119 Barton Street, Monterey (DA-2021/95)

Statement of Environmental Effects for a Residential Aged Care Facility

On behalf of
Monterey Equity Pty Ltd
August 2021

mecone

Project Director

Tom Cook

Contributors

Lauren McMahon

Revision	Revision Date	Status	Authorised	
			Name	Signature
1	25 Feb 2021	Final	LM/KB	
2	24 August 2021	Amended scheme	LM/TC	

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Executive summary

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Monterey Equity Pty Ltd to support a Development Application (DA) to Bayside Council (Council) for a Residential Aged Care Facility with 121 rooms at 119 Barton Street, Monterey (the site).

This SEE describes the proposed development of the site and surrounding area in the context of the relevant planning controls and policies. In addition, the SEE provides an assessment of those relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Development Application is considered to be Integrated Development as the basement level would protrude below the ground water table (2.5m to 2.8m) and therefore the Water Management Act 2000 applies and the application must be referred to the Office of Water for assessment and appropriate Terms of Approval.

Planning Background

A Planning Proposal for the site was recently gazetted which proposed the following amendments to the Rockdale Local Environmental Plan 2011 (RLEP):

- Rezone land from RE2 Private Recreation to R3 Medium Density Residential.
- Introduce the following development standards:
    - Maximum Floor Space Ratio (FSR) of 0.6;
    - Maximum height of building of 8.5m; and,
    - Minimum lot size of 450m^2.

Subject site

The site is located within the Bayside Local Government Area and is in close proximity to commercial centres at Brighton-Le-Sands (1.6km to the north), Ramsgate (1.2km to the south) and Kogarah (1.5km to the north west). The site is a large battle axe lot with a narrow frontage along Barton Street (35m) and a site area of 7,218m^2. The site is surrounded by residential dwellings and strata buildings which are 1-2 storeys in height.

The site previously accommodated the Sir Francis Drake Bowling Club until 2014. However, at present, the site is occupied by St Pope Kyrillos VI & St Habib Girgis Coptic Orthodox Church. The site incorporates a large car parking area to the front and bowling greens and ancillary buildings to the rear. The site is in proximity to a number of bus routes and Kogarah Station, which is 1.9km northwest of the subject site.

Proposed Development

A Development Application was originally lodged in February and concerns were raised in the Design Review Panel meeting (12 May 2021), Council's Request for Information (dated 24 June 2021) and Council's email (dated 24 June 2021). These concerns have been addressed and the original proposal has been substantially amended (refer to Section 3.2.1 for further detail on the amendments).

Development Application seeks consent for the following works:

- Demolition of the existing structures on site;
- Construction of a part 1/part 2/part 3 storey Residential Aged Care Facility (RACF) comprising of 121 x rooms (or 126 x beds), and ancillary facilities;
- Construction of a basement level for 38 x car parking spaces and 1 x space for loading dock/ambulance; and

- The proposal will retain 12 x trees on the site whilst it will remove four trees (with two trees having a low retention category) and landscaping works (including replacement trees).

The table below provides an outline of the proposal:

Table 1 – Summary of proposed Development

Item	Total
Site Area	7,218m^2
Gross Floor Area	7,138.6m^2 (based on the Seniors Living SEPP definition of GFA)
Floor Space Ratio	0.99:1
Building Height	9.975m (based on the Seniors Living SEPP definition – i.e. to the ceiling of the topmost floor)
Bedroom and room mix	<table><tr><th></th><th>1 Bed</th><th>2 Bed</th><th>Total</th></tr><tr><td>Ground Floor</td><td>57</td><td>2</td><td rowspan="3"></td></tr><tr><td>First Floor</td><td>45</td><td>2</td></tr><tr><td>Second Floor</td><td>14</td><td>1</td></tr><tr><td>Total no. of beds</td><td>116</td><td>10</td><td>126</td></tr><tr><td>Total no. of rooms</td><td>116</td><td>5</td><td>121</td></tr></table>
Parking	38 x Car Parking 1 x Ambulance Parking / Loading Space **Total 39 x spaces**
Landscaping	<u>Deep soil landscaping (excluding over basement)</u> 3,223m^2 (or 25.6m^2 / bed) <u>Landscaping (including over basement)</u> 3,620.9m^2 (or 28.7m^2 / bed)
Deep soil landscaping	1,671.1m^2
Amenities	Private Amenities- 776m^2 Common Amenities - 245m^2
Storage	323.6m^2

Planning Assessment

State Environmental Planning Policy No 55 – Remediation of Land: The Preliminary Site Investigation (**Appendix 6**) concludes that site contaminates were observed. The report recommends that, following demolition of the existing site structures, additional soil testing be conducted. The assessment concludes that the site can be made

suitable for proposed residential development provided a Remediation Action Plan (RAP) is prepared and implemented. The DA is also accompanied by a RAP (refer to **Appendix 7**) which addresses the fill material impacted by elevated heavy metals which were identified in the Contamination Assessment above. The RAP concludes that following successful remediation and validation of the site, it can be made suitable for the proposed residential redevelopment.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP): A full compliance assessment against all the relevant provisions in the Seniors Living SEPP has been provided in **Appendix 8.** The proposal is consistent with the requirements for density (1:1), car parking, site frontage and site size in the SEPP. The proposal has minor non-compliances with the location and access requirements; however, a report has been provided (refer to **Appendix 9**) which makes a number of recommendations to ensure compliance with the requirements under Clause 26. The required upgrades relate to a number of access ramps to services and facilities which can be undertaken as part of a Section 138 Certificate.

The proposal is generally consistent with the design requirements under Division 2, refer to Section 5.1.3 of the SEE for further discussion. Whilst the proposal will vary from Clause 40(4)(c) of the SEPP which requires 25% of the rear built form to have a 1 storey height, this variation is supported by a Clause 4.6 variation (refer to **Appendix 13**), which outlines the proposal's consistency with the objectives and the particular environmental planning grounds for the variation.

The 8m height provision under the Seniors SEPP is the relevant standard applicable to the DA (rather than the 8.5m LEP height limit). The proposal will have a building height of 9.975m (i.e. to the ceiling of the topmost floor as per the SEPP definition) which will result in a 1.975m (or 24.7%) variation with the 8m height control. It is highlighted that the height variation only relates to the central part of Level 2 and part of the roof form of Level 1 and is generally located to the central portion of the site. The height variation is supported by a Clause 4.6 variation (refer to **Appendix 13**).

Rockdale Local Environmental Plan (RLEP) 2011: The proposal is consistent with the zone objectives and the provisions relating to the Acid Sulphate Soils, earthworks and stormwater.

Rockdale Development Control Plan (RDCP) 2011: The proposal is generally consistent with the provisions in the RDCP 2011. A full compliance assessment against the relevant provisions in the RDCP 2011 is provided in **Appendix 15**.

Environmental Assessment

Section 6 of the SEE provides an environmental assessment which is outlined below:

- The building envelope has been skilfully designed to minimise amenity impacts (with regard to overshowing and privacy). The upper level is setback from the building edge, whilst the proposal incorporates a staggered generous setback with landscaping buffers. Whilst the proposal will vary from the height and rear 25% development standards in the Seniors Living SEPP and the non-compliances are supported by a Clause 4.6 variation (refer to **Appendix 13**);
- The proposal seeks to remove four trees within the south-western corner of the site. Two of the trees have a low retention category whilst the other two are high category trees. The high category trees are to be replaced with new planting on the site;
- The proposal will comply with the car parking rates as specified in the Seniors Living SEPP and potential traffic generation is considered to be manageable and would not adversely impact upon the surrounding road network. A Green Travel Plan has been outlined for the site which will encourage use of transport

modes with low environmental impact such as public transport, car pooling, walking and cycling;

- Three absorption tanks are proposed which will minimise stormwater runoff onto adjoining properties and surrounding water ways whilst the sand layer at the bottom of the absorption tanks will treat the stormwater;
- Provided a number of treatments are incorporated into the design, the internal noise levels shall comply with the acoustic requirements in the Rockdale DCP 2011 and Australian and New Zealand AS/NZS 2107:2016 'Recommended design sound levels and reverberation times for building interiors';
- A Section J Report has been prepared to address the Deemed-to-Satisfy (DTS) performance requirements for the proposed development (refer to **Appendix 17**). Part 3 of the report outlines the minimum construction and performance provisions required for the project specific climate zone and building classification in relation to thermal installations, roof and ceiling construction, roof lights, wall and glazing systems and floor construction;
- Where BCA compliance cannot be demonstrated, consistency with relevant access provisions can be achieved via the adoption of alternative performance solutions at the Construction Certificate Phase that are consistent with the Deemed-to-Satisfy Provisions;
- A Crime Prevention Through Environmental Design (CPTED) report is located at **Appendix 12** which provides an analysis on the five CPTED principles; and
- The proposal is considered to be suitable for the site and is in the public interest.

