EPI

The following table provides a summary of the key matters for consideration under Clause 4.6 of the SSLEP 2015 and a response as to where each is addressed in this written request:

Requirement/Subclause of Clause 4.6	Response/Comment
(1) The objectives of this clause are as follows: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	It is key to note that the objectives of the clause are to provide flexibility in applying development standards in that in so doing a better planning outcome ensues.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	The maximum building height development standard under clause 40(4)(a) of the SEPP is not expressly excluded from operation of this clause.
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	This written request seeks to justify the variation by demonstrating (a) is achieved (refer to Section 11 below), and (b) is achieved (refer to Section 12 below).
(4) Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:	This written request addresses all requirements of subclause (3).  As set out in Section 13 of this written request, the proposed development will be in the public interest because it is consistent with the assumed objectives of the particular standard and the objectives for the zone.

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	Concurrence is assumed but is a matter to be determined by the consent authority.
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	
(b) the concurrence of the Director-General has been obtained.	
(5) In deciding whether to grant concurrence, the Director-General must consider:	Potential matters of significance for State or regional environmental planning are addressed in Section 14 below.
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	Consideration of whether there is any public benefit in maintaining the development standard is considered in Section 15 below.
(b) the public benefit of maintaining the development standard, and	Concurrence is a matter to be determined by the consent authority.
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if.....	Does not apply.
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	This is a matter for the determining authority.
(8) This clause does not allow development consent to be granted for development that would contravene any of the following....	Does not apply to the site/proposed variation.

# 11. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the variation. Under *Four2Five*, whilst this can still be considered under this heading, consideration of the remaining four (4) ways in *Wehbe* was considered to be warranted.

The following discussion provides a response to each of these five (5) "tests".

## Test 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard;

As noted earlier, the Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls.

In the absence of any planning objectives for this development standard it is assumed that the intent/purpose of this control is as follows:-



- to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area; and
- to not cause unreasonable amenity impacts on adjoining developments.

Each assumed 'objective' is discussed below separately:

***to ensure that the development does not dominate and is compatible with the streetscape by virtue of its scale and bulk and consistent with the character of the area***

The subject site has a unique character in terms of the surrounding context. In this respect, the surrounding area has the following specific characteristics:

- One and two storey residential development along Sturt Road and Locksley Road;
- A golf course adjoins the site along the northern boundary;
- The site slopes significantly away from Sturt Road, towards the golf course in a northerly direction;
- There is an approved RACF on a portion of the site, currently under construction, which ranges in height between two and three storeys; and
- A portion of the site is flood affected along the northern boundary of the site.

The proposed development has been designed with regard to the existing/approved streetscape and the context of the site. The areas that breach the standard are predominantly situated more centrally, away from the street edges of the development, and do not add additional bulk to the building as viewed from the public domain.

As viewed along the southern/Sturt Road elevation (looking north) the proposed development has a built form that presents as a two storey building, which is between 1m and 4.8m below the 8m height standard. The areas that breach the standard are a result of the sloping site, and are situated away from the sites street frontage more centrally on the land. As such, as the breach is a consequence of the land sloping away from Sturt Road, the portions of the building that breach the standard do not contribute to additional bulk, as the breach is not distinguishable from the public domain and surrounding properties. If the building were to strictly comply with the standard, the height of the building would be reduced, but this would not have any distinguishable change as viewed from any public area (refer to **Figure 6**).



Figure 7: Elevation along Sturt Road (Source: MDP Architects)

Whilst the portion of the building fronting Sturt Road is below the height standard, the building has included articulation and a variety of colours and materials that assist in breaking up the bulk and scale of the building. The design intent of the proposal is to replicate the approved form on the site, so that the building presents as separate built forms along Sturt Road so as to break up the length of the building.

As viewed from Locksley Street, the proposed development only breaches the height standard by a portion of minor roof elements. Again, this is a consequence of the sloping land. Furthermore, the additional height at this location fronting the golf course allows for more spacious rooms for people otherwise confined to their beds. In doing so

however, there is no consequential impact relating to bulk. Other parts of the development are, in fact, lower than the existing building at 4 Locksley Street. Notwithstanding the breach of the standard, the the proposal is physically broken up and there are two distinct building forms that present to this frontage. This is consistent with the existing built form on the site and the proposal is of similar bulk and scale to the existing conditions (refer to **Figure 7**).



Figure 8: Locksley Street elevation noting that the built form in the middle of the site is not shown in this elevation (Source: MDP Architects)

In addition to the above, it is to be noted that the existing character of the area comprises the building currently being constructed on the site, noting that this building already breaches the standard. As the proposal represents an expansion of this approved RACF, it is considered more suitable to continue the breach of the standard so that the resultant built form is consistent with the existing building and provides a built form that is functional and logical for the future occupants. Overall, the proposed breach of the standard is considered to be more compatible with the existing character of the street and is more efficient and functional with the existing building on the site, which would otherwise not be possible should compliance be achieved.

The proposed breach of the standard does not affect the achievement of this objective

**to not cause unreasonable amenity impacts on adjoining developments.**

The amenity of adjoining developments is a result of various factors. These are discussed separately below as views, overshadowing, and privacy:

### Views

The proposal has been accompanied by a view impact analysis prepared by Architectural Images which is provided at **Appendix 18** of the SEE. This analysis demonstrates that the proposed breach of the standard does not impact on the views obtained from surrounding properties, than otherwise anticipated by a compliant built form. In fact, the proposal has been designed to improve the outlook from 41 Sturt Road, than otherwise anticipated, as it is lower than the existing dwelling at 4 Locksley Street and has provided setbacks in excess of a compliant dwelling envelope at 39 Sturt Road.



Figure 9: Views from 30 Sturt Road (left) and 26 Sturt Road (right) with indicative proposed building envelope outlined in red



Figure 10: Views from 24 Sturt Road (left) and 20 Sturt Road (right) with indicative proposed building envelope outlined in red



Figure 11: Views from 41 Sturt Road. The proposed envelope is outlined in red, and a DCP compliant envelope is outlined in blue

### Overshadowing

The proposal has been accompanied by Shadow Diagrams prepared by MDP Architects which is provided at **Appendix 6** of the SEE. The only property that is overshadowed by the proposal is 41 Sturt Road. The shadow diagrams demonstrate that the proposal provides similar shadows to this property as the existing conditions of the site, and that it maintains in excess of 3hrs of solar access to their private open space and north facing windows. Moreover, the proposal provides improved shadowing to the rear open space of 41 Sturt Road than the current conditions.

The proposal has specifically not built in the area to the east of 41 Sturt, in what would otherwise be the rear garden of 39 Sturt Road. As a result, this has resulted in no greater an impact by virtue of overshadowing than would be anticipated by a compliant development at 39 Sturt Road. In this respect, it is to be noted that the development adjacent to No 41 Sturt Road does not exceed the height standard.

The breach of the standard does not result in any adverse shadows to any surrounding properties.

### Privacy

The most sensitive property to privacy impacts in 41 Sturt Road. The development has been designed to provide amenity to this existing property. This is achieved by providing a large landscaped area adjacent to this property in the location that would otherwise be the rear garden of 39 Sturt Road, as well as providing a built form that is less in height and greater setbacks than the existing development at 4 Locksley Street. The breach of the standard does not result in any loss of privacy to any surrounding properties.

### Conclusion

The proposed height and massing of the building ensures that:

- the development does not dominate the streetscape by virtue of its scale and bulk and compatible with the character of the area;
- the development does not cause unreasonable amenity impacts on adjoining properties.

Accordingly, notwithstanding the non-compliance with the numerical standard the proposed development achieves the assumed objectives of the standard as well as being consistent with the future planning controls and thus the objection is well founded. Strict compliance in the circumstances of this case is unnecessary and unreasonable to achieve the specified objective of the standard.

In addition to the above objectives the proposal considers the following elements of the Policy:

- Clause 2(1)(a) - Aims of the Policy; and
- Clause 40(4)(a).

The terms of those provisions are considered below:

Clause 2(1)(a) - Aims of the Policy

This clause states:

*"This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design Response "*

## **Response**

The proposal is consistent with the aims of the policy as:

- The proposed development will promote the social and economic welfare of the local community through the provision of additional seniors housing to comply with all relevant standards relating to facilities and accessibility for the aged and disabled people. In fact, the breach of the height standard allows for improved amenity for the elderly residents of the RACF by providing rooms with greater than minimum floor to ceiling heights;
- The proposal will create additional jobs during the construction and ongoing use of the development;
- The proposed development represents the expansion of the existing RACF, and will connect to the surrounding infrastructure that currently services the development;
- There will be no unreasonable adverse impacts on the environment and the proposal remains compatible with the existing built form and overall the proposal is a good design response;



- The proposed breach of the standard does not affect consistency or achievement with the above objectives.

Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

We do not rely on this reason.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

We do not rely on this reason.

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

In this respect the approved RACF on the site already exceeds the 8m height limit by approximately 1.1m. Therefore, for the purpose of this site, Council has abandoned compliance with the standard. The proposal continues the same design intent of this existing RACF, and represents an expansion of this facility. The proposed development does not result in any adverse environmental impacts or loss of amenity to adjoining properties. Whilst the proposal exceeds the height standard, it does not contribute to any excessive bulk and scale when viewed from the public domain or adjacent properties, and maintains a two storey presentation. Should compliance be achieved, it would result in a building that is not compatible with the approved building on the site. Moreover, the breach of the standard allows for a consistent built form on the overall site, which provides a more functional and useable facility with consideration given to the amenity and accessibility for the residents/occupants/staff. Overall, the benefits of compliance would not outweigh the benefit of non-compliance.

Test 5: The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

We do not rely on this reason.

For the reasons as set out above, it is considered that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.

## 12. Sufficient environmental planning grounds to justify the contravention

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. In particular, the SEE has demonstrated that the proposal is substantially compliant with the relevant environmental planning framework. A height-compliant development would clearly result in a lesser built form, but in this case the parts of the building that breach the standard are indiscernible from the public domain and do not cause any adverse impacts to surrounding residential properties. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts and it is considered there are sufficient environmental planning grounds to justify the contravention. Some of the specific environmental grounds to justify the breach of the standard are summarised as follows:

- The proposed breaches are directly related to the steeply sloping nature of the site, which slopes away from Sturt Road towards the golf course and the northern boundary;
- The proposal adjoins an approved RACF that is currently under construction, which already breaches the height standard to a similar degree. As such, the proposed breach of the standard allows the proposal to continue the approved building form to provide for a development that is more functional, efficient, and useable to the occupants. This would not be otherwise achieved if compliance were to be required, and would result in a building that is not compatible with the existing character of the area including the approved RACF;
- The areas that exceed the development standard are not discernible as viewed from the public domain, and do not contribute to distinguishable bulk, scale or density of the building;
- The proposal only adjoins one other residential property, and has responded appropriately to this existing property;
- The proposal adjoins a golf course on the northern boundary; and
- There are no adverse environmental impacts as a result of the proposed breach of the standard.

13. Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the assertive objectives of the particular standard, Aims of the SEPP and the objectives for the relevant zone in which the development is proposed to be carried out.

The objectives of the standard are addressed in **Section 11** above and are satisfied. As stated above, the non-compliance arguably better achieves the objectives of the relevant development standard because it reduces the extent of building bulk and built form remains consistent with the locality. For this particular reason, the variation provides a public benefit and is in the public interest.

The objectives of the R2 Low Density zone are addressed below:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposed development provides for additional seniors housing to cater for the needs of the surrounding community. The proposed breach of the standard does not affect consistency with this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is for seniors housing which is permissible under the SSLEP within the zone. The proposed breach of the standard does not affect consistency with this objective.

- *To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.*

The proposed breach of the standard does not affect consistency with this objective.

- *To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.*

The proposed breach of the standard does not affect consistency with this objective.

- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

As discussed previously, the proposed development has been designed with regard to the character of the surrounding area. In particular, the proposal represents the expansion of the existing RACF that is currently under construction on the site, and has borrowed the development cues from this facility. The areas that breach the standard are not discernible when viewed from the public domain, and do not contribute to any adverse bulk and scale from the development when viewed from the surrounding area and the character of the area is maintained.

The proposed breach of the standard does not affect consistency with this objective.

### Conclusion

The objectives of the zone, as demonstrated above, as well as the asserted objective for the standard and aim of the SEPP, as demonstrated under **Section 11**, have been satisfied. Therefore, the variation to the height standard is in the public interest.

#### 14. Matters of state or regional significance (cl. 4.6(5)(a))

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

#### 15. The public benefit of maintaining the standard (cl. 4.6(5)(b))

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There is no public benefit in maintaining strict compliance with the development standard given that there are no adverse impacts that will result from the breach of the standard. However, the proposal will provide additional seniors accommodation and care for the community in a purpose built facility with excellent internal and external amenity. Further, expanding the existing new facility is more desirable and beneficial in planning terms because it achieves economies of scale in terms of facilities duration and consolidates the built form in a single location rather than ad-hoc piecemeal seniors development in other R2 zoned land. Therefore, the advantages of the proposal outweigh the disadvantages.

#### 16. Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the SSLEP 2015, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify the contravention;

- The proposed breach of the standard is a consequence of the steeply sloping site, which slopes away from Sturt Road towards the golf course on the northern boundary;
- The proposed development represents an extension of the existing RACF, and the breach of the standard allows for a development that responds to the context of the site and at the same time is efficient, functional, useable, and compatible with the character of the area and the existing facility;
- The breach of the standard allows for an increased floor to ceiling heights within the building, which provides for improved amenity and outlook for the elderly residents of the building. To achieve compliance does not provide any tangible benefits that outweigh
- The development achieves and is consistent with the objectives of the development standard and the objectives of the R2 zone, notwithstanding the variation;
- The proposed development is an appropriate response to the context of the site, and the breach of the standard is compatible with the existing and future character of the area;
- The proposed development will not have any environmental impact and is in the public interest and better achieves the development standard's objectives;
- The proposed variation will not hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979; and
- The contravention does not raise any matter of State or Regional Significance.

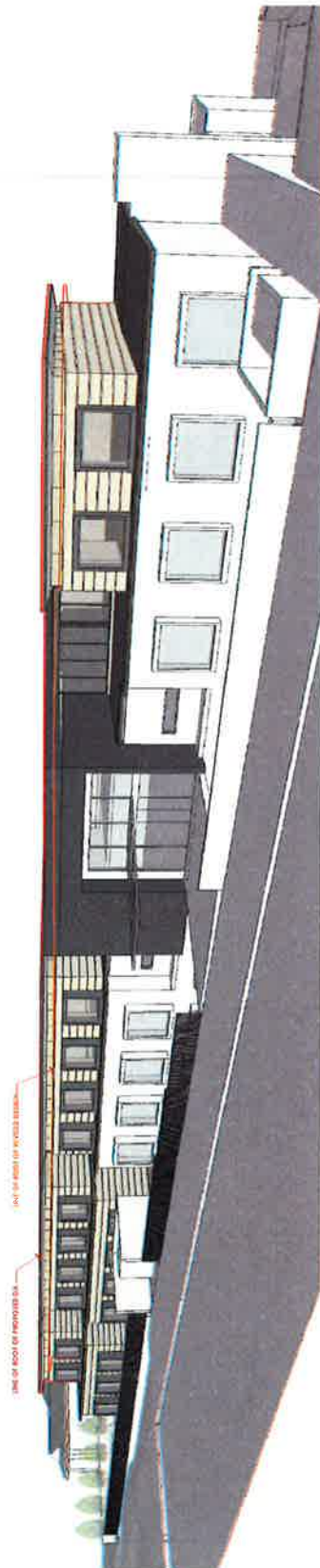
The variation is therefore considered well founded.











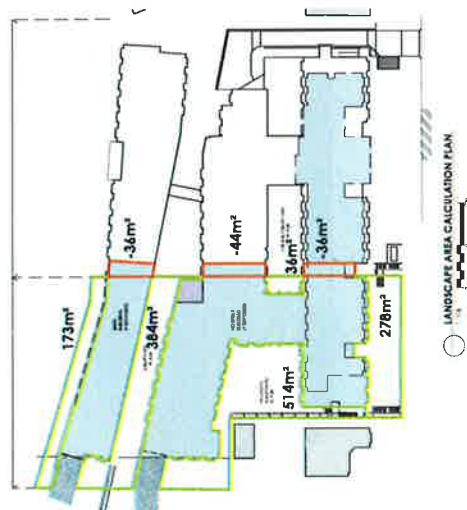
PATHWAYS  
PROPERTY  
GROUP P/L

**CRONULLA PINES**  
**AGED CARE FACILITY**

BALCONY VIEWS OF  
NO. 12 STURT RD

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## PROJECT INFORMATION

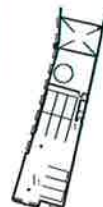
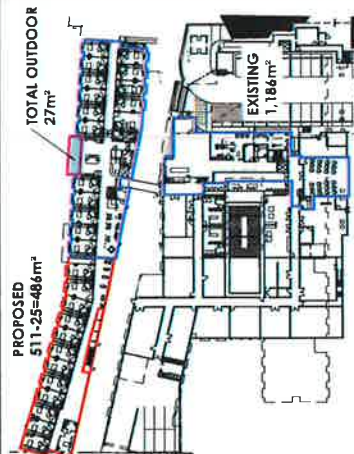
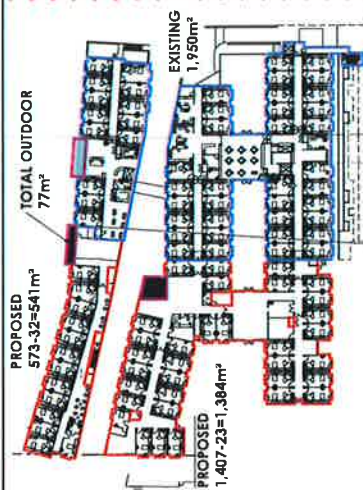
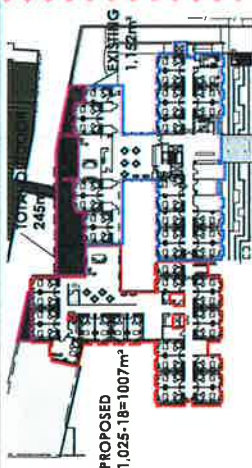
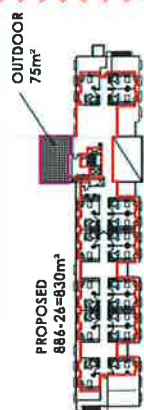


	EXISTING	PROPOSED	COMBINED
SITE AREA:	4,275.6m <sup>2</sup>	3,299.5m <sup>2</sup>	7,575.1m <sup>2</sup>
GFA	4,286m <sup>2</sup>	4,246m <sup>2</sup>	8,536m <sup>2</sup>
FSR	1 : 1		1.126 : 1
LANDSCAPE	1,483m <sup>2</sup>	1,385m <sup>2</sup>	3,152m <sup>2</sup>
OUTDOOR AREA	-116m <sup>2</sup>		424m <sup>2</sup>
LANDSCAPE & OUTDOOR AREA PER BED			(19.2/BED)

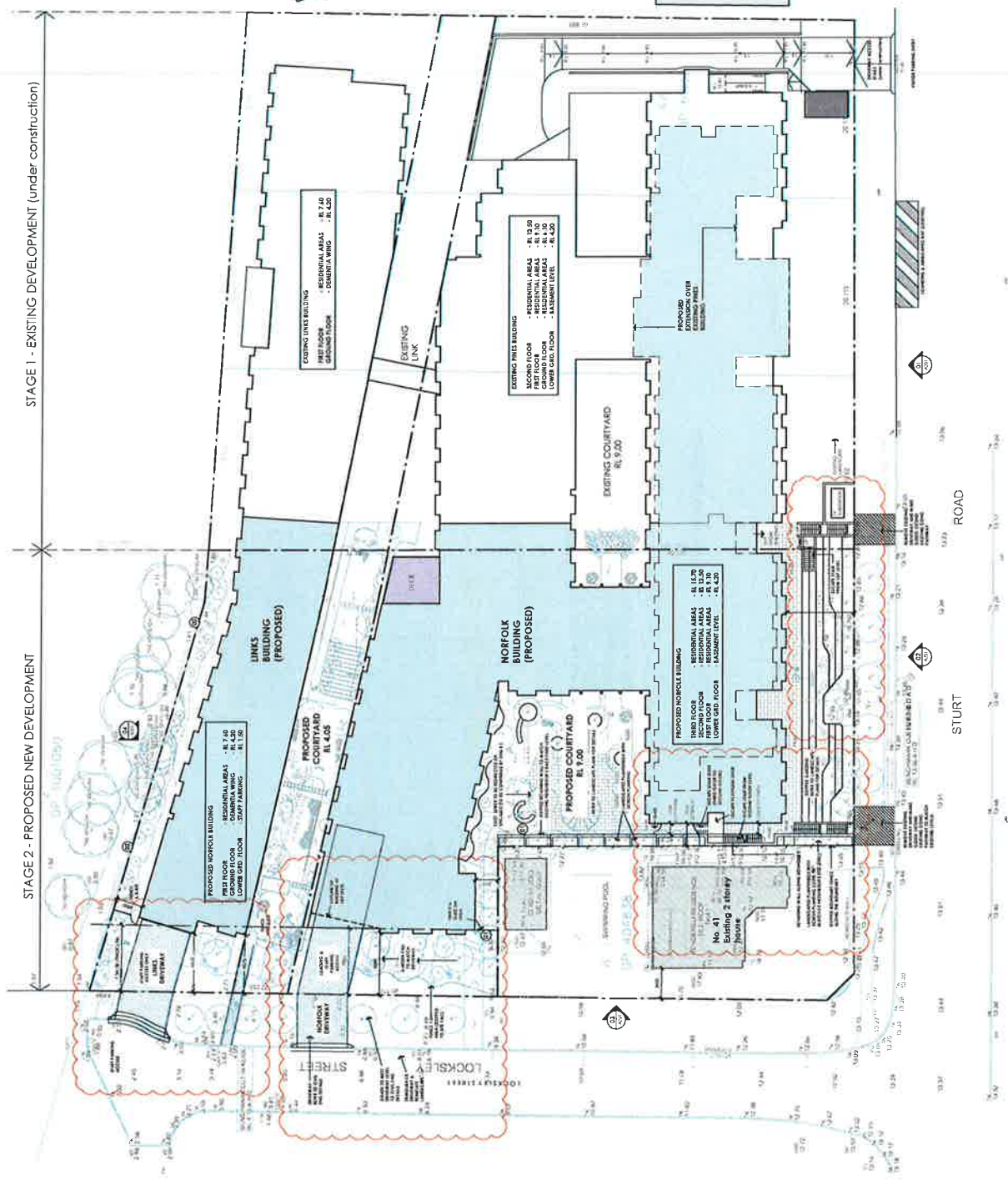
**KEY**

-  PROPOSED LANDSCAPED AREA
-  BUILD OVER EXISTING LANDSCAPE AREA
-  GROSS FLOOR AREA (PROPOSED)
-  GROSS FLOOR AREA (EXISTING)
-  OUTDOOR AREA (EXISTING & PROPOSED)

## SEPP - GROSS FLOOR AREA



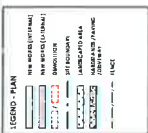




**SITE PLAN**  
1 : 200





[illegible]

LINKS BUILDING FIRST FLOOR  
PLAN & PINES BUILDING FIRST  
FLOOR PLAN

2894	04
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[illegible]

**LEGEND - PLAN**

-  NEW WORLD (INTERNAL)
-  NEW WORLD (ECLIPSE)
-  SUNDOWN
-  SUNSET
-  MOUNTAIN
-  LAKE/CAVE AREA
-  HARBORABLE FISHING (SHORELINE)
-  FENCE

PATHWAYS  
PROPERTY  
GROUP P/L

**NORFOLK BUILDING** **PINES BUILDING (EXISTING)**

ROAD

STURTE

**CRONULLA PINES**  
**AGED CARE FACILITY**

00-10000  
PINES BUILDING  
SECOND FLOOR PLAN

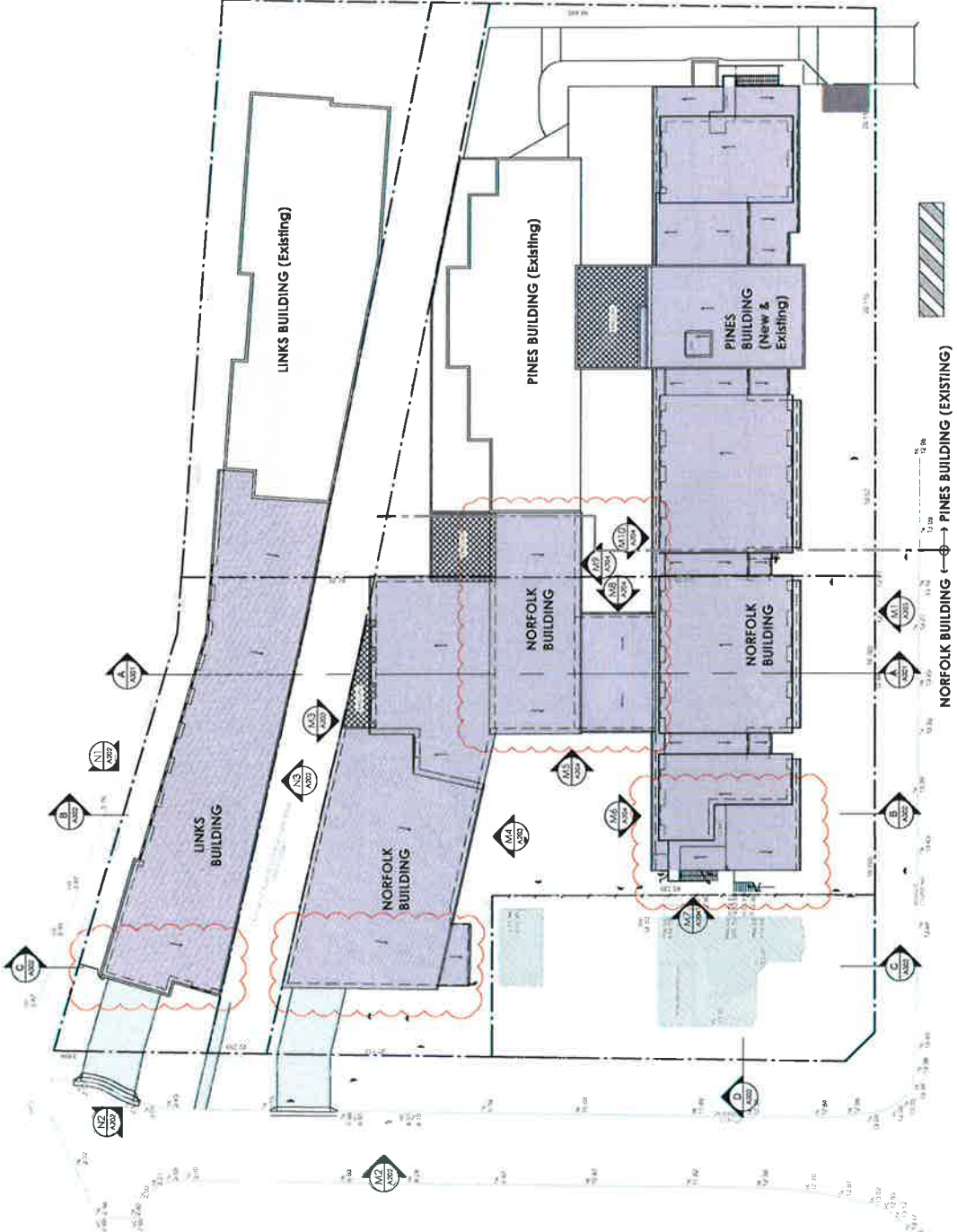
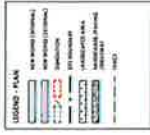
2694 A053	01	01
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PROJECT INFORMATION

Client - Building + Proposed
Site Area - 100,000 sq ft
Bed numbers - 100 beds
Car parking - 100 cars
Stage 1 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 2 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 3 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 4 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 5 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 6 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 7 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 8 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 9 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)
Stage 10 - extension (Current DA)
Site Area - 100,000 sq ft
Bed numbers - 100 beds (100,000 sq ft)
Car parking - 100 cars (100,000 sq ft)



PATHWAYS  
PROPERTY  
GROUP P/L



NORFOLK BUILDING ← → PINES BUILDING (EXISTING)

**CRONULLA PINES**  
AGED CARE FACILITY  
10-12 STURT ROAD CRONULLA NSW 2230

OVER ALL SITE  
ROOF PLAN  
(STURT RD. LEVEL)

2894  
A05  
02  
Morrison  
Design  
Partnership  
DATE: 02/03/2014  
PROJECT: 2894-02-01





NEW MEDIA (JULY 04)

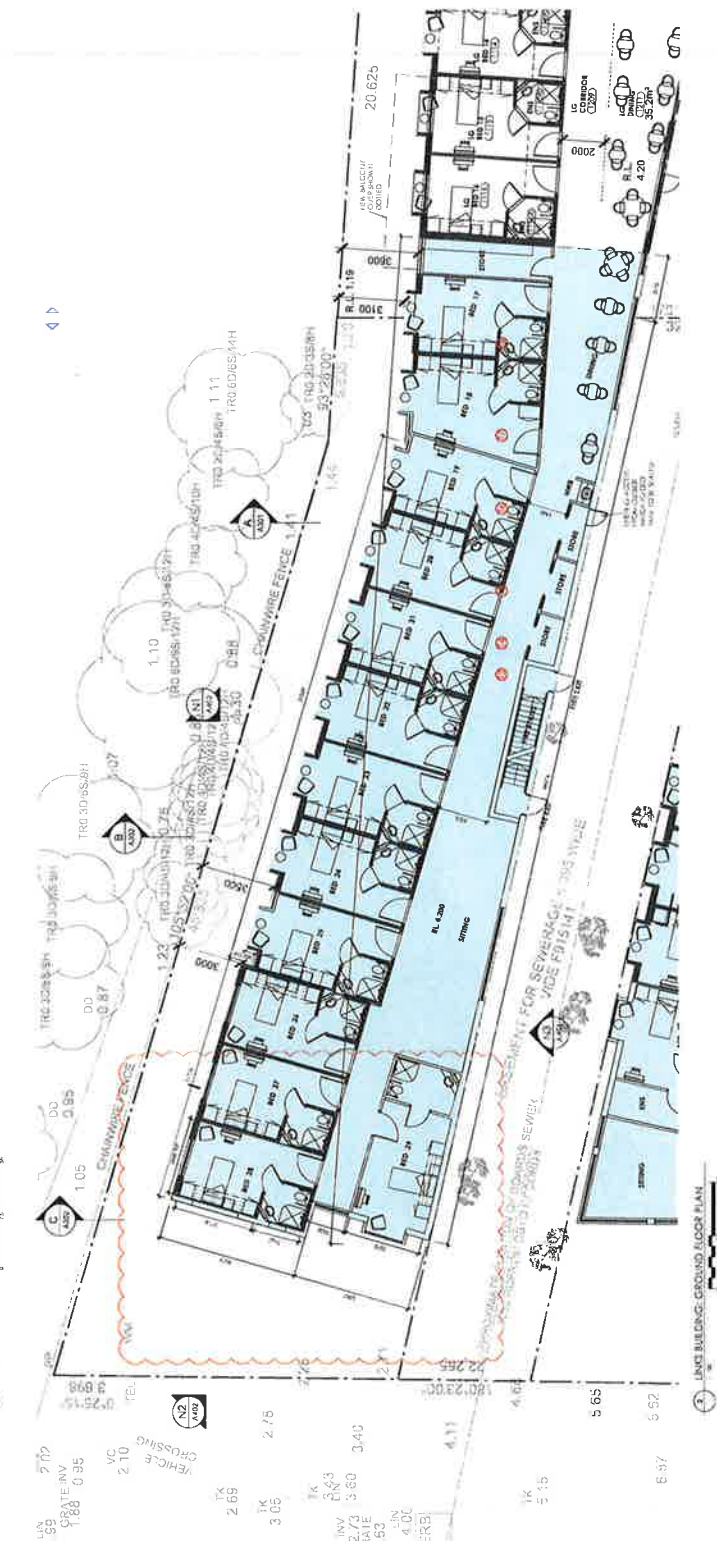
NEW MEDIA (JULY 04)

LABORATORY AREA

MAINTENANCE / REPAIR

RECEPTION

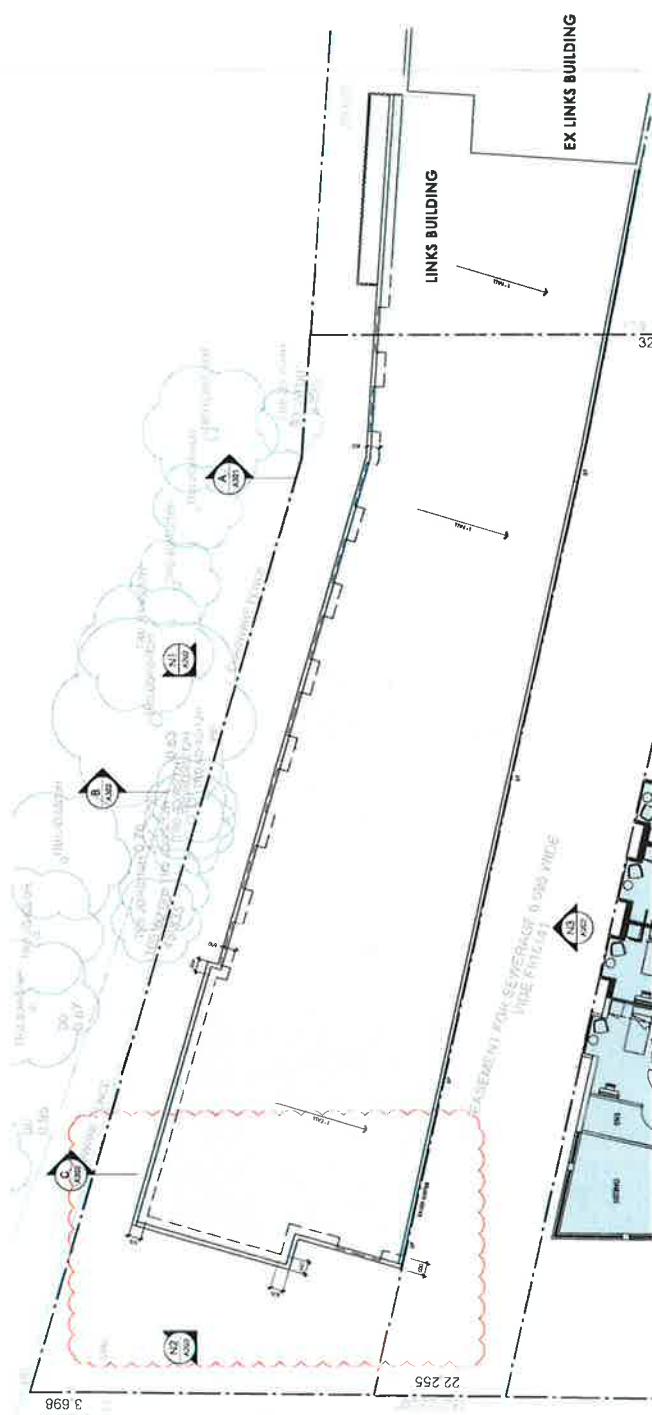
RECEPTION



① LINE BUILDING-GROUND FLOOR PLAN

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LINDS BUILDING - FIRST FLOOR PLAN



LINKS BUILDING: ROOF PLAN









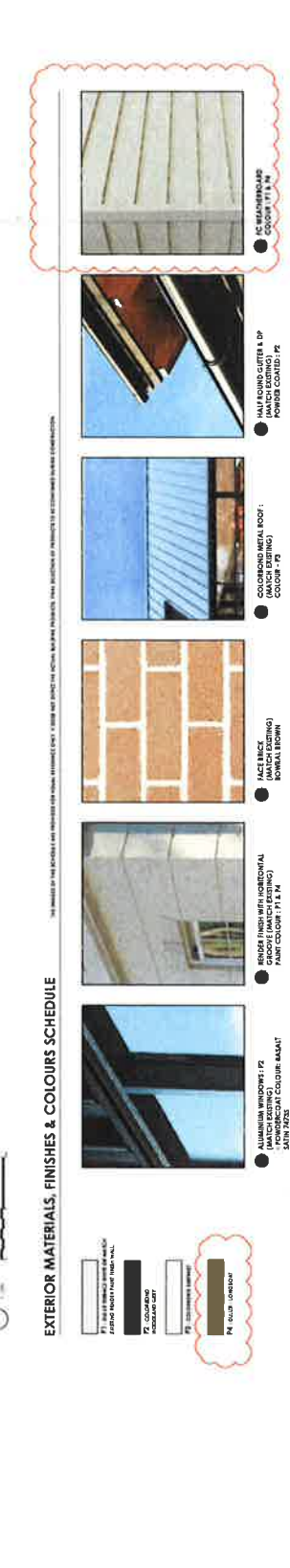
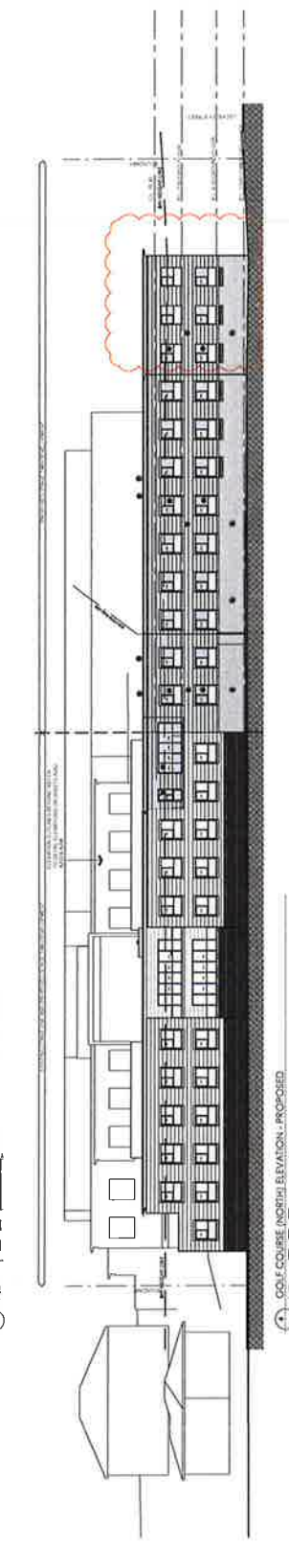
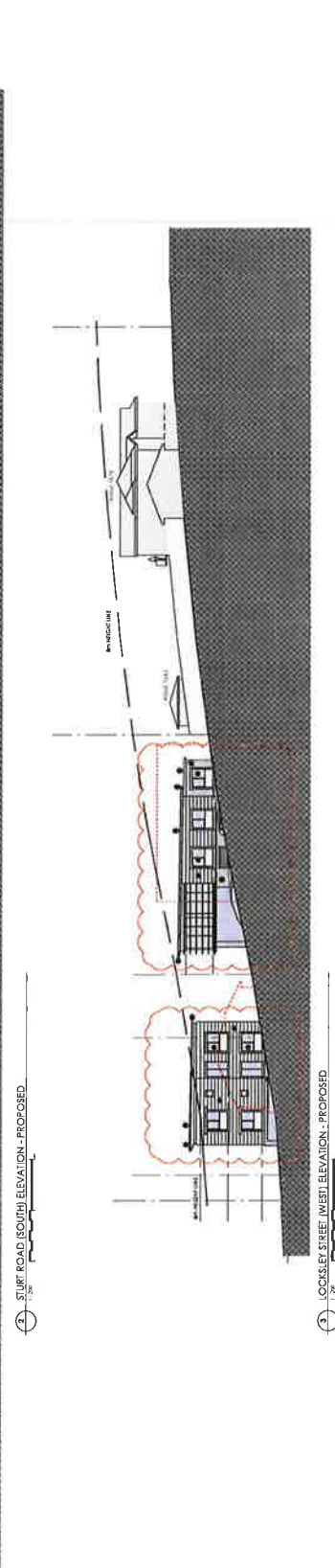
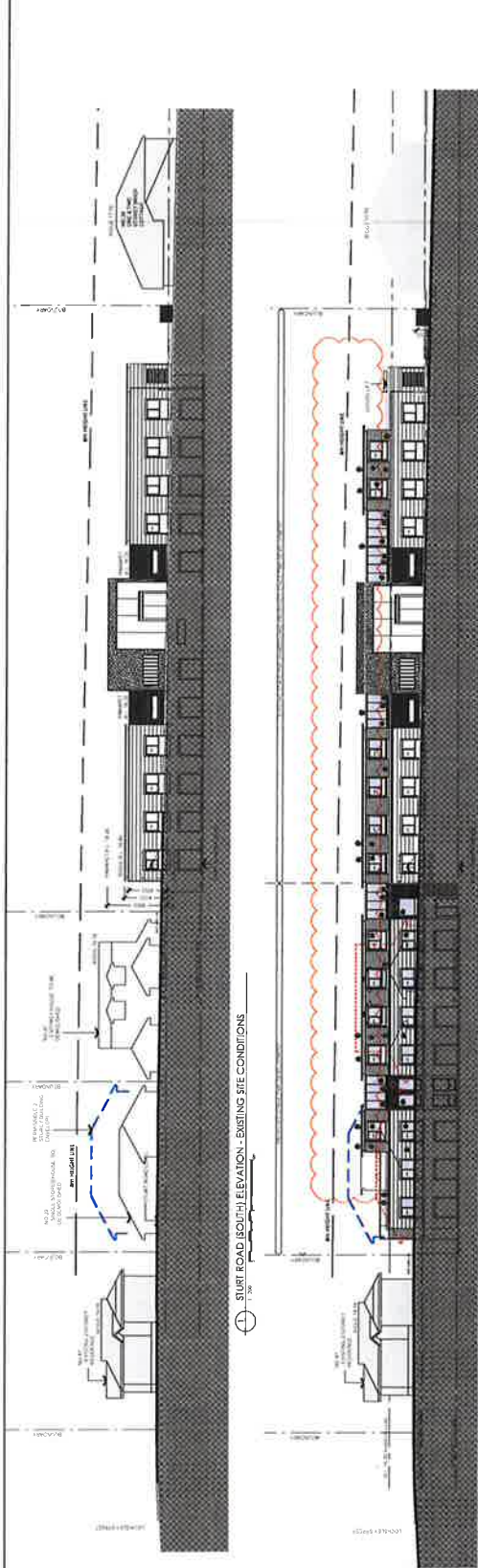


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## EXTERIOR MATERIALS, FINISHES & COLOURS SCHEDULE

- P1** **100% 100% 100% 100% 100%**  
**100% 100% 100% 100% 100%**  
**100% 100% 100% 100% 100%**  
**100% 100% 100% 100% 100%**  
**100% 100% 100% 100% 100%**
- P2** **100% 100% 100% 100% 100%**  
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- P3** **100% 100% 100% 100% 100%**  
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- P4** **100% 100% 100% 100% 100%**  
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**100% 100% 100% 100% 100%**

- 
- ALUMINIUM WINDOWS: P2  
(MATCH EXISTING)  
SATEEN COLOUR: BASALT  
SATIN 74753

- 
- RENDER FINISH WITH HORIZONTAL GROOVE (MATCH EXISTING)

- 
- FACE BRICK  
(MATCH EXISTING)

- 
- **COLORBOND METAL ROOF:**  
(MATCH EXISTING)

- 
- HALF ROUND GUTTER & DP  
(MATCH EXISTING)

- 
- PC HEADS&TAILS  
COURTESY TITAN

PATHWAYS	PROPERTY	GROUP P/L
1	1	1
2	2	2
3	3	3
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99	99	99
100	100	100

**CRONULLA PINES**  
**AGED CARE FACILITY**  
31-33 South West Corner, NSW 2230

OVERALL ELEVATIONS -  
MATERIALS, FINISHES &  
COLOURS SCHEDULE

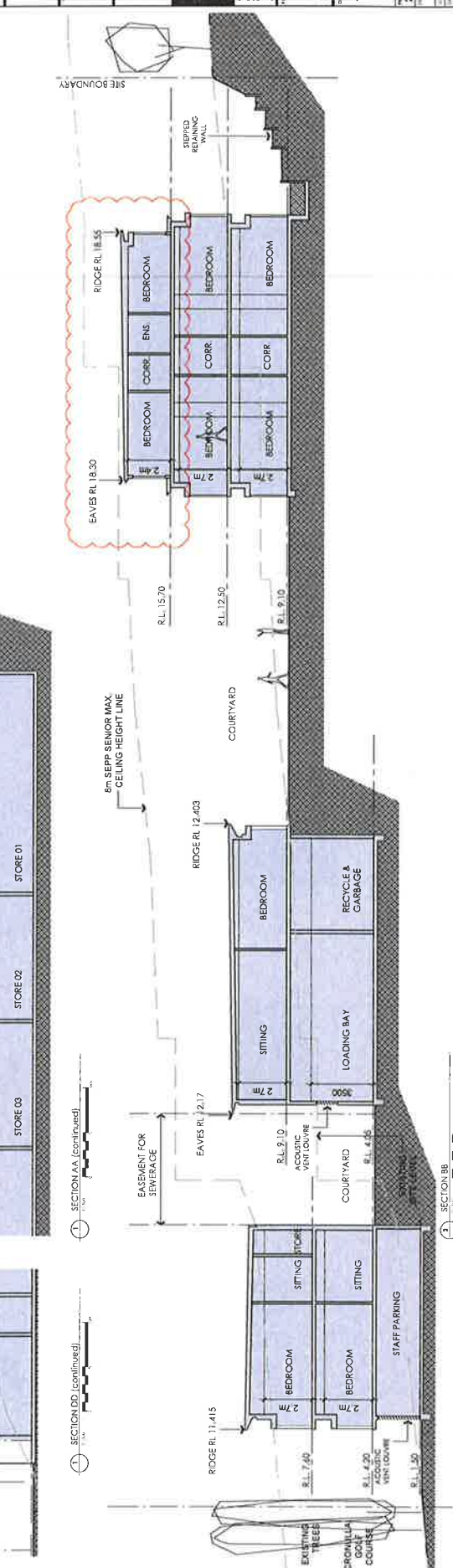
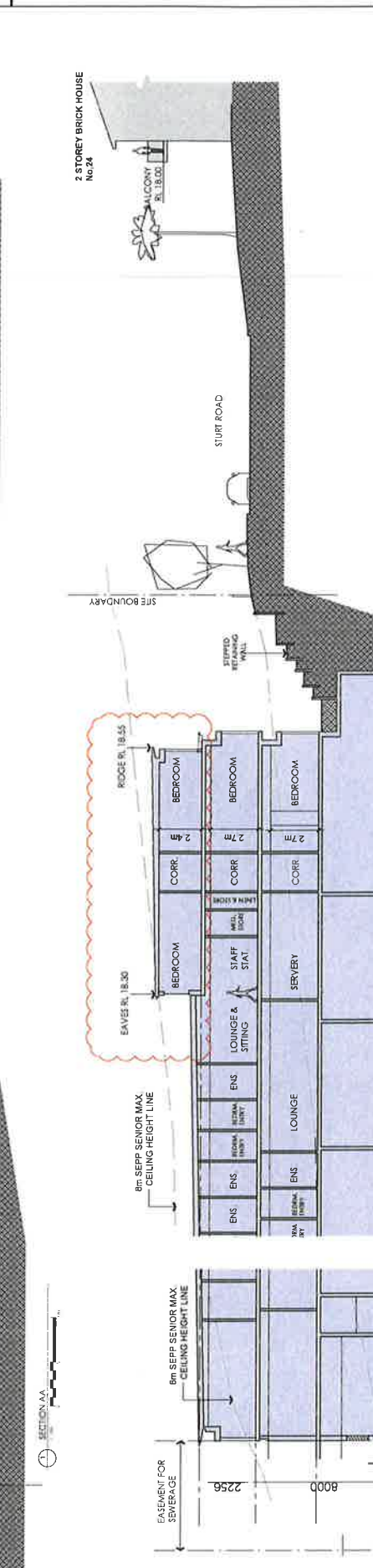
PROJECT NO.	2894	02	Morrison Design Partnership
DATE	A201		
DATE	02/13/14		







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# CRONULLA PINES STAGE 2 LANDSCAPE DOCUMENTATION

## DRAWING LIST

DRAWING NUMBER DESCRIPTION

L00 DRAWING LIST, LEGEND, PLANTING SCHEDULES & GENERAL NOTES  
L01 LANDSCAPE PLAN  
L02 LANDSCAPE DETAILS

## LEGEND

### DEMOLITION

EXISTING TREES TO BE REMOVED (REFER ARBORIST'S REPORT FOR DETAILS)
1 Syagrus tamaritiformis (Coccothrinax Palm)
2 Syagrus tamaritiformis (Coccothrinax Palm)
3 Archontophoenix alexandrina (Alexander Palm)
4 Dracena marginata (Dracena)
5 Baccaranta recurva (Ponytail Palm)
6 Syagrus tamaritiformis (Coccothrinax Palm)
7 Murraya paniculata (Murraya)
8 Washingtonia juliana (Cotton Palm)
9 Dracena marginata (Dracena)
10 Allocasuarina torulosa (Forest She-Oak)
11 Streitzia nivalis (Glenn Bird of Paradise)
12 Streitzia nivalis (Glenn Bird of Paradise)
13 Streitzia nivalis (Glenn Bird of Paradise)

### LEVELS

EXISTING LEVELS TOP OF KERB LEVELS TOP OF WALL LEVELS RELATIVE LEVELS
100
101
102

### STRUCTURES

PERGOLAS
1
2
3

### TRELLIS

### FENCE HOUS

### WALLS, FENCES AND SCREENS

FENCE TYPE 1: PICKET FENCE
FENCE TYPE 2: 10 GOLF COURSE (CHAINLINK POWDERCOATED BLACK)
FENCE TYPE 3: 1100mm HIGH PALISADE FENCE (POWDERCOATED BLACK) TO LOCKELEY STREET & SHUTE ROAD
FENCE TYPE 4: 1800mm HIGH LAPPED & CAPPED TIMBER FENCE
FENCE TYPE 5: 2000mm HIGH SECURITY FENCE
WALL TYPE 1: PROPOSED STONE CLAD MASONRY WALLS
WALL TYPE 2: MASONRY RETAINING WALLS
WALL TYPE 3: CORTEX STEEL RETAINING WALLS

### PAVING, FURNITURE + LANDSCAPE ELEMENTS

PAVEMENT TYPE 1: CONCRETE FOOTPATH (AKA: COUNCIL FOOTPATH)
PAVEMENT TYPE 2: 400 X 400 X 40mm CONCRETE PAVES
PAVEMENT TYPE 3: SAWN SYDNEY SANDSTONE FLAGGING, 30mm THICKNESS WITH MAX 30mm WIDE JOINTS, FLUSH GROUTED
PAVEMENT TYPE 4: BLUESTONE STEPPERS 300 X 300mm STEPPERS SET FLUSH IN TURF OR GROUND COVER PLANTING
PAVEMENT TYPE 5: 800 X 400 X 40mm CONCRETE PAVES
PAVEMENT TYPE 6: SIGNAGE

PAVEMENT TYPE 7: COMPOSITE GRANITE
PAVEMENT TYPE 8: CONCRETE DRIVEWAY CROSSINGS (TO ARCHITECT + ENGINEER'S DETAILS)
PAVEMENT TYPE 9: CONCRETE FOOTPATHS (PUBLIC DOMAIN)
PAVEMENT TYPE 10: EXPOSED AGGREGATE CONCRETE - DARK AGGREGATE
PAVEMENT TYPE 11: EXPOSED AGGREGATE CONCRETE - LIGHT AGGREGATE
PAVEMENT TYPE 12: BLUESTONE STEPPERS RANGING IN SIZE BETWEEN 400 X 400 - 900 X 300mm LAID WITH MAX 30mm JOINTS, FLUSH GROUTED
BENCH SEATING
FEATURE POIS & PLANTS (REFER PLANTING SCHEDULE FOR DETAILS)

### SOFTWARES

PROPOSED TREES TO BE RETAINED (REFER ARBORIST'S REPORT FOR DETAILS)
PROPOSED FEATURE TREES (REFER PLANTING SCHEDULE FOR DETAILS)
PROPOSED SHRUBS AND ACCENT PLANTS (REFER PLANTING SCHEDULE FOR DETAILS)
MASS PLANTING AREAS (REFER PLANTING SCHEDULE FOR DETAILS)
HEDGE
TURF

## PLANTING SCHEDULE

CODE / SYMBOL	LATIN NAME	COMMON NAME	MATURE SIZE (H)	PROPOSED POT SIZE	SPACING
<b>TREES</b>					
AC	Acacia copulata	Sydney Red Gum	15 - 20 m	100L	As shown
AP	Acacia pulchra	Japanese Maple	3 - 7m	100L	As shown
B	Banksia integrifolia	Coastal Banksia	10-12m	100L	As shown
BS	Banksia serrata	Old man Banksia	12m	100L	As shown
CG	Corydalis guineensis	Bloodwood	1m	100L	As shown
U	Ulmus parviflorus	Cape Myrtle	4 - 8m	100L	As shown
MS	Magnolia soulangeana	Southern Magnolia	6m	100L	As shown
SP	Syringium paniculatum	Japanese Cherry (Jawara)	3m	75L	As shown
WF	Westringia fruticosa	Coastal Rosemary	10m	100L	As shown

### NEW MASS PLANTING AREAS (SHRUBS, ACCENT + GROUND COVER, FERNS, GRASSES AND CLIMBING PLANTS)

CODE / SYMBOL	LATIN NAME	COMMON NAME	MATURE SIZE (H)	PROPOSED POT SIZE	SPACING
<b>SHRUBS</b>					
AC	Acacia copulata	Sydney Red Gum	15 - 20 m	100L	As shown
AP	Acacia pulchra	Japanese Maple	3 - 7m	100L	As shown
B	Banksia integrifolia	Coastal Banksia	10-12m	100L	As shown
BS	Banksia serrata	Old man Banksia	12m	100L	As shown
CG	Corydalis guineensis	Bloodwood	1m	100L	As shown
U	Ulmus parviflorus	Cape Myrtle	4 - 8m	100L	As shown
MS	Magnolia soulangeana	Southern Magnolia	6m	100L	As shown
SP	Syringium paniculatum	Japanese Cherry (Jawara)	3m	75L	As shown
WF	Westringia fruticosa	Coastal Rosemary	10m	100L	As shown

### NEW MASS PLANTING AREAS (SHRUBS, ACCENT + GROUND COVER, GRASSES AND CLIMBING PLANTS)

CODE / SYMBOL	LATIN NAME	COMMON NAME	MATURE SIZE (H)	PROPOSED POT SIZE	SPACING
<b>SHRUBS</b>					
AC	Acacia copulata	Sydney Red Gum	15 - 20 m	100L	As shown
AP	Acacia pulchra	Japanese Maple	3 - 7m	100L	As shown
B	Banksia integrifolia	Coastal Banksia	10-12m	100L	As shown
BS	Banksia serrata	Old man Banksia	12m	100L	As shown
CG	Corydalis guineensis	Bloodwood	1m	100L	As shown
U	Ulmus parviflorus	Cape Myrtle	4 - 8m	100L	As shown
MS	Magnolia soulangeana	Southern Magnolia	6m	100L	As shown
SP	Syringium paniculatum	Japanese Cherry (Jawara)	3m	75L	As shown
WF	Westringia fruticosa	Coastal Rosemary	10m	100L	As shown

CODE / SYMBOL	LATIN NAME	COMMON NAME	MATURE SIZE (H)	PROPOSED POT SIZE	SPACING
<b>ACCENT</b>					
AC	Acacia copulata	Sydney Red Gum	15 - 20 m	100L	As shown
AP	Acacia pulchra	Japanese Maple	3 - 7m	100L	As shown
B	Banksia integrifolia	Coastal Banksia	10-12m	100L	As shown
BS	Banksia serrata	Old man Banksia	12m	100L	As shown
CG	Corydalis guineensis	Bloodwood	1m	100L	As shown
U	Ulmus parviflorus	Cape Myrtle	4 - 8m	100L	As shown
MS	Magnolia soulangeana	Southern Magnolia	6m	100L	As shown
SP	Syringium paniculatum	Japanese Cherry (Jawara)	3m	75L	As shown
WF	Westringia fruticosa	Coastal Rosemary	10m	100L	As shown

CODE / SYMBOL	LATIN NAME	COMMON NAME	MATURE SIZE (H)	PROPOSED POT SIZE	SPACING
<b>GROUNDCOVERS, GRASSES AND CLIMBERS</b>					
AC	Acacia copulata	Sydney Red Gum	15 - 20 m	100L	As shown
AP	Acacia pulchra	Japanese Maple	3 - 7m	100L	As shown
B	Banksia integrifolia	Coastal Banksia	10-12m	100L	As shown
BS	Banksia serrata	Old man Banksia	12m	100L	As shown
CG	Corydalis guineensis	Bloodwood	1m	100L	As shown
U	Ulmus parviflorus	Cape Myrtle	4 - 8m	100L	As shown
MS	Magnolia soulangeana	Southern Magnolia	6m	100L	As shown
SP	Syringium paniculatum	Japanese Cherry (Jawara)	3m	75L	As shown
WF	Westringia fruticosa	Coastal Rosemary	10m	100L	As shown

CODE / SYMBOL	LATIN NAME	COMMON NAME	MATURE SIZE (H)	PROPOSED POT SIZE	SPACING
<b>POT PLANTS</b>					
AC	Acacia copulata	Sydney Red Gum	15 - 20 m	100L	As shown
AP	Acacia pulchra	Japanese Maple	3 - 7m	100L	As shown
B	Banksia integrifolia	Coastal Banksia	10-12m	100L	As shown
BS	Banksia serrata	Old man Banksia	12m	100L	As shown
CG	Corydalis guineensis	Bloodwood	1m	100L	As shown
U	Ulmus parviflorus	Cape Myrtle	4 - 8m	100L	As shown
MS	Magnolia soulangeana	Southern Magnolia	6m	100L	As shown
SP	Syringium paniculatum	Japanese Cherry (Jawara)	3m	75L	As shown
WF	Westringia fruticosa	Coastal Rosemary	10m	100L	As shown

### GENERAL NOTES

STRUCTURES: ALL STRUCTURAL COMPONENTS INCLUDING SIZES OF MEMBERS, DETAILS OF FOOTINGS, FIXINGS AND CONSTRUCTION METHODS ARE TO BE REVIEWED AND SIGNED OFF BY THE STRUCTURAL ENGINEER. ALL RETAINING WALLS, MASONRY AND STEEL TO BE WATERPROOFED TO STRUCTURAL ENGINEER'S DETAIL.

PAVEMENTS: ALL PAVEMENTS TO BE SEALED AS RECOMMENDED BY SUPPLIER. PAVEMENTS TO BE CUT AROUND CORNER STEEL PLANTERS LEAVING 10mm GAP FILLED WITH SAND TO AVOID LEACHING FROM CORNER.

IRRIGATION: LANDSCAPE CONTRACTOR TO DESIGN, INSTALL AND TEST A FULLY AUTOMATIC IRRIGATION SYSTEM. PIPE TO RUN VIA EVERY COURSE OF PLANTING. ALL MASS PLANTING, PLANTERS, WALL MOUNTED PLANTERS AND INDIVIDUAL POTS. WATER TO BE SUPPLIED THROUGH 1000 DRAIN LINE 2.5m WITH EMITTERS AT 300mm SPACINGS. SYSTEMS TO BE BUNG MAIN CONTROLLED ALLOWING MAXIMUM WATER FLOW VIA MAINS WATER USING THE APPROVED BACKFLOW SYSTEM. AN 85% STATION (FOR) HUNTER OR EQUIVALENT COMPUTER RULER WILL CONTROL THE SYSTEM. HARD WIRE ELECTRICAL WIRING TO BE SUPPLIED AND INSTALLED BY A LICENSED ELECTRICIAN. CONTRACTOR WILL ENSURE THAT NO DIRTY ENTERS PIPES DURING CONSTRUCTION AND WILL MAINTAIN THROUGHOUT THE LANDSCAPE WORKS.

DRAINAGE: DRAINAGE TO BE INSTALLED BEHIND ALL RETAINING WALLS TO STRUCTURAL AND HYDRAULIC ENGINEER'S DETAIL. REFER HYDRAULIC ENGINEER'S DRAWINGS FOR DRAINAGE TO ALL OTHER LANDSCAPE AREAS.

PREPARATION FOR TURF AND GARDEN BED AREAS: CULTIVATE SUBGRADE IN ALL MASS PLANTING AND TURF AREAS TO 200mm DEPTH. INSTALL A MINIMUM OF 400mm OF IMPORTED TOPSOIL, RESULTING IN A MIN. 600mm DEPTH FERTILE AND CULTIVATED PLANTING MEDIUM TO ALL PLANTING AREAS. 300mm MIN IMPORTED TOPSOIL TO BE PLACED IN ALL TURF AREAS.

SOILS: SOIL VIBES FOR TURF, MASS PLANTING AREAS AND PLANTERS TO BE APPROVED BY LANDSCAPE ARCHITECT. MASS PLANTING AREAS ON NATURAL GROUND: THE HILLS PREMIUM GARDEN MIX. A HORIZON (TO 400mm DEPTH) IN PLANTERS AND/OR FOR TREE PLANTING: THE HILLS PREMIUM GARDEN MIX. A HORIZON (BETWEEN 400mm DEPTH) A HORIZON, IN PLANTERS AND/OR FOR TREE PLANTING: THE HILLS PREMIUM B HORIZON MIX. TURF: THE HILLS TURF UNDERLAY.

PLANTING: LANDSCAPE ARCHITECT TO SELECT AND SOURCE PLANT MATERIAL AND ARRANGE FOR PURCHASE AND DELIVERY. LANDSCAPE ARCHITECT TO SET OUT ALL PLANTS IN ASSISTANCE WITH LANDSCAPE CONTRACTOR. PLANTING AND MULCHING BY LANDSCAPE CONTRACTOR.

POT PLACEMENT + PLANTING: LANDSCAPE ARCHITECT TO SET OUT POIS AND PLANTS IN POTS, PRIOR TO LANDSCAPE CONTRACTOR PLANTING THEM.

MULCH: 100mm MINIMUM OF ANI COMPOSTED HORT TO ALL GARDEN BED AREAS. MULCH TO BE PLACED SO TO BE CLEAR OF PLANT STEMS AND FOLIAGE AND RAKED SMOOTH TO FINISH 25mm BELOW SURROUNDING PAVEMENTS' EDGES AND RETAINING WALLS.

ESTABLISHMENT PERIOD: ALL LANDSCAPE WORKS ARE TO BE MAINTAINED FOR A PERIOD OF FIFTY TWO (52) WEEKS AFTER ISSUING OF THE CERTIFICATE OF PRACTICAL COMPLETION. AT THE CONCLUSION OF THE ESTABLISHMENT PERIOD, ALL PLANTS SHALL SHOW SIGNS OF HEALTHY AND VIGOROUS GROWTH. ESTABLISHMENT SHALL INCLUDE THE CARE OF THE WORKS ACCEPTED (HORTICULTURAL), AS WELL AS RECTIFYING ANY DEFECT THAT BECOME APPARENT IN THE WORKS UNDER NORMAL USE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING ITEMS: WEEDING, FERTILISING, CULTRIVATION, WEEDING, PEST AND DISEASE CONTROL, STAKING, REPLACEMENT OF PLANT MATERIALS, REPLANTING, PRUNING AND KEEPING THE SITE NEAT AND tidy. ANY SOIL SUBSANCE OR EROSION WHICH MAY OCCUR AFTER THE SOIL FILLING AND PREPARATION OPERATIONS SHALL BE MADE GOOD. ALL MULCHED SURFACES SHALL BE KEPT IN A CLEAN AND tidy CONDITION, AND BE REINSTATED OR TOPPED UP WHERE NECESSARY. ALL LANDSCAPE SURFACES TO BE KEPT FREE FROM DEBRIS.



PROPOSED NORFOLK BUILDING  
THIRD FLOOR - RESIDENTIAL AREAS - RL 15.70  
SECOND FLOOR - RESIDENTIAL AREAS - RL 12.50  
FIRST FLOOR - RESIDENTIAL AREAS - RL 9.10  
LOWER GRD. FLOOR - BASEMENT LEVEL - RL 4.20

PROPOSED NORFOLK BUILDING  
THIRD FLOOR - RESIDENTIAL AREAS - RL 15.70  
SECOND FLOOR - RESIDENTIAL AREAS - RL 12.50  
FIRST FLOOR - RESIDENTIAL AREAS - RL 9.10  
LOWER GRD. FLOOR - BASEMENT LEVEL - RL 4.20





### PLAN









STURT ROAD

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COPIED OR REPRODUCED IN  
ANY FORM OR USED FOR ANY  
OTHER PURPOSE OTHER THAN  
THAT ORIGINALLY INTENDED  
WITHOUT THE WRITTEN  
PERMISSION OF AT&L

Bar Scales



Client



Scale	1:200 @ A1
Grid	MGA
Height	AHD

Drawn	DB
Checked	AT
Approved	-

Project  
**CRONULLA PINES  
AGED CARE FACILITY**  
31-35 STURT ROAD,  
CRONULLA

Civil Engineers and Project Managers  
**at&l**  
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www.atl.nsw.net.au  
info@atl.nsw.net.au

Drawing No	Project No	Issue
DAC002	16-417	B

Title	Scale
DRIVEWAY SITEWORKS PLAN	A1

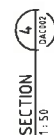
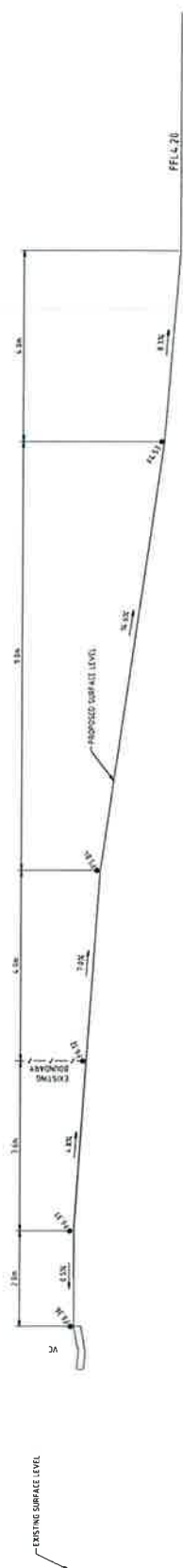
Scale	1:200 @ A1
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info@atl.nsw.net.au

Revision	Description	Date
1	ISSUED FOR APPROVAL	28-10-16
2	ISSUED FOR APPROVAL	11-10-16
3	ISSUED FOR APPROVAL	11-10-16
4	ISSUED FOR APPROVAL	11-10-16
5	ISSUED FOR APPROVAL	11-10-16

[illegible]



[illegible]

- ELP - ELECTRIC LIGHT POLE
- FW - FIRE WALL
- TW - TOP WALL
- IK - TOP KERB
- TG - TOP GUTTER
- PP - POWER POLE
- SWH - SEWER MANHOLE
- SP - SIGN POST
- SV - STOP VALVE
- TEL - TELESTRAPIT
- VC - VEHICLE CROSSING
- WM - WATER METER

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	ADDITIONAL LEVELS LOCKSLEY STREET	07.10.16
	BALCONY LEVELS STURT ROAD HOUSES	08.02.16
	NO.38 ADD'D	DATE
REV	AMENDMENTS	

SCALE 1:200

SHEET 1 OF 2 - DETAIL SURVEY

CLIENT: PATHWAYS PROPERTY GROUP PTY LTD

SUPERVISOR : KURT F  
 DATUM : AUSTRALIAN HEIGHT DATUM  
 ORIGIN : SSM 354120 RL 13.257  
 JOB REF : 017435-B2025  
 DRAWING No : B2025-BETAL  
 CHECKED : AB  
 DATE OF SURVEY : 2 DECEMBER 2015  
 REDUCTION RATIO : 1:200

PLAN OF: 220 & 4 LOCKSLEY STREET  
37 & 39 STUART STREET, CRODULA  
BEING: LOT 1&2 IN DP 428232, LOT A IN DP 405146  
LOT B & C IN DP 404938  
SHOWING: GENERAL DETAIL AND  
SITE LEVELS

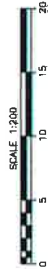
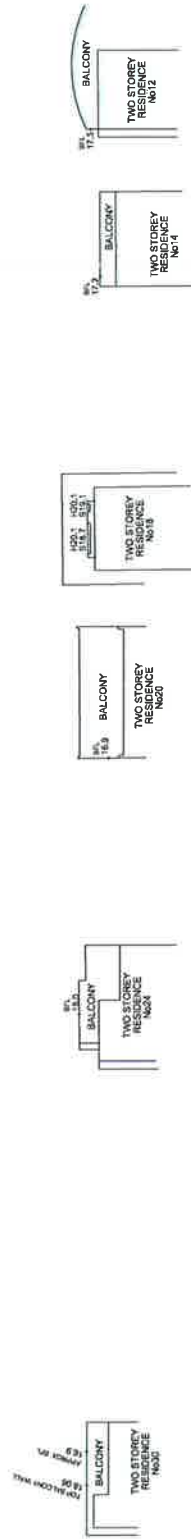
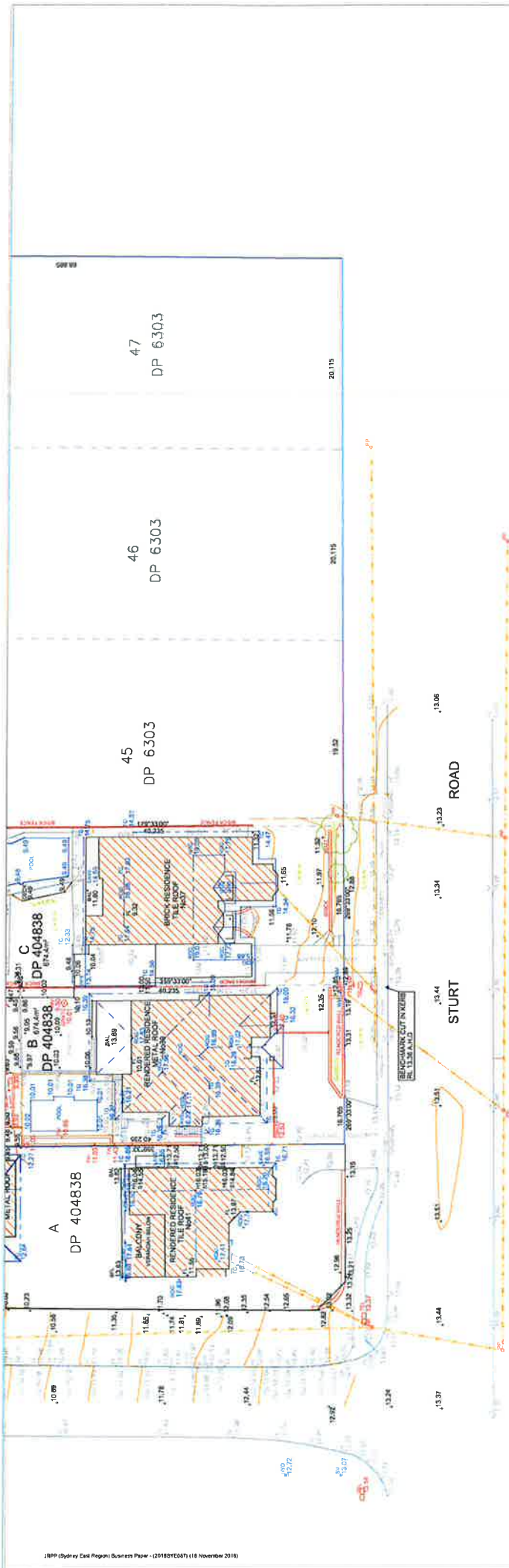
PURPOSE: ARCHITECTURAL DESIGN  
COUNCIL SUBMISSION

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**PROJECT  
SURVEYORS**





A1

# SHEET 2 OF 2

DRAWING No. B9045-DETAIL-2

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