

- "(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,"*

The breach of the 16.0 metre maximum height of buildings standard under SSLEP 2015 will not result in any matter of significance for State or regional environmental planning

- "(b) the public benefit of maintaining the development standard,"*

The proposed seniors housing development is consistent with the strategic planning objectives of the Sutherland LGA and those established by the State Government. Sutherland Shire has an ageing population and there is a strong need to provide housing that meets the needs of this changing demographics. The proposed development will enable residents to stay within the LGA and to 'age in place'. The proposed development is an extension of the existing Woollooware Shores retirement village which directly adjoins the site to the west and provides a range of community, social and recreational facilities.

- "(c) any other matters required to be taken into consideration by the Director-General before granting concurrence."*

The Department of Planning Guidelines on varying development standards recommends consideration of the provision of Clause 4.6 and the Five Part Test established in *Whebe v Pittwater Council* [2007] NSW LEC 827. The five part test includes:

- "1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying objective of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable; and*
- 5. The zoning of the particular land is unreasonable or inappropriate so that the development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is the particular parcel of land should have been included in the particular zone."*

In the Court judgement *Four 2 Five Pty Ltd v Ashfield Council*, the Court held that in order to support a Clause 4.6 variation it was necessary to ensure that the proposed development was consistent with the zone objectives and also that the variation was in the public interest because it was consistent with the objectives of the development standard. The Court also held that consideration needs to be given to whether there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed seniors housing development is consistent with both the B7 Business Park zone objectives and the objectives of the height of buildings development standard in the SSLEP 2015. The proposed seniors housing development will achieve a better environmental outcome for the site and its local context by providing high quality apartment buildings and a residential aged care facility for seniors living with a mix of ILU's and with extensive, functional and attractive landscaped areas as well as a range of community and recreational facilities which will be integrated with the existing Woollooware Shores retirement village. The proposed



development will contribute to meeting the demand for seniors living accommodation for the projected ageing population demographics of the Sutherland Shire LGA.

The proposal has also been designed to improve the environmental attributes of the site and local environmental context including the rehabilitation with mostly native vegetation restoration of the riparian corridor areas adjoining Production Canal to the west and Woollooware Bay and the public foreshore area to the north.

### 3.0 Conclusion and Recommendations

We have assessed the proposed seniors housing development against the relevant statutory provisions of clause 4.6 of SSLEP 2015 and prepared this written request which provides justification that compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case.

Accordingly, the justification within this written request is considered to be well founded. Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully  
**DFP PLANNING PTY LTD**

  
**AMY CROPLEY**  
**PROJECT URBAN DESIGNER / PLANNER**

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Reviewed: 

## Design Review Forum

**Proposal:** Construction of a seniors housing development comprising 5 apartment buildings, residential aged care facility and community and recreational facilities

**Property:** 25 Bay Road TAREN POINT NSW 2229

**Applicant:** Anglican Community Services

**File Number:** DA17/1144

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The following is the report of the Design Review Forum Meeting held on Thursday, 9 November 2017 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

3. **"DA17/1144 - : Construction of a seniors housing development comprising 5 apartment buildings, residential aged care facility and community and recreational facilities with a total of 182 self-contained dwellings (7x1 bedroom; 101x2 bedroom; 74x3 bedroom) & a 48 bed residential aged care facility at 25 Bay Road, Taren Point**

Council's David Jarvis, Slavco Bujaroski, Carolyn Howell and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies

Robert Player (Planner), Damian Barker (Architect), Martin Moore (Project Manager), David Edbrooke (Development Manager) and Nicholas Bray (Landscape Architect) addressed the Panel regarding the aims of the proposal and the constraints of the site.

### Description of the Site and Proposal

**Pre DA or DA:** Development Application

**File No:-** DA17/1144

**Proposal:-** Construction of a seniors housing development comprising 5 apartment buildings, residential aged care facility and community and recreational facilities with a total of 182 self-contained dwellings (7x1 bedroom; 101x2 bedroom; 74x3 bedroom) & a 48 bed residential aged care facility

**Project Address:-** 25 Bay Road, Taren Point

**Zoning:-** B7 Business Park

**Applicant:-** David Edbrooke (Anglican Community Services)

**Meeting Date:-** 9 November 2017

**PAD:-** Yes (PAD17/0034)

**ARAP Pre-DA:-** Yes (RAP17/0006)

**Responsible Officer/Team Leader: -** Slavco Bujaroski/ Carolyn Howell

**Consent Authority:** Sutherland Shire Planning

### **Key Controls**

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).

Sutherland Shire Council Development Control Plan 2015 (SSDDCP 2015)

Apartment Design Guide (ADG)

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

### **Applicant's Submission**

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

The proposal is for the redevelopment of a large 3.2-hectare site in the middle of an industrial estate but adjacent to, and an extension of, Woollooware Shores Retirement Village.

This proposal effectively doubles the existing aged care accommodation.

The site is flat and cleared, but is very environmentally constrained by contamination, a drainage easement and mangroves, high voltage lines, flooding, a high-water table, and a riparian zone arising from Woollooware Bay. Due to costs, the site will be capped with all parking being above ground.

Despite these constraints, the development of housing on this site could improve environmental outcomes and would benefit from the waterfront location, though measures would need to be taken to provide transport for residents to overcome isolation from the wider community.

Council is about to implement a pedestrian/cycling route and café along the Bay, on the E boundary of the site.

From Pre-DA ARAP

*"The interface with the north-south drainage/riparian easement and any associated bridging, given the potential flood issues, should be carefully assessed."*

The connection to the existing village remains unclear, subject of a separate DA for a link bridge over a drainage corridor.

The connection of the bridge to the proposed development seems quite narrow and congested, with pedestrian paths unclear, apparently on only one side of the street, which continue to weave around car parking spaces, and close to podium walls with minimal landscaped separation.

Location of a pad mount substation in this area is regrettable.

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

Four 5-6 storey blocks, with podium-paired double-loaded unit blocks around a central pedestrian accessway, linking the rear of the development to the mangrove end, are proposed along the waterfront. A further 2 x 4-6 storey blocks are sited to the south of the site, along a transmission line easement. There is an access road that cuts between the pair on the west and the 4 blocks to the east. Car parking largely occupies the ground floor since excavation is problematic and the site is capped. Blocks are oriented at roughly 90 degrees to the shoreline to maximise solar access and to provide view corridors between blocks, similar to the existing Village blocks.

The 6-storey scale is 2-3 storeys higher than the current Village, and 1-2 storeys higher than the LEP control of 16m. The current Village scale has high amenity with well landscaped courts between blocks, but the scale of this proposed development will be more urban and car focussed.

The Panel considers the extra height acceptable only if the units meet ADG solar requirements and if the pedestrian scale between blocks is appropriate.

It should be noted that there is an error on the shadow Equinox diagram at 3pm [DA 602], which is identical to noon shadows for the same day.

The applicant therefore needs to show solar access in elevation (sun's eye view) to achieve 3 hours access on June 21 for 70% of units (taking Senior's SEPP as the guiding control).

It is likely that this can only be achieved by setting back (or possibly deleting portions of) the 6<sup>th</sup> floor to Blocks A, B and C along the long east and west elevations, which would also lower the scale for the primary pedestrian access way between Blocks B and C, which needs more thought, and drawings that specifically address this relationship between these 2 blocks.

To mitigate and improve the amenity to this central aisle[s], with possible loss of area, adding a level to building D could be considered if done in a recessive way.

The balconies of the ILUs along the water's edge intrude slightly into the 40m foreshore riparian setback from the mean high water mark. Further discussion with council on this matter is encouraged.

Pre-DA ARAP suggested:

*"Four out of six proposed buildings are above the permissible height by more than one level, with the top floors set back from the northern ends to reduce impacts. consideration could be given to setting back these levels from the sides as well, particularly between Blocks C and D".*

Uncertain if this is a typo and was meant to read B and C, as C and D are 5 level blocks above the podium, and B and C are 6, but the spaces between these buildings, especially B and C, seems to be a consistent point of concern for the panel.

Pre-DA ARAP suggested:

*"The impact of the height exceedances should be assessed and justified in an expanded site analysis."*

This information should still be provided. Especially, as noted elsewhere, between building B and C where not enough analysis or design clarity has been shown on the documentation.

Pre-DA ARAP said:

*"resolution of the ground plane and the public domain is essential to the success of the proposal, which should include integration of the connection across the north-south flood zone between the proposed development and the existing village. The detail design of these relationships should be considered and illustrated with the same level of care and attention given to the buildings."*

Due to flooding and site contamination constraints the natural ground level has been capped and raised by 800-1200mm, thus all parking is above ground and partially sleeved with community spaces and some apartments.

This presents challenges in dealing with pedestrian experience at ground level, especially at the interface with all buildings, as well as at the perimeters of the site.

As per the Pre DA comments, the panel still feels that this has not been done in convincing way.

Comments from Pre-DA ARAP:

*'The spatial structure for the site is organised around a central gathering space linked by a linear connection to the water, and traversed by a vehicular access street. The fact that the central space, the heart of the development, with good solar access and deep soil, is mostly occupied by a bowling green, a space of restricted use and unable to accommodate planting, is unfortunate. It was indicated by the applicant that the long-term demographic trend suggests that the necessity to incorporate the bowling green, considered essential at present, would diminish in the future.'*

*"The space between Blocks B and C is set at ground level and provides the single linear direct connection between the central open space (and associated active frontages) and the water to the north. This space and its connection to the central space needs careful attention in the design development of the proposal. Its proportion of width to height, more intense than the comparable space in the existing village, might benefit from setting the top level back on both sides."*

The height of the proposal at this central point has not been reduced since Pre-DA.

These 2 x 6 level buildings, 18m apart, is a technical compliance with the ADG but the panel feels that there is an issue of articulation and scale, especially at the overlap of B and C on plan.

The perspectives provided with the proposal are generally useful, however there is little indication of the bulk and scale relationships in this critical part of the site. A clear section focussed on this relationship has not been provided, which is unhelpful in understanding the formal and experiential weight this avenue will provide. Further images should be provided.

Rather than the [considerable] top floor setback that reduces the scale of the buildings at their northern ends [facing the water], it might be helpful to reduce the scale of the internal sides of the upper parts of Buildings B and C; or possibly consider more aggressive modelling at the upper levels, and with stronger masonry elements positioned in the lower levels [that could also offer some privacy to the lower balconies which seem a little too open] that might de-emphasise the strong verticality in the buildings expression, as suggested by the tall vertical screens.

More activation along the ground plane would be desirable eg relocating the Gymnasium along this walkway and having a planted edge along the buildings, rather than walkways, to the portions that run in front of the carparking/services sections [as noted in the below comment].

Pre-DA ARAP said:

*"Planting will have to be carefully considered to selectively screen the blank walls of the parking areas and provide good tree cover without impacting the vista with too much vegetation."*

Although a good start, the interface of landscape against the buildings needs more clarity, detail and graphic communication in the submission.

Pre-DA ARAP said:

*"The link between this space and the central space across the access street should be given pedestrian priority, as the north-south connection through the centre of the site will be an important pattern of pedestrian movement. Various means of achieving this could be considered, the intention of which should be to enhance spatial continuity while taking account of safety. Among these could be the exclusion of car parking from this area, the exclusion of kerbs, and a consistency of the ground surface across the vehicular zone."*

The panel agrees with the above comments and feels that the connection and the quality of that central, linking, green parkland gesture continues to be weakened with the 12 car spaces and the lack of continuity of ground materiality within that shared area.

Since that central area is prone to flooding, the landscape architect emphasised the need to drain water from this space out towards the foreshore and to have a resilient and appropriate planting to withstand

these kinds of events and the panel is in support of this. The design of a swale [and/or water elements] in this tight central space is a desirable feature, given the overall marine nature of the site, and although it shows promise, the design in this prioritised space needs to be further developed with clarity, quality and materiality, with trees of an appropriate scale.

Pre-DA ARAP comment remains valid:

*It will also be important to ensure enhanced pedestrian linkages between the proposed development and the existing village with an appropriate distribution of community use activities and options associated with the principal open space links.*

Pre-DA ARAP comment remains valid:

*"Consideration could be given to introducing stair and/or ramp links which would allow the bowling green and associated community uses to be more readily accessed from the podiums."*

### **PRINCIPLE 3 – DENSITY**

The proposed floor space of 1.2: 1 is well within the 1.5:1 allowable, although the FSR needs to be calculated on the site less riparian zone and drainage easement for a realistic assessment of density on this constrained site.

As stated, the unit numbers are acceptable as they are below the permissible FSR; however, the carparking spaces provided are in excess of requirements of the SEPP, aiming for one car space per resident.

This, coupled with the economic decision to cap the contaminated soil, has resulted in a ground plane that is occupied mostly by carparking, which has created blank perimeters around the parking facilities, only interrupted with the occasional unit and ancillary use. This leads to a specific issue that will still need further resolution in terms of landscaping to mask and create an intimate place for the occupants to participate in and enjoy in this unique setting.

As noted elsewhere, the height is non-compliant but of lesser concern generally, given the lower FSR presented; although this may alter once the riparian land etc is deducted. Specifically, the height non-compliance is a concern where the scale relationship between Bldgs. B & C is clearly too tight for such an important part of the site.

### **PRINCIPLE 4 – SUSTAINABILITY**

Bio-retention rain gardens have been shown on the drawings but sustainable strategies were generally not discussed at the meeting, but a full suite of well-considered sustainability measures should be designed and integrated into the proposal during design development. As Orientation is optimal for solar harvesting at a minimum this proposal should provide solar/PV cells for domestic hot water and lighting of communal

spaces and rain water storage for irrigation and WC flushing to reduce stormwater run-off in this sensitive location.

Much of the bulk and height of the development is driven by the extent of ground floor parking which is well in excess (some 5 times) of the SEPP Seniors Living requirements for parking. The applicant should consider car sharing schemes which would be more sustainable as well as allow transferring valuable ground floor space from cars to units.

### **PRINCIPLE 5 – LANDSCAPE**

The applicant must consider more thoroughly the active recreational needs of residents and visitors and how the site will provide for these. Walking becomes increasingly important as a form of exercise as people age. The development must include elements that will motivate walking and provide good amenity such as thoughtful primary and secondary destination points, good connectivity with a variety of routes and surface treatments, good signage, lighting and frequent access to shelter, toilets, seating and water.

A layer identifying the recreational program and the connectivity between recreational destinations would be valuable. At the moment the two most significant pedestrian destinations are the central area, as defined by the surrounding communal activities: multi-purpose room, lounge, garden, gym and communal meeting rooms, and the foreshore. However, as noted elsewhere, the route between these two destinations is dominated by car movement and parking which is anomalous with a well-functioning interactive space that facilitates socialising, exercising and other interaction between residents. To function well this area must be amenable for everyone and prioritise pedestrians (including those with special needs like wheelchair or walking frame). This space could be designed to accommodate programmed recreation and entertainment such as public art, performances or markets for residents and their families. The amenity of pedestrian movement between this and the existing development, including passive wayfinding via design elements, must be incorporated.

Secondary destinations should be created including the children's play area, but also areas with attractive views or vistas into or out from the site; areas where planting has been optimised to attract birdlife or designed for peaceful reflection. At present there appears little to differentiate landscape areas and provide for a variety of uses and recreational preferences. Ideally a perimeter pedestrian route should be provided.

Walking is a significant social activity for seniors and as such the environment must provide for walking by small groups with wider pathways, appropriate lighting and gathering points.

The landscaped podiums should be differentiated from each other to support wayfinding and orientation via unique artworks, different surface treatments, furniture or planting palettes. Lawn should be avoided in areas with a south-facing aspect.

The design must demonstrate how the central swale will function and contribute to resident amenity.

The strategy of using raised podiums between buildings and the mounding to ground floor walls is supported as a means of softening the impact of ground floor parking but the success of the proposal also depends on reasonable ground floor activation, and on high amenity landscaped pedestrian routes from both the podiums and the village green, through to the foreshore.

The Panel recommends the removal of car parking along the central road spine, that overlaps with the foreshore avenue, to provide a pedestrian priority environment,

The central pedestrian courtyard between Blocks B and C needs to have paths that will accommodate desire lines from the village green, over the central road, through to the foreshore.

Consider providing boardwalk footbridges through the mangroves lining the drainage easement, for more engagement with the site ecology, and for more permeability back to the existing Village.

Consider cantilevering the podiums beyond the face of the entry/exit openings of the parking facilities to both conceal and also more subtly signal the parking facilities, whilst creating a more layered landscape experience.

#### **PRINCIPLE 6 – AMENITY**

On the whole, the units are generally comfortable and well laid-out.

It is recommended that a number of technical detail issues should be resolved in principle and shown on drawings at DA stage, so as not to compromise amenity, built form and aesthetics at a later stage:

- HVAC equipment should ideally be grouped within designated screened plant areas either on typical floors or on roof-tops.
- Wall mounted equipment (eg. instantaneous gas hot water heaters) and associated pipework should be concealed into wall cabinets and ducts.
- The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.
- If equipment is located on private balconies, additional area above ADG minimums should be provided.
- Rainwater downpipes should be thoughtfully designed and integrated into the building fabric. - Balustrade design should address privacy and visual screening of large items typically stored on balconies, for example BBQs, clothes drying devices and bicycles.

The new retirement Village would benefit from more, strategically based community facilities, since the site is, except for the adjacent village, effectively isolated from community or retail areas. Accessible by foot – the village green and the entry point at the new bridge would be the logical points for these functions.

Currently, 1,000m<sup>2</sup> of community facilities is proposed, representing about 3% of the total floor area, arguably not enough in this isolated location.

The Panel suggests replacing the ground floor units in Block E with community facilities/shops as well as locating such facilities at the ground floor facing the bridge entry ( ie by reducing some carparking).

Further, the location of more ground level units under Blocks A and B, similar to the proposed units under Blocks C and D, would activate the ground level and provide high amenity to residents of these units, facing the foreshore.

Corridors to the upper floors are some 45m long which, though daylight is provided, in their straight linear form, could feel institutional.

The two podiums between blocks A and B, and C and D seem restricted with stairs at the N end only; stairs at the S end as well would improve permeability through the site and better connectivity with the central activity area.

The planning of the north end of Block F does not take full advantage of the solar access, with stores and services lining a large proportion of the façade – consider locating dining here.

Many of the 2-bedroom units have combined living/dining/kitchens deeper than the 8m control cited in the ADG.

Balconies are generous but often have greatest depth adjacent to bedrooms, and not living rooms which would benefit more.

#### **PRINCIPLE 7 – SAFETY**

Vehicular traffic poses the greatest risk to pedestrian safety as well as the perception of safety. Pedestrian routes must take priority over vehicular movement and this must be made very clear to drivers and pedestrians via traffic calming, limitations on on-street parking and other indications such as continuous levels and continuation of pedestrian pathway pavement treatment across road pavements. Ensure that the vehicular entry/exits have clear and safe sightlines for the awareness of pedestrians. The site entry where the road bridge is expected to be placed is a particularly tight area.

More activation of the ground plane by community and residential uses would improve site surveillance and the sense of safety, particularly at night.

Fencing strategy needs to be shown and explained – will the development be a gated community?

Padmount substations have been provided at two locations that reduce useable ground plane – these are better concealed within the podiums.

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

There appears to be a reasonable diversity of unit sizes for the demographic.

The ground plane should be the primary focus of social interaction and functions to enhance this are supported.

The units are very large at about 70m<sup>2</sup> for 1-bed units, 100-110m<sup>2</sup> for 2-bed units and 130-180m<sup>2</sup> for 3 bed units, so that social diversity will be restricted to a luxury market.

More communal facilities would foster a village atmosphere.

#### **PRINCIPLE 9 – AESTHETICS**

Generally, building aesthetics have been well-considered; the buildings will be modern, attractive and suitable for the location. There is a fineness and a vertical layering that is commendable and the building elevations show materials that are well selected for the location; although more detail on the specific material selected will ensure greater certainty in design development.

To this end, ADG requires detailed sections of the proposed facades be provided. These have not been provided along with more 3D models that would assist in a better assessment of the building aesthetics.

The framing of mid floors with vertical aluminium louvres is an effective scaling device although this may need to be modified, for better scaling outcomes in the central, non-podium space between B and C, with a review of the modelling strategy required between these 2 buildings only.

A high-quality landscape and façade material palette to the podiums is essential for the success of the development, and should be defined in the application.

Sculpture features in the landscaping are to be commended.

#### **RECOMMENDATIONS**

The proposal has somewhat responded to the concerns of the original Pre-DA ARAP comments, but falls short of some primary objectives. Along with the comments above, the key matters to be addressed are:

- The above ground parking strategy dehumanises the site and therefore more has to be done to maintain and integrate a unified spatial domain between the buildings that is true to the original gesture of linking the whole suite of buildings to both themselves and the foreshore, through a common, landscaped people space; whilst being well connected to the existing village.

- More detail is required in the resolution of the ground plane including; building interfaces [especially with carparking conditions], site perimeters, the quality of the public domain and its integration with the podiums.
- Clearer assessment and justification of the general quality of the experience, along with the massing and materiality of the interstitial spaces between the main blocks, especially B and C.
- Consideration of the matters noted under landscape, including provision for cross-generational use.
- A detailed submission of both materials, key details and colours to be presented to ensure that a high quality built environment, as per the Anglicare long term vision, can be achieved.”

John Dimopoulos  
DRF Chairman

13 December 2017

## APPENDIX "F"

Apartment Design Guide (ADG) – Key Controls			
Standard / Control	Required	Proposed	Compliance
2E – Building Depth	12-18m from glass line to glass line	10m to 23m	No
2F - Building separation	5 to 8 storeys (approx. 25m): - 18m between habitable rooms / balconies	- 18.2m - 38m between Building A and existing retirement village ('The Inlet' building)	Yes
	- 12m between habitable & non-habitable rooms	21m	Yes
	- 9m between non-habitable rooms	N/A	N/A
3D - Communal and public open space	- 25% of site = 7,475m <sup>2</sup>	51.5%% (15,400m <sup>2</sup> )	Yes
	- 50% direct sunlight to principal usable space for min. 2hrs between 9am and 3pm mid-winter	>50%	Yes
3E - Deep soil zones	- 7% of site area (2,093m <sup>2</sup> )	7,913m <sup>2</sup> (26.5%)	Yes
3F - Visual Privacy	<p>Minimum required separation distances from buildings to side and rear boundaries:</p> <p>Up to 25m (5-8 storeys):</p> <ul style="list-style-type: none"> <li>- 9m for habitable rooms and balconies</li> </ul>	<p><u>Eastern boundary</u> (Block D): 6m</p> <p><u>Western Boundary</u> (Block A): 16.3m</p>	<p>No, however, acceptable given anticipated use on adjacent site</p> <p>Yes</p>

	- 4.5m for non-habitable rooms	<u>Western Boundary</u> <u>(Block E): 16.3m</u>  <u>Southern Boundary</u> <u>(Block E): 9.2m</u>  <u>Southern Boundary</u> <u>(Block E): 9.2m</u>	Yes  Yes  Yes
4A Solar and daylight access	Living rooms and private open space, 2 hours direct sunlight between 9am and 3pm in mid winter to 70% of apartments.	70%	Yes
4B Natural ventilation	- 60% of apartments to be naturally cross ventilated.  - Max. Depth 18m for cross-over / cross through apartments	60%  N/A – no cross through apartments	Yes  N/A
4C Ceiling heights	- Habitable rooms: 2.7m - Non-habitable rooms: 2.4m	2.7m 2.7m	Yes Yes
4D Apartment size and layout	1br: 50m <sup>2</sup> 2br: 70m <sup>2</sup> 3br: 90m <sup>2</sup>  Habitable room depths to be max. 2.5 x ceiling height  8m max. habitable room depth in open plan layouts from window  Master bedrooms min. 10m <sup>2</sup> Other bedrooms 9m <sup>2</sup> excluding wardrobes  Min. bedroom width 3m excluding wardrobes  Living room width: 3.6m – 1bed Living room width: 4m – 2/3 bed	1br: 71m <sup>2</sup> 2br: 101m <sup>2</sup> 3br: 124m <sup>2</sup>  <2.5x  7m  10.3m <sup>2</sup> 9.5m <sup>2</sup>  3m  3.7m 3.7m (Unit 3,5 & 6)	Yes Yes Yes  Yes  Yes Yes  Yes  Yes No, however room proportions and dual aspect provides good functionality and

			amenity to offset this minor non-compliance
4E Private open space and balconies: <ul style="list-style-type: none"> <li>- 1 br apartment</li> <li>- 2 br apartment</li> <li>- 3 br apartment</li> <li>- Ground level apartments (or on a podium)</li> </ul>	<i>Primary balconies:</i>  8m <sup>2</sup> , min. 2m depth 10m <sup>2</sup> , min. 2m depth 12m <sup>2</sup> , min. 2.4m depth 15m <sup>2</sup> with min. 3m depth	17m <sup>2</sup> , 3.7m depth 16m <sup>2</sup> , 3.7m depth 30m <sup>2</sup> , 5.2m depth 15m <sup>2</sup> , 3.7m depth	Yes Yes Yes Yes
4F Common circulation and spaces	Maximum number of apartments off a circulation core: 8	8	Yes
4G Storage	6m <sup>3</sup> per 1br apartment 8m <sup>3</sup> per 2br apartment 10m <sup>3</sup> per 3br+ apartment   At least 50% of storage to be located within the apartments	No dedicated storage proposed    Less than 50% of storage is located within apartments	No, however, a design change condition will be imposed to ensure adequate storage is provided for all units in the basement.    No

## Local Controls Compliance Table

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
Clause 4.3 – Height of Buildings	Maximum 16m	22.2m	No – 39% variation
Clause 4.4 - Floor Space Ratio	Maximum 1.5:1	1.21:1	Yes
Clause 6.14 - Landscape Area	Minimum 10%	34.4%	Yes

## SSDCP 2015 – Chapter 27 Business Park

**Note: As seniors housing is not generally a permissible use in Zone B7, only the controls applicable to seniors housing have been included in the table below**

Standard / Control	Required	Proposed	Compliance
Ch.27.2 – Streetscape and Building Form	1. Facades are to be composed with an appropriate scale, rhythm and proportion responding to the building's context and use.	Proposal includes well composed facades	Yes
	2. Where visible from the street, the façade should be articulated. Where blank walls are unavoidable, landscape screen planting is to be utilised to reduce visual impact of the building when viewed from the public domain or residential development.		Yes
	3. Building entrances are to be clearly defined and located so that visitors can readily distinguish the public entrance to each building, with entrances oriented to the street. Access to each entrance is to be provided by a safe direct route, avoiding potential conflict with vehicles manoeuvring on site.	Building entries are clearly visible	Yes
	4. Highly reflective materials are not acceptable for roof or wall cladding.		Yes

	5. Incorporate passive solar building design principles into development, including the optimisation of sunlight access and natural ventilation and the minimisation of heat loss, to avoid the need for additional artificial heating and cooling. For example, give careful consideration to the orientation and layout of the building and the location and design of window openings to incorporate sun shading devices and to facilitate summer cooling by cross ventilation.	Proposal complies with the ADG requirements for solar access and natural cross ventilation	Yes
	9. Where development sites adjoin Woollooware Bay or an open space reservation, the site layout and building forms should allow views from within the site to the bay or foreshore.	Appropriate building forms proposed which allow views from within the site to the bay	Yes
	11. An external energy efficient lighting system is to be provided for pedestrian access and driveways.	Not shown	Condition imposed (Condition No.XX)
Ch.27.3 Setbacks	4. Nil setbacks to side and rear boundaries are permitted.	6m side boundary setback minimum. Nil setbacks not appropriate for residential development	Yes
	6. Despite the provisions of clause 4, development adjoining public reserves must have a minimum landscaped setback of 3m to the public reserve.	10m	Yes
	7. Despite the provisions of clause 4, development adjoining residential development must have a	16.3m	Yes

	minimum landscaped setback of 3m from the residential development.		
Ch.27.4 – Daylight Access	<ol style="list-style-type: none"> <li>1. Wherever possible, provide for the potential use of solar energy collectors by incorporating pitched roofs facing north.</li> <li>2. The office space within each separate industrial unit should be designed to provide daylight to office areas.</li> <li>3. Provide skylights wherever possible to improve energy efficiency.</li> </ol>	<p>Solar roof panels proposed</p> <p>N/A</p> <p>Skylights provided to augment solar access through doors and windows for top level apartments</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
Ch.27.5 – Acoustic privacy	<ol style="list-style-type: none"> <li>1. All noise generating equipment must be designed to protect the acoustic amenity of residential neighbours. All such noise generating equipment must be acoustically treated and/or screened to meet the project specific noise criteria as determined by the NSW Industrial Noise Policy.</li> </ol>		Condition imposed (Condition No.XX)
Ch.27.6 – Landscaping	<ol style="list-style-type: none"> <li>4. Landscaping should consist of a mix of small to large indigenous canopy trees informally spaced at 3m intervals, in conjunction with screen shrubs and ground covers. At least 50% of the trees must be capable of achieving a height of at least 6 m at maturity.</li> <li>5. All trees and 50% of the understorey species used in landscaping must be chosen from the species list in the Sutherland Shire Council</li> </ol>	Council's Landscape Architect has reviewed the proposal with regard to these controls and considered the proposal acceptable	Yes

	<p>Native Plant Selector database, except in Greenweb 'Core' and 'Support' areas, where a greater percentage is required. Potentially invasive exotic species must not be used.</p> <p>6. In carparking areas, tree blisters 5.0 x 2.5m between every six (6) car spaces OR a continuous planting bed 3m wide between rows of cars must be provided. The area must be capable of supporting large trees and ground covers as described above.</p> <p>7. All landscaped areas are to be separated from hard paved areas by a dwarf wall or kerb to minimise damage caused by vehicles.</p> <p>8. Any fencing built within a front or side setback or the boundary of a public reserve is to have maximum height 1.8m, be open form and finished in black to ensure it is visually recessive.</p>		
Ch.27.7 - Access	<p>1. Continuous, independent and barrier free accessways must be incorporated into the building design, including effective signage, sufficient illumination, tactile ground surface indicators and pathways with limited cross-falls, sufficient width, seating and slip resistant floor surfaces.</p> <p>2. Entrances are to enable convenient access for all.</p> <p>3. Safe emergency egress is to be provided for all users.</p> <p>4. Ramps, walkways, lifts and</p>		<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>stairs are to be conveniently located and safe for all users.</p> <p>5. Signage is to be provided that clearly identifies and directs access routes.</p> <p>6. Building controls, services and amenities are to be located in accessible positions and be of a suitable design to allow operation by all people.</p>		<p>Yes</p> <p>Yes</p>
Ch.27.8 - Safety	1. Development should be in accordance with CPTED Guidelines.		Yes
Ch.27.9 - Parking	<p>1. Note: Required number of spaces is taken from Seniors SEPP as a guide</p> <p>2. Where a development is identified as Traffic Generating Development, then the parking requirement specified in the RTA Guide to Traffic Generating Development shall apply.</p> <p>3. Where a proposed development is not listed in the table, or where the development proposal raises unique traffic and parking issues, or where development is identified as Traffic Generating Development, then a Traffic Report shall be completed.</p> <p>4. Bicycle parking spaces must be provided at the rate of 1 space per 10 car parking spaces for the first 200 car spaces, then 1 space per 20 parking spaces thereafter. In addition, 1 unisex shower is required per 10 employees.</p> <p>5. Car parking layout and vehicular access requirements and design are to be in</p>	<p>Refer to Seniors SEPP table of compliance</p> <p>Proposal has been referred to the RMS who have provided recommendations</p> <p>Required parking is listed in the Seniors SEPP as a guide</p> <p>22 bicycle spaces required, however, 6 spaces provided</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however, condition of consent imposed to provide the shortfall</p> <p>Yes</p>

	<p>accordance with the Australian Standards, in particular AS 2890.1-2004.</p> <p>6. Planting and walls adjacent to driveways must not block lines of sight for pedestrians, cyclists and vehicles.</p>		Yes
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# APPENDIX "H"

SEPP Seniors Housing			
Clause	Standard	Proposed	Complies
cl.40(4) Height of buildings where residential flat buildings are not permitted	(a) Height of all buildings to be 8m max. (measured to ceiling level)	22.2m	No
	(b) Building adjacent to a boundary of the site to be max. 2 storeys in height.	6 storeys	No
cl.41 – <u>Standards for hostels and self-contained dwellings</u>  Requires standards within Schedule 3 of the SEPP to be complied with, except for clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15-20 as the development application is made by a social housing provider	<u>Schedule 3</u> – applicable clauses: cl.3 – Security – pathway lighting cl.4 – Letterbox location, accessibility and to be lockable cl.5 – Private car accommodation: - Comply with AS2890 - 5% of total car spaces to be able to be increased to 3.8m - Garages to have power-operated doors cl.6 - Accessible entry cl.21 – Garbage storage area to be located in an accessible location	Not shown Not shown  3.2m wide spaces 16.7% (38 out of 228 spaces) N/A  Garbage rooms located on each level	Able to comply Able to comply  Yes Yes N/A Yes Yes
cl.48 – <u>Residential care facilities</u> Standards that cannot be used to refuse development consent for residential care facilities	(a) <u>Building height</u> - all buildings are 8m in height or less (b) <u>Density &amp; scale</u> - 1:1 or less (c) <u>Landscaped area</u> - min. 25m <sup>2</sup> per bed (48 beds x 25 = 1,200m <sup>2</sup> ) (d) Parking for residents & visitors: (i) 1 parking space for each 10 beds in the RACF (or 1 parking space for each 15 beds if the facility provides care for only persons with dementia),  Therefore, 48 / 10 = 5 car spaces required	22.2m  1.21:1  15,400m <sup>2</sup> (total across the whole site)   5 car spaces	No  No Yes   Yes

	<p>and</p> <p>(ii) 1 parking space for each 2 persons employed and on duty at any one time,</p> <p>Therefore, 10 staff / 2 = 5 car spaces required</p> <p>and</p> <p>1 parking space suitable for an ambulance</p>	<p>11 car spaces</p> <p>1 ambulance space</p>	<p>Yes</p> <p>Yes</p>
<p>cl.50 – <u>Self-contained dwellings</u></p> <p>Standards that cannot be used to refuse development consent for self-contained dwellings</p>	<p>(a) <u>Building height</u></p> <ul style="list-style-type: none"> <li>- all buildings are 8m in height or less</li> </ul> <p>(b) <u>Density &amp; scale</u></p> <ul style="list-style-type: none"> <li>- 1:1 or less</li> </ul> <p>(c) <u>Landscaped area</u></p> <ul style="list-style-type: none"> <li>- min. 35m<sup>2</sup> per bed dwelling. Therefore, 182 x 35 = 6,370m<sup>2</sup> required</li> </ul> <p>(d) <u>Deep Soil zones</u></p> <ul style="list-style-type: none"> <li>- 15% of site area</li> <li>- Located at rear of site and have minimum dimensions of 3m</li> </ul> <p>(e) <u>Solar access</u></p> <ul style="list-style-type: none"> <li>- living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter</li> </ul> <p>(f) <u>Private open space for in-fill self-care housing</u></p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15</p>	<p>22.2m</p> <p>1.21:1</p> <p>15,400m<sup>2</sup> (total across the whole site)</p> <p>34.4%</p> <p>3m</p> <p>2hrs achieved in accordance with ADG requirements</p> <p>&gt;15m<sup>2</sup></p>	<p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>

	<p>square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> <p>(h) <u>Parking</u></p> <p>- .1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p>		
	<p>Therefore, <math>182/5 = 36</math> car spaces required</p>	<p>Balconies <math>&gt;10\text{m}^2</math> and <math>&gt;2\text{m}</math> in depth</p> <p>228 car parking spaces</p>	<p>Yes</p> <p>Yes</p>