Conclusion

Following the planning and environmental assessment summarised above, the proposed DA for seniors housing at 119 Barton Street, Monterey has planning and environmental merit. The proposal also has significant social benefit providing housing for seniors with access to a number of services and facilities. Accordingly, the proposed development is considered to be consistent with Clause 4.15 of the *Environmental, Planning and Assessment Act 1979* (the Act) as the proposal.

1 Introduction

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Monterey Equity Pty Ltd to support a Development Application (DA) to Bayside Council (Council) for a Residential Aged Care Facility with 121 rooms at 119 Barton Street, Monterey (the site).

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPAA) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the SEE includes the following information:

- Description of the site in its local context;
- Identification of the proposed works;
- Assessment of the project against Council's controls and policies;
- Assessment of all environmental impacts of the project; and
- Identification of measures for minimising or managing the potential environmental impacts.

Centurion Quantity Surveying on behalf of the Landowner has calculated the cost of development for the proposal to be $36,365,251 (including GST). Refer to **Appendix 1** for the Cost Estimate of the proposed works.

The Development Application is considered to be Integrated Development as the basement level would protrude below the ground water table (2.5m to 2.8m) and therefore the Water Management Act applies and the application must be referred to the Office of Water for assessment and appropriate Terms of Approval.

An environmental assessment of the proposal is provided in Section 6 of this report.

1.1 Proponent and Project Team

The Development Application and SEE have been prepared on behalf of Monterey Equity Pty Ltd.

Table 2 – Project Team

Item	Description
Urban Planning	Mecone
Architectural Plans	Boffa Robertson Group
Survey	Project Surveyors
Landscape Report	LANDFX Landscape Architecture
QS Report	Centurion Quantity Surveying
Arborist	Naturally Trees

Table 2 – Project Team	
Item	Description
Operational Waste Management Plan	Elephants Foot
Regulatory Compliance Report (BCA)	McKenzie Group
Transport Assessment	The Transport Planning Partnership (TTPP)
Acoustic Report	Acoustic Logic
Geotechnical Report	Douglas Partners
Contamination Assessment and Acid Sulphate Soils	Martens Consulting Engineers
Stormwater Management Overview	ADG Engineers Pty Ltd
Civil, Stormwater and FIA Engineering	TTW
Access	Accessible Building Solutions (ABS)
ESD/NCC Section J DTS Compliance Report	ADP Consulting Pty Ltd
Crime Prevention Through Environmental Design (CPTED)	Harris Crime Prevention Services
BCA Reporting and advice	McKenzie Group
Building Services	ADP
Clause 26 Report (re: Seniors Living SEPP)	Judith Stubbs

2 The Site

2.1 Site Location

The site is located at 119 Barton Street Monterey within the Bayside Local Government Area (LGA). The site is in close proximity to the commercial centres at Brighton-Le-Sands (1.6km to the north), Ramsgate (1.2km to the south) and Kogarah (1.5km to the north west). It is also 1.5km from the St George Hospital precinct which has been designated for major education/health development. Refer to the image below for the sites location.

Figure 1 Subject Site

Source: Mecone Mosaic

2.2 Site Description

Table 2 provides the legal description, and a brief summary of the site and surrounding context.

Table 3 – Site Description	
Item	Description
Legal Description	Lot 2 DP 857520
Total Area	7,218m^2
Location	119 Barton Street, Monterey

Table 3 – Site Description	
Item	Description
Street Frontage	35m to Barton Street
Site Description	The site is a large battle axe lot with a narrow frontage along Barton Street and is surrounded by smaller residential lots abutting the boundaries.
Site slope	The site slopes down from the corners of the site to the centre to a low of 3.7m (RL) whilst the highest point of the site is at Barton Street frontage with the highest point of 8.8m (RL).
Previous uses	The site was previously accommodated by the Sir Francis Drake Bowling Club until 2014. The site incorporates a large car parking area to the front of the site and bowling greens and ancillary buildings to the rear. Currently the ancillary buildings are occupied by St Pope Kyrillos VI & St Habib Girgis Coptic Orthodox Church which incorporates 56 at-grade car spaces, accessed via separate entry and exit driveways.
Surrounding Context	Surrounding development is characterised predominately of detached single and double storey dwelling houses with some strata developments. **North**: To the north of the site, across Barton Street are various 1 and 2 storey dwelling houses and strata townhouse developments. **East:** To the east of the site, are strata townhouse developments at 121 and 125 Barton Street. Further to the east is The Grand Parade and Botany Bay. **West:** To the west of the site, are various 1 and 2 storey dwelling houses which front Jones Avenue. **South:** To the south of the site, are various 1 and 2 storey dwelling houses which front Scarborough Street.
Public Transport	The site is in close proximity to a number of bus services along The Grand Parade and Chuter Avenue which provide links to Rockdale, Ramsgate, San Souci, Hurstville, Kogarah, Mascot and Redfern. Furthermore, the nearest train station is Kogarah Station which is 1.9km northwest of the subject site and is on the T4 Eastern Suburbs Line.

The site's surrounding development context is presented in the following figures.

Figure 2 Front of subject site along Barton Street

Source: Google maps

Figure 3 Inside the subject site with bowling greens and ancillary buildings

Source: Google maps

Figure 4 Adjoining properties to the north of the site fronting Barton Street

Source: Google maps

Figure 5 Adjoining properties to the west of the site fronting Barton Street

Source: Google maps

Figure 6 Adjoining properties to the east of the site (121 and 125 Barton Street)

Source: Google maps

3 Planning background

3.1 Planning Proposal

A Planning Proposal for the site was submitted to Bayside City Council (Council) in August 2017 which proposed amendments to the Rockdale Local Environmental Plan 2011 (RLEP) to:

- Rezone land from RE2 Private Recreation to R3 Medium Density Residential; and
- Introduce the following development standards:
    - Maximum Floor Space Ratio (FSR) of 0.6:1;
    - Maximum height of building of 8.5m; and
    - Minimum lot size of 450m^2.

This planning proposal was finalised and the new controls came into effect on 30 November 2020.

3.2 Original Development Application (February 2021)

3.2.1 Amendments to original scheme

A Development Application was originally lodged in February and concerns were raised in the Design Review Panel meeting (12 May 2021), Council's Request for Information (dated 24 June 2021) and Council's email (dated 24 June 2021). The original Development Application has been substantially amended to address these concerns and the amendments to the original scheme are outlined below (refer to the table below for an outline of the numerical amendments):

- **Reduce the overall bulk and scale:** The amended scheme will significantly reduce the number of rooms from 137 to 121 and reduce the GFA by 858.4m^2.
- **Increase the rear setback for Level 1:** The proposal will increase the rear setback of Level 1 by 8.2m from 4.3m to 12.5m;
- **Reduction to the overall height:** The amended scheme has reduced the overall building by 0.84m from RL17.6to RL16.76;
- **Increase in deep soil landscaping:** The proposal has increased the deep soil landscaping by 215.7m^2 from 1,456m^2 to 1,671.7m^2;
- **Front setback area:** The building frontage has been moved forward to align with the prevailing setbacks along Barton Street and a pitched roof has been incorporated (from 19.5m to 6.5m). The services have been repositioned to reduce their appearance from the front and to minimise the paving whilst increasing deep soil landscaping;
- **Driveway:** The driveway has been repositioned to allow for additional landscaping along the eastern boundary to create a buffer;
- **Internal planning:** The location, use, size and orientation of indoor activity spaces have been updated to provide functional improvements. Roof decks have been incorporated where these adjoin indoor active spaces and have been appropriately setback and screened; and
- **Building finishes:** The building finishes have been revised to include more stone, timber and lightweight cladding.

Table 4 – Outline of key concerns from Council and our response		
Item	Original proposal (Feburary)	Amended proposal (August)
Number of rooms	137	121
GFA (based on the Seniors Living SEPP definition of GFA)	7,997m²*	7,138.6m²
FSR (SEPP requirement 1:1)	1.1:1	0.99:1
Building height**	13.62m (based on the LEP height definition)	9.975m (based on the Seniors Living SEPP definition – i.e. to the ceiling of the topmost floor)
Overall building height	RL17.60 (stair)	RL16.76 (lift overrun)
Rear setback of Level 1	4.3m	12.5m
Landscaping (SEPP requirement 25m²/bed)	22m²/bed	25.6m² / bed
Deep soil landscaping	1,456m²	1,671.7m²
Front setback	19.5m	6.5m

Notes:

** There was an error in the previous GFA calculation and the figure above is the correct area.*

*** The overall building height has been retained, however Council have confirmed that the 8m height provision under the Seniors Living SEPP is the relevant provision (rather than the 8.5m LEP height limit). The definition of height within the SEPP (i.e. to the ceiling of the topmost floor) is different to the LEP and therefore reduces the proposed height. Refer to further discussion under 'summary of planning compliance' below.*

3.2.2 Response to Council's concerns

A detailed response to these concerns is provided in **Appendix 28** and the table below provides a summary of these concerns and our response.

Table 5 – Outline of key concerns from Council and our response	
Concern	Our response
Rotation of building envelope Concerns were raised in relation to the rotation of the built form. Council were concerned that the proposal would:	A massing exercise has been undertaken to determine the best massing for the site. Boffa Robertson Group have provided diagrams which compare the massing, overshadowing and view analysis between a 'rectilinear' massing versus the current massing (with some design changes). There are significant benefits

Table 5 – Outline of key concerns from Council and our response	
Concern	Our response
• result in some built form being too close to the boundaries; • appear as a continuous mass along the boundaries and thereby creating visual bulk; • result in irregular angular spaces along boundaries and create inefficiencies; and • the built form would overshadow the internal communal open space areas.	with the current massing when compared with a 'rectilinear' form as outlined below: • **Reduced building footprint along the boundaries**: The 'rectilinear' massing would result in large expanses of solid built form along the boundaries with limited relief for landscaping as illustrated in the view analysis. The proposed massing would create a staggered edge which would limit the built form along the boundaries and the residential interface and allow for generous landscaping zones in between the wings. • **Improved visual privacy**: The 'rectilinear' massing would result in a significant number of windows looking directly into adjoining neighbours and there will be limited opportunity for landscaping. However, the proposed massing locates the windows at oblique angles and offsets them to reduce potential visual privacy concerns whilst creating more long distant views from these windows. • **Improved solar access to adjoining neighbours:** As demonstrated in the overshadowing diagrams, the current massing will considerably improve solar access to the adjoining neighbours. • **Improved quality and quantity of landscaped areas:** The current massing will create more functional and extensive landscaping areas. The current massing will allow for more usable areas and for these areas to enjoy more solar access. The irregular angular spaces present unique landscaping opportunities and benefit the adjoining neighbours and the future occupants. Given the significant benefits associated with the current massing (with some design changes), we have retained the massing arrangement however have undertaken some significant design amendments to address the DRP and RFI comments. Refer to Section 6.1 of the SEE for further discussion on the massing exercise undertaken.
SEPP rear setback control (1 storey to rear 25%) The proposal does not comply with this provision and will impact on the neighbourhood character and amenity (overshadowing and overlooking).	To address DRP's concerns the second storey rear setback has been significantly increased by 8.2m from 4.3m to 12.5m. Whilst the proposal does not strictly comply with the rear 25% area calculation under Clause 40(4)(b) of the Seniors SEPP, the proposal will comply if the following 25% measurements are applied:

Table 5 – Outline of key concerns from Council and our response	
Concern	Our response
	• Minimum setback line for an average seniors living development: at 12.5m which represents the setback using the minimum site requirements for an average seniors living development under the SEPP (1,000m^2 site area with a 20m frontage and 50m depth); and • An irregular line: which capitalises on the open space available between the wings (ie the unbuilt upon areas which are significant) to make up the 25% of site area thus also benefitting those neighbours located along the side boundaries. The variation is supported by an updated Clause 4.6 variation which addresses the non-compliance in detail (refer to **Appendix 13**). The amendments align with the DRP recommendations in addressing this matter and therefore is deemed acceptable.
6m deep soil landscaping setback To maintain the visual and acoustic privacy the DRP recommended a 6m deep soil landscaping zone.	A significant component of the site's perimeter (around 65%) provides the opportunity for a 6m of deep soil landscaping zone or more – this feature in our view will provide significant amenity improvement to neighbouring properties whilst only a small proportion of the wings will protrude in the deep soil landscaping zones. The scheme will also provide a 3m building setback around the entire perimeter which will reduce the built form along the boundary.
Front setback The proposal does not contain any elements that relate to the prevailing streetscape such as the placement of driveways and crossings, location of landscape elements in the front setback, building design and location or fenestration of openings.	The front setback area has been reconfigured and the front building line has been brought forward to be consistent with the prevailing building line. The proposal will also incorporate a pitched roof which will be more consistent with development along Barton Street.
Building height The variation with the LEP 8.5m height control is considered to be excessive and beyond the scope of a Clause 4.6.	It has been confirmed with Council that the 8m height provision under the Seniors SEPP is the relevant standard (rather than the 8.5m LEP height limit). The amended scheme has reduced the overall building by 0.84m from RL17.6to RL16.76. The measurement of the height against the SEPP definition (i.e. to the ceiling of the topmost floor) reduces the overall height to 9.975m and the variation to 1.975m (or 24.7%) with the 8m height control. It is highlighted that the height variation only relates to the central part of Level 2 and part of the roof form of Level 1 and is generally located to the central portion of the site.

Table 5 – Outline of key concerns from Council and our response	
Concern	Our response
	A new Clause 4.6 variation has been submitted against the 8m SEPP height requirement (refer to **Appendix 13**).
SEPP landscaping control (25m^2 / bed) The proposal will not comply with the SEPP requirement of 15m^2/bed.	The amended scheme has increased the deep soil landscaping from 22m^2/bed to 25.6m^2/bed which will comply with the SEPP provision (25m^2/bed) and not include any structures below ground level.

4 The Proposal

4.1 Development Summary

This Development Application seeks consent for the following:

- Demolition of the existing structures on the site;
- Construction of a part 1/part 2/part 3 storey Residential Aged Care Facility (RACF) comprising of:
    - 121 x rooms;
    - Ancillary facilities including a reception area and offices, storage areas, café, dinning/lounge/sitting areas, gym/physio, multi purpose and private function areas, roof deck area and plant area to the roof; and
- A basement level accessible from Barton Street which incorporates a laundry room, store areas, kitchen, offices, waste room, commuter showers, education room and the following parking spaces:
    - 38 x car parking spaces; and
    - 1 x ambulance space/loading dock.
- The proposal will retain 12 x trees on the site (with 6 x being important and 6 x being unimportant) whilst it will remove four trees (with two trees having a low retention category and two having a high retention category) and landscaping works (including replacement trees).

The RACF will service up to 126 x seniors and 48 x staff. The DA is accompanied by a Plan of Management (refer to **Appendix 26**) which outlines the operation details of the facility with regard to parking, waste, safety and security, emergencies and maintenance.

A photomontage of the proposed development is provided below.

Figure 7 Photomontage

Source: Boffa Robertson Group

The Architectural Plans prepared by Boffa Robertson Group are provided in **Appendix 3** and the table below provides a detailed summary of the proposal.

Table 6 – Summary of proposed Development

Item	Total
Site Area	7,218m^2
Gross Floor Area	7,138.6m^2 (based on the Seniors Living SEPP definition of GFA)
Floor Space Ratio	0.99:1
Building Height	9.975m (based on the Seniors Living SEPP definition – ie to the ceiling of the topmost floor)
Bedroom and room mix	<table><tr><th></th><th>1 Bed</th><th>2 Bed</th><th>Total</th></tr><tr><td>Ground Floor</td><td>57</td><td>2</td><td rowspan="3"></td></tr><tr><td>First Floor</td><td>45</td><td>2</td></tr><tr><td>Second Floor</td><td>14</td><td>1</td></tr><tr><td>Total no. of beds</td><td>116</td><td>10</td><td>126</td></tr><tr><td>Total no. of rooms</td><td>116</td><td>5</td><td>121</td></tr></table>
Parking	38 x Car Parking 1 x Ambulance Parking / Loading Space **Total 39 x spaces**
Landscaping	Deep soil landscaping (excluding over basement) 3,223m^2 (or 25.6m^2 / bed) Landscaping (including over basement) 3,620.9m^2 (or 28.7m^2 / bed)
Deep soil landscaping	1,671.1m^2
Amenities	Private Amenities- 776m^2 Common Amenities - 245m^2
Storage	323.6m^2

4.2 Building Envelope

The massing strategy for the site incorporates a built form which extends down the centre of the site (on a diagonal) with various wings extending off the central core (refer to Figure 8 below). In between the wings are communal open space/landscaped areas for future residents of the RACF. The development has a staggered setback along its boundaries with the adjoining residential.

The proposal has a 3m setback along the entire perimeter of the site. Furthermore, a significant proportion of the site's perimeter (approximately 65%) provides the opportunity for a 6m of deep soil landscaping zone or more (refer to figure 8 below) – this feature will provide significant amenity improvement to neighbouring properties whilst only a small proportion of the wings will protrude in the deep soil landscaping zones.

The development is predominately 2 storeys whilst to the rear the upper two storeys are significantly setback (12.5m from the boundary) and there is only a one storey element to the rear. Along the front boundary, the proposal will be two storeys and align with the prevailing setback along Barton Street.

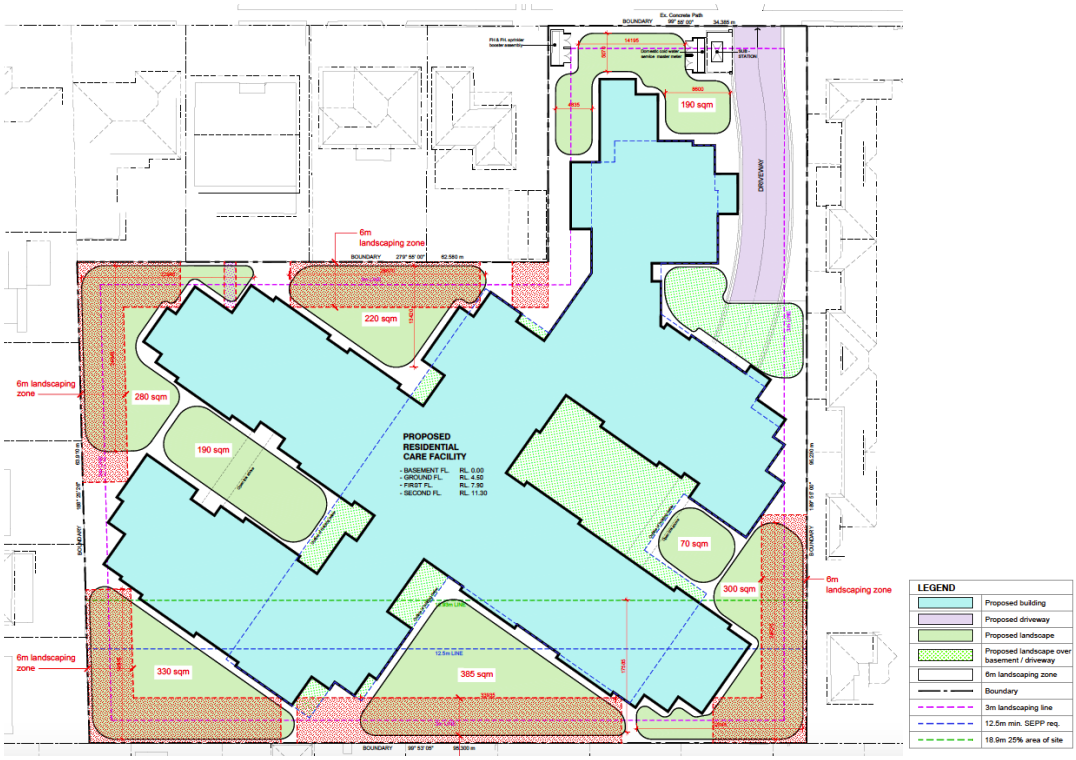


Figure 8 Level 1 floor plan

Source: Boffa Robertson Group

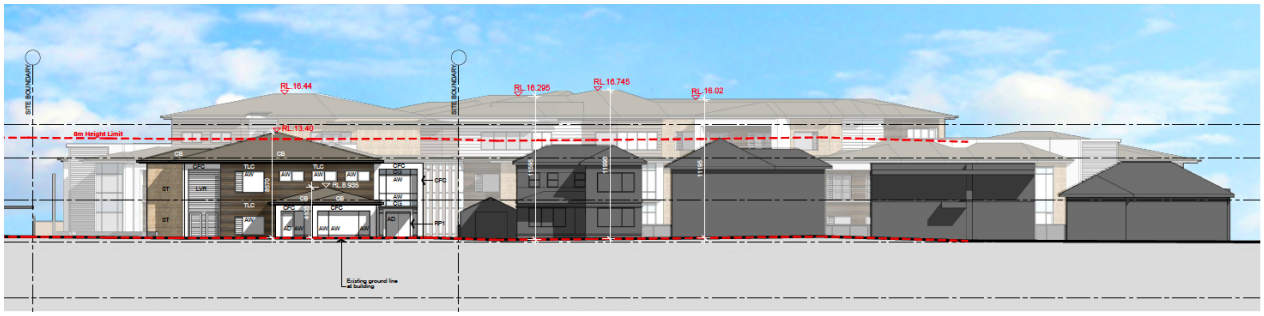


Figure 9 Northern elevation

Source: Boffa Robertson Group

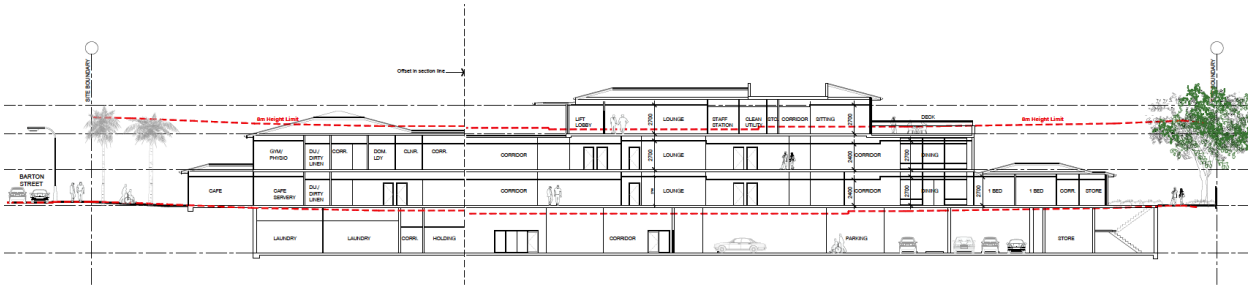


Figure 10 Section AA (through the centre of central core)

Source: Boffa Robertson Group

4.3 Amenities

The proposal incorporates a range of private and communal amenities which are detailed below.

4.3.1 Private Amenities

A total of 776m^2 GFA is contributed to private amenities which include: lounge, dining, quiet and sitting areas for the use of future residents. In addition to this, the proposal incorporates private open space areas for the future residents which include: a social lane with BBQ, contemplation/fern garden, social corner, active corner/boccie court and sensory lane or productive garden. Refer to the figure below, which illustrates the internal amenities.

Figure 11 Ground floor

Source: Boffa Robertson Group

4.3.2 Communal Amenities

A total of 245m² GFA is attributed to communal amenities, which include: a café and multi-purpose and private function rooms for the use by the wider community.

4.4 Landscaping

The proposal will retain 12 x trees on the site with 6 x being important and 6 x being unimportant. The proposal seeks to remove four trees within the south-western corner of the site. Two of the trees have a low retention category whilst the other two are high category trees. The high category trees are to be replaced with additional planting within the site. Refer to **Appendix 4** for the Arborist Report which provides further detail.

The proposal seeks to incorporate 3,223.3m² deep soil landscaping which equates to 25.6m² /bed. The generous amount of landscaping will be focused along the perimetre of the site with the adjoining residents and in between the wings of the built form. Refer to the figure below and **Appendix 5** for the Landscape Plans provided by LANDFX.

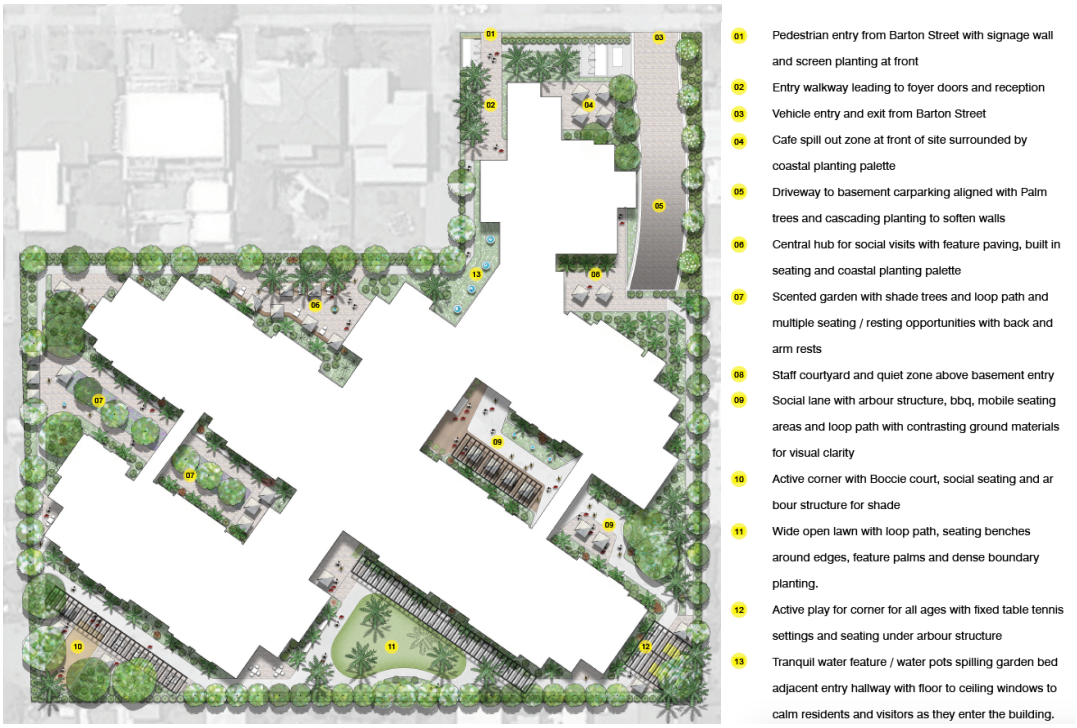


Figure 12 Landscape plan

Source: LANDFX

4.5 Access arrangements

4.5.1 Pedestrian access

The primary pedestrian access point to the RACF is located along Barton Street. This access point allows access to the reception area and permits access to the communal café.

4.5.2 Vehicular access

Vehicular access to the development is achieved from Barton Street. The driveway permits both ingress and egress and allows for access to the basement car park which includes 38 x car parking spaces and 1 x space for ambulance/loading parking.

4.6 Façade, Materials and Finishes

The façade of the building incorporates stone veneer cladding, weather board and timber-look cladding for the walls which are neutral colours. The windows are to include aluminium frames and the balcony balustrades will be metal and glass materials. Refer to **Appendix 3** for the Architectural Plans which illustrate all the materials on the elevations.

5 Planning Assessment

The following environmental planning assessment has been undertaken in accordance with the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPAA). It should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

This section provides an assessment of the proposal's compliance with the relevant legislation, planning instruments and documents, including:

- *Environmental Planning and Assessment Act 1979;*
- *Water Management Act 2000*
- *State Environmental Planning Policy No 55 – Remediation of Land;*
- Draft Housing State Environmental Planning Policy;
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- Draft Bayside Local Environmental Plan;
- *Rockdale Local Environmental Plan 2011; and*
- Rockdale Development Control Plan 2011.

5.1 Water Management Act 2000

The Development Application is considered to be Integrated Development as the basement level would protrude below the ground water table (2.5m to 2.8m) and therefore the Water Management Act 2000 applies and the application must be referred to the Office of Water for assessment and appropriate Terms of Approval. The procedures relating to integrated development are outlined in Clause 99 on the Water Management Act 2000 and dewatering will need to be considered for the construction period.

5.2 State Environmental Planning Policy No 55 – Remediation of Land

The aim of State Environmental Planning Policy No 55 – _Remediation of Land is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

In accordance with the requirements of SEPP 55 under Clause 7, a Contamination Assessment (which included a preliminary site investigation - PSI) has been carried out in accordance with relevant guidelines (refer to **Appendix 6**).

The Contamination Assessment (or PSI) was prepared by Martens Consulting Engineers in March 2018. The assessment concluded that site contamination of heavy metals (lead, copper and zinc) and PAHs ((benzo(a)pyrene and carcinogenic PAHs) were observed within fill material at one sampling location, which may pose a potential risk to future human and environmental receptors at the site. It was recommended that, following demolition of the existing site structures, additional soil testing be conducted to address the data gaps.

The DA is also accompanied by a Remediation Action Plan (refer to **Appendix 7**) which addresses the fill material impacted by elevated heavy metals which were identified in the Contamination Assessment above. The RAP concludes that following

successful remediation and validation of the site, it can be made suitable for the proposed residential redevelopment.

5.3 Draft Housing SEPP

The draft Housing SEPP was recently released for public exhibition on 31 July 2021 (until 29 August 2021). The purpose of the new Housing Diversity SEPP is to consolidate and update three of the Government's housing-related policies which includes the Seniors Living SEPP. At the time of lodgement of the Development Application in February 2021, the legal text was not available however the '*Explanation of Indented Effect*' was accessible. In this regard, the draft legal document is not required to be considered as part of the assessment.

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

The proposed development is made under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). The development falls within the definition of a 'Residential Care Facility' under the Seniors SEPP and a full compliance against the relevant provisions is provided in **Appendix 6,** whilst the key provisions are address below.

Part 2 – Site related requirements

Clause 26 - Location and access to facilities

The location and access requirements for seniors housing are detailed in Clause 26 of the Seniors SEPP and a report has been prepared in **Appendix 9** which provides a detailed assessment of Clause 26. In summary the location and access requirements for facilities and services (including shops, bank service providers, other retail and commercial services, community services and recreational facilities and a general medical practitioner) are listed below:

- Facilities and services are to be located no more than 400m from the site and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are acceptable:
    - a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
    - a gradient of no more than 1:10 for a maximum length of 5 metres at a time, or
    - a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.
- In the case of a proposed development on land in a LGA within the Greater Sydney, there is a public transport service available to the residents who will occupy the proposed development:
    - that is located at a distance no more than 400m from the site of the proposed development and the distance is accessible by means of a suitable access pathway;
    - that will take those residents to a place that is located at a distance of not more than 400m from the facilities and services; and
    - that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between

12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services complies with the gradient requirements above.

The report which provides an assessment against Clause 26 makes the following conclusions and recommendations:

- Complying access to shops, bank service providers and other retail and commercial services is available at Brighton-Le-Sands, subject to construction of a complying access pathway between the site and bus stops in The Grand Parade and construction of a ramp at the Post Office entrance;
- Complying access to community services and recreation facilities is available at bus stops in The Grand Parade, Cook Park and Brighton-Le-Sands shopping centre subject to construction of a complying access pathway between the site and bus stops in The Grand Parade; and
- Complying access to the practice of a general medical practitioner is available in Brighton-Le- Sands shopping centre subject to construction of a ramp at the Queens Road entrance to 279 Bay Street.

These upgrades to the pathways are to be undertaken part of a Section 138 Certificate.

Division 2 Design Principles

The DA is accompanied by an Architect's Design Statement (refer to **Appendix 9**) which provides an assessment against the Design requirements under Division 2 of the Seniors Living SEPP.

Clause 33: Neighbourhood amenity and streetscape

The proposal will contribute a quality residential building to the area, which will be compatible with surrounding residential dwellings, strata buildings and the local context.

The site is an unconventional 'battle-axe' typology with a narrow frontage and large square shape that abuts a number of residential properties along all frontages. The building envelope has been designed to relate to the land form and includes a series of wings that extend from a central core. The built form is stepped down to one storey at the rear boundary and two storeys at all other boundaries. The proposed development has been designed with appropriate building separation and setbacks from boundaries to reduce bulk, overshadowing and ensure adequate visual and acoustic privacy.

Whilst there is a variation with the SEPP height control, the area of non-compliance is located to the centre of the site and is supported by a Clause 4.6 variation (refer to figure 14 below, Level 2 – height variations). The proposal will create an appropriate transition from all boundaries to the highest point of the building and is considered to be compatible and cohesive with the surrounding development.

The view analysis illustrates 3 x view points around the perimeter of the site from the adjoining properties. The view points illustrate the worst case and do not incorporate any landscaping. The view analysis illustrates that the proposal will create a staggered and highly articulated façade along the boundaries.

The proposal incorporates generous landscaping buffers along all the boundaries. The proposed planting on site is sympathetic to the existing streetscape and local area planting. The development seeks to retain 12 x trees on the site (with 6 x being important and 6 x unimportant); however it proposes remove four existing trees within

the south-western corner (two of which have a high retention category) however replacement planting will be provided.

Clause 34: Visual and acoustic privacy

The development has been designed to maintain and protect the visual and acoustic privacy of neighbours and future residents through use of building separation, location and design of windows (generally off set or positioned at oblique angles), privacy screens (louvred screens) and landscaping.

The proposal is accompanied by Noise Impact Assessment (refer to **Appendix 10**) prepared by Acoustic Logic. While the site is impacted by traffic noise from Barton Street the report considers the internal noise levels to be suitable, subject to a number of mitigation measures outlined in the Acoustic Report. Plant selection has not been undertaken at this stage and a detailed acoustic review will be undertaken at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels.

Clause 35: Solar access and design for climate

The DA is accompanied by overshadowing diagrams (refer to **Appendix 3**) which illustrate that the proposal will not significantly overshadow the adjoining neighbours at mid winter. The development will not create additional overshadow to any adjoining main living areas of adjoining neighbours and will only generate minor additional overshadowing to the private open space areas whilst it will retain 3 hours solar access to these areas. Overshadowing is discussed in greater detail in Section 6.3.1 of the SEE below.

The proposed development has been designed (with a central core and finger elements) to allow for ventilation and solar access into the centre of the site and to the communal open space areas. The site-planning, built envelope and proposed landscaping will reduce energy use.

Clause 36: Stormwater

The proposed development will control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas. The development will include on-site detention in the form of 3 absorption tanks, refer to the Civic Engineering Report **Appendix 11** for further discussion.

Clause 37: Crime prevention

The proposed development provides security for residents and encourages crime prevention by site planning that ensures passive surveillance of common and public areas and appropriate building design. The CPTED Report (refer to **Appendix 12**) address this clause and the principles of CPTED in further detail.

Clause 38: Accessibility

The proposed development provides safe and accessible links to local facilities and public transport. The pedestrian and vehicle access will be conveniently located along Barton Street and the landscaping within the front setback area will provide an attractive environment.

Clause 39: Waste management

The proposed development is designed with waste facilities that minimise impact on the surrounding residencies and maximises recycling by the provision of appropriate facilities. Detailed waste management provisions are provided in the DA.

Part 4 Development Standards to be complied with

Division 1 General

40 Development standards—minimum sizes and building height

Clause 40(4)(c) Rear setback control (rear 25%, 1 storey)

Under Clause 40(4)(c) of the Seniors SEPP stipulates that a building located in the rear 25% area of the site must not exceed 1 storey in height. The rear 25% of the site area commences at the 18.93m which is the green line shown in the figure below.

Figure 13 First Floor

Source: Boffa Robertson Group

The proposal is 1 storey for the first 12.5m from the rear boundary and then steps up to 2 storeys in height. The first floor (red dashed line above) protrudes past the 18.93m line in some areas, this however is not for the full expanse of the rear boundary. The first floor protrudes a maximum of **6.43m** beyond the 25% line, with a minimum first floor setback of 12.5m. From a strict numerical standpoint, the proposal results in a variation of **34%** (at its highest point).

It is highlighted that 25% of the site areas constitutes a significant proportion of the site area. In this respect, for an 'average seniors living site' as per the SEPP (with a site area

of 1,000m^2, 20m frontage and 50m depth), a 12.5m first storey setback would achieve compliance (green dashed line above). Coupled with the 'irregular building line' along this boundary (as well as the side boundaries), the limited first floor built form located between 12.5m and 18.93m from the rear boundary results in nominal impacts on neighbouring dwellings to the south, particularly given the generous setback provided (red dashed line above).

Whilst the proposal does not strictly comply with the rear 25% area calculation under Clause 40(4)(c) of the Seniors SEPP, the proposal will comply with the 'average seniors living site' setback of 12.5m and the 'irregular building line' which provides a suitable height transition with the adjoining neighbours.

The variation is supported by a Clause 4.6 variation which demonstrates that strict compliance is unreasonable and unnecessary in the circumstance of the case because the proposal is consistent with the purpose of the development standard, is consistent with the zone objectives and will delivered a high quality development which does not give rise to any unacceptable environmental impacts (refer to **Appendix 13**).

Further to this, the legal text for the draft Housing SEPP that is currently on exhibition removes this control for seniors living developments and does not replace it with a similar provision. Whilst, strictly speaking the draft legal text should not be considered as part of the Development Application as it was not available at the time of lodgement, the removal of the control demonstrates that it is not warranted for seniors living developments.

Clause 40(4)(a) Building Height

Whilst Clause 40(4)(a) of the Seniors SEPP stipulates that the height of all buildings must be 8m or less, Clause 48(a) stipulates that this a standard that cannot be used to refuse consent (refer to the relevant provisions below). It is noted that the definition of building height under the Seniors SEPP is measured from the ceiling of the topmost floor of the building to the ground level immediately below that point. Refer to the relevant controls 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).*
>
> ***48 Standards that cannot be used to refuse development consent for residential care facilities***
> *A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds—*
>
> (a) ***building height:*** *if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or…*

The proposal seeks a maximum building height of **9.975m**, which represents a **1.975m** or **24.7%** non-compliance with the maximum building height, refer to the figures below.

It is important to note that the proposed height variation applies to a portion of the proposed built form which is largely centralised and setback from the property boundaries.

As illustrated in the figures below, the built form which protrudes above the 8m building height line (to ceiling) is setback generously from the property boundaries. In this respect, the following setbacks are provided to the building elements which exceed the 8m building height standard:

- Northern boundary: minimum 10.15m setback
- Southern boundary: minimum 19.5m setback
- Western boundary: minimum 22.4m setback
- Eastern boundary: minimum 11.3m setback

These setbacks result in no unreasonable environmental impacts arising from the proposed height encroachment.

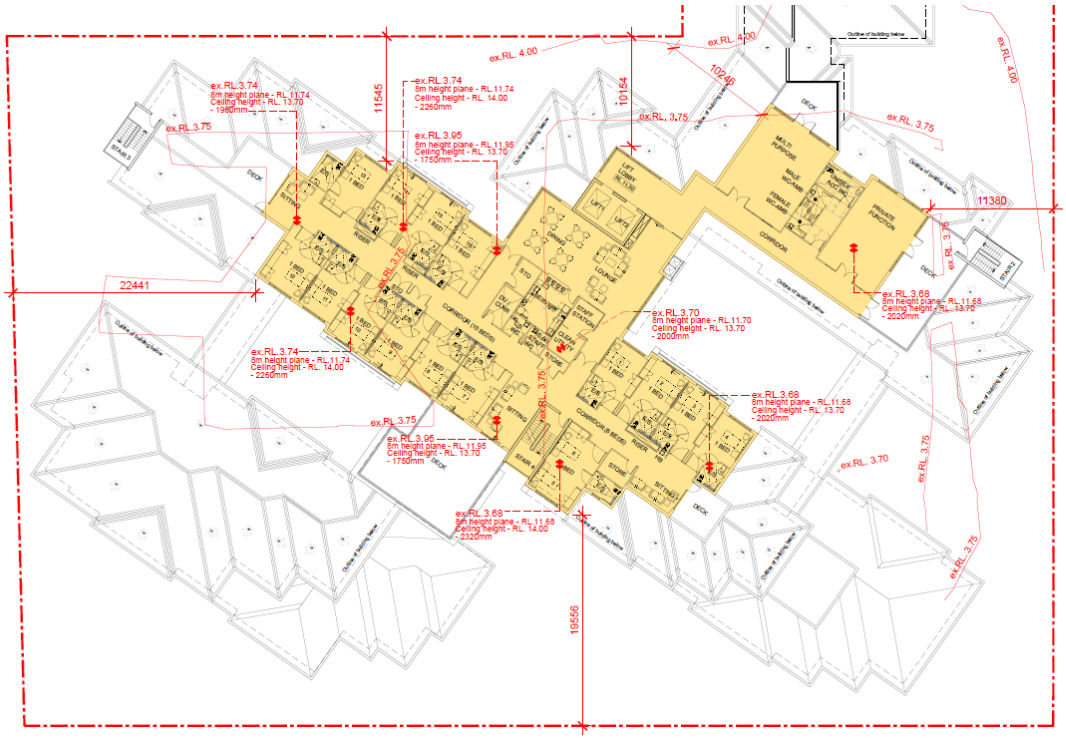


Figure 14 Level 2 – height variations

Source: Boffa Robertson Group

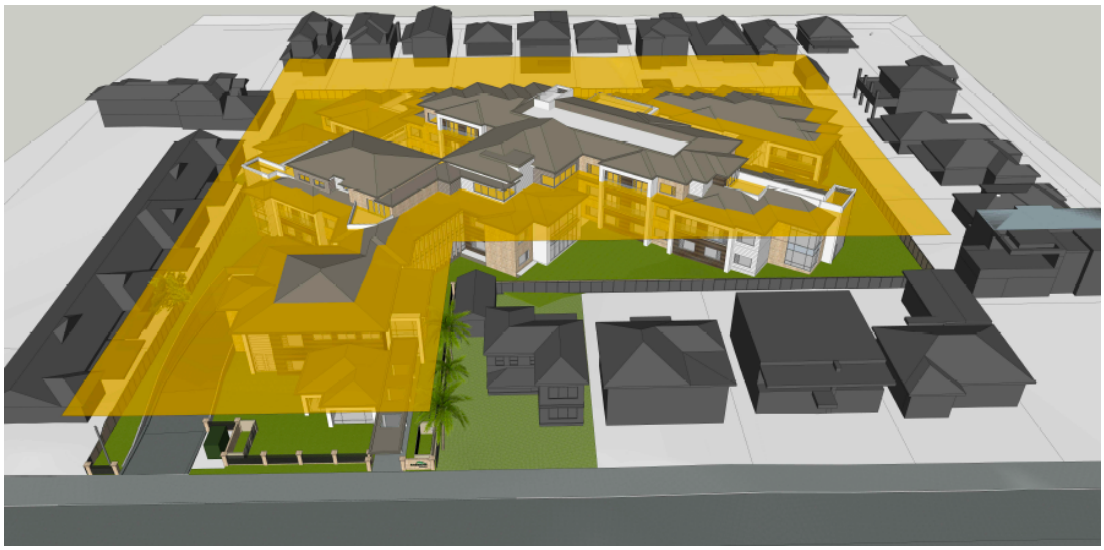


Figure 15 Height plane variations

Source: Boffa Robertson Group

The variation is supported by a Clause 4.6 variation which demonstrates that strict compliance is unreasonable and unnecessary in the circumstance of the case because the proposal is consistent with the purpose of the development standard, is consistent with the zone objectives and will delivered a high quality development which does not give rise to any unacceptable environmental impacts (refer to **Appendix 13**).

5.5 Local Environmental Plans (LEPs)

5.5.1 Planning Proposal for the draft Bayside LEP 2020

The Planning Proposal for the draft Bayside LEP 2020 essentially combines the existing Botany Bay and Rockdale LEPs into a comprehensive LEP for Bayside LGA. The Planning Proposal is in its final stages of being considered by Department of Planning, Industry and Environment following public exhibition (till 1 June 2020) and the Council meeting (24 June 2020).

Given the LEP is a draft Environmental Planning Instrument it must be considered as part of the Development Application assessment. At the time of preparing the draft LEP, the Planning Proposal for the subject site was on public exhibition. It is considered that where the site-specific LEP amendments are made prior to the finalisation of the draft LEP, they will be incorporated into the new LEP. Therefore, whilst the amended controls are not incorporated in the current draft LEP, it is anticipated that these provisions will be implemented in the final LEP, given the site-specific provisions have now been gazetted.

5.5.2 Rockdale LEP 2011

The Rockdale Local Environmental Plan 2011 (RLEP 2011) is the principal environmental plan applicable to the site, and **Appendix 14** provides a full compliance assessment against the relevant provisions. The site is zoned R3 Medium Density Residential and Seniors Housing is permitted within the zone. The proposal is consistent with the zone objectives and with the provisions relating to the Acid Sulphate Soils, earthworks and stormwater.

Height of Buildings

Clause 4.3 of the LEP stipulates that the site is not to exceed a maximum height of 8.5m (measured from to the highest point of the building), however Clause 40(4)(a) of the Seniors SEPP stipulates that the height of all buildings must be 8m or less (measured to the ceiling of the topmost floor) and Clause 48(a) stipulates that this a standard that cannot be used to refuse consent. It is noted that the SEPP overrides the LEP where the two are inconsistent. Refer to section 5.1.3 above for further discussion on compliance with the Seniors SEPP height of buildings control.

Floor space ratio

Clause 4.4 of the RLEP 2011 stipulates that the site is not to exceed a maximum FSR of 0.6:1; however, Clause 48(b) of the Seniors Living SEPP allows for an FSR of 1:1 and the SEPP overrides the LEP where the two are inconsistent. The development proposes an FSR of 0.99:1 (or GFA of 7,138.6m^2) which complies with the SEPP.

5.5.3 Development Control Plans (DCPs)

The Rockdale Development Control Plan 2011 (RDCP 2011) is the primary Development Control Plan that applies to the site and sets out the core controls for the site. A full compliance assessment against the relevant provisions is provided in **Appendix 15**.

Rear setbacks

Whilst there are no rear or side setback controls that apply to seniors living development in the DCP, the rear setback controls low and medium density housing have been applied as a 'guide'. This exercise has been carried out specifically as it is acknowledged that the side (north, east and west) boundaries interface with rear boundaries of surrounding residential properties. These setback controls are outlined below:

> ***5.1 Low and Medium Density Residential:***
>
> *Rear setback controls:*
>
> - *Minimum 3m for single storey building ; and*
> - *Minimum 6m for first floor of two storey building.*

The ground floor of the north, east, west and southern boundaries comply with the 3m setback guide. For Level 1, the north, east, west and southern boundaries mostly comply with 6m guide whilst only small elements protruding into the setback zone, refer to the figure below. The variation from the 6m setback is considered to be minimal within the context of the site and development, particularly given the angled envelope which reduces visual and privacy impacts.

These protrusions do not give rise to any unacceptable physical impact on the neighbouring properties in terms of overshadowing, privacy and views and that the objectives of the control are satisfied. It is reiterated that the controls do not strictly apply however have been used as a guide and in the context of a residential aged care facility and therefore greater flexibility to these controls should be applied.

Figure 16 First Floor – compliance with 6m setback 'guide'

Source: Boffa Robertson Group

6 Environmental Assessment

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential impacts and mitigation measures. The potential environmental impacts and associated mitigation measures are discussed below.

6.1 Urban Design and Built Form

The site is characterised predominately of detached single and double storey dwelling houses and strata development. The site is unique in that it has a narrow frontage along Barton Street and incorporates a large square shape which adjoins a number of smaller residential lots.

The building envelope has been skillfully designed to create a suitable transition to which responds to the surrounding residential properties. Whilst the built form is not strictly consistent with the adjoining residential properties, in providing a rectilinear form, it is considered to be 'compatible' and 'cohesive' with surrounding development.

It has been continuously demonstrated in numerous seniors housing developments throughout NSW that facilities of this scale can exist and operate harmoniously within a low density residential environment such as this and therefore, the proposed built form and scale should be fairly considered.

6.1.1 Massing exercise

A massing exercise has been undertaken to compare a 'rectilinear' massing versus a 'rotated' massing (proposed massing) which incorporates a central core running diagonally across the site with wings extending off the core. Boffa Robertson Group have provided diagrams which compare the massing, overshadowing and view analysis between a 'rectilinear' massing versus the proposed 'rotated' massing, refer to the figures below.

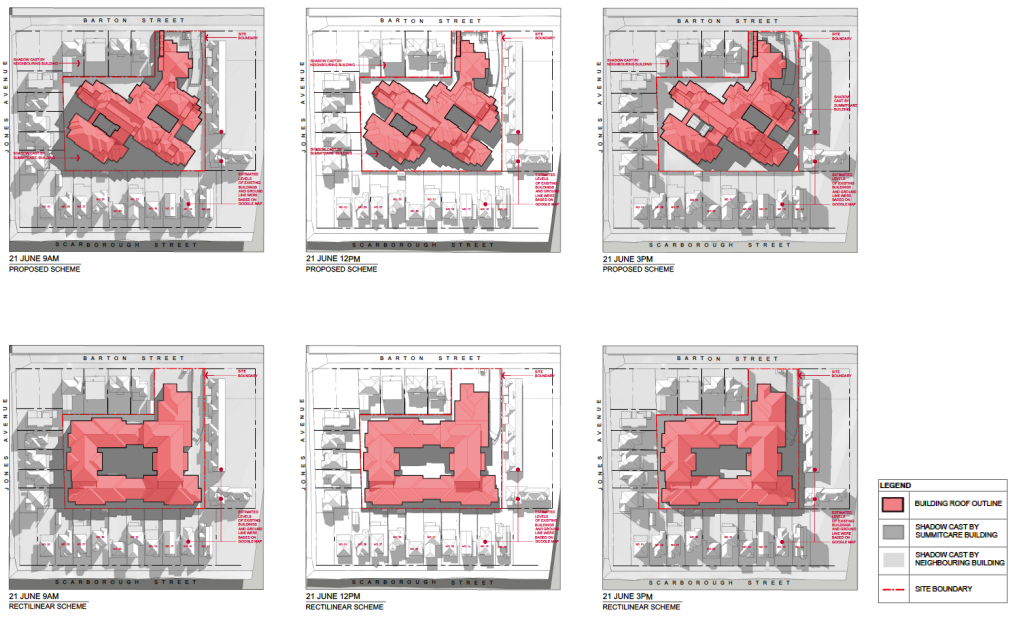


Figure 17 Overshadowing analysis – proposed 'rotated' versus 'rectilinear' massing

Source: Boffa Robertson Group

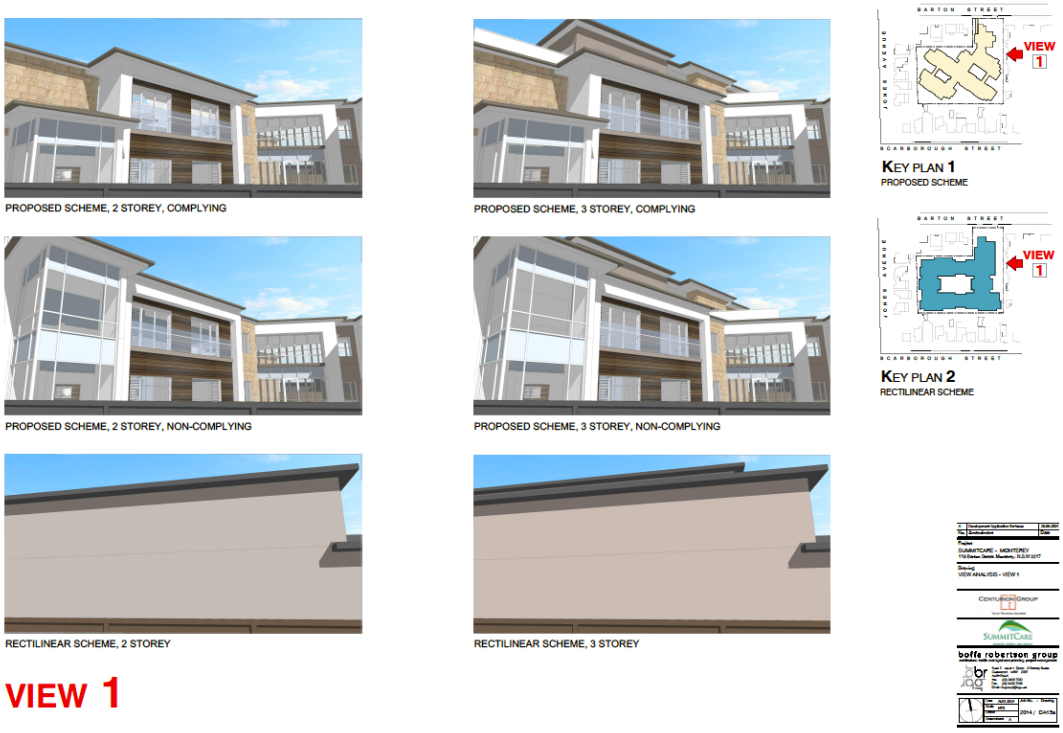


Figure 18 View analysis – View 1

Source: Boffa Robertson Group

Figure 19 View analysis – View 2

Source: Boffa Robertson Group

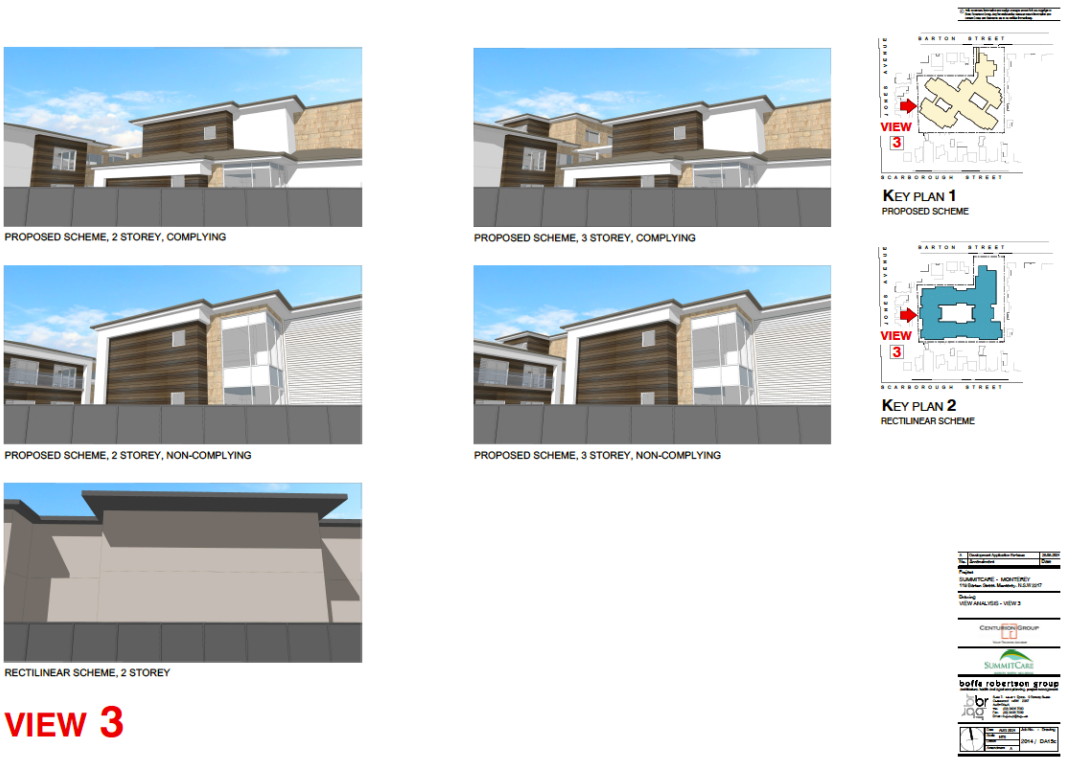


Figure 20 View analysis – View 3

Source: Boffa Robertson Group

There are significant benefits with the current massing when compared with a 'rectilinear' form as outlined below:

- **Reduced building footprint along the boundaries**: The 'rectilinear' massing would result in large expanses of solid built form along the boundaries with limited relief for landscaping as illustrated in the view analysis above. The proposed massing would create a staggered edge which would limit the built form along the boundaries and the residential interface and allow for generous landscaping zones in between the wings.
- **Improved visual privacy**: The 'rectilinear' massing would result in a significant number of windows looking directly into adjoining neighbours and there will be limited opportunity for landscaping. However, the proposed massing locates the windows at oblique angles and offsets them to reduce potential visual privacy concerns whilst creating more long distant views from these windows.
- **Improved solar access to adjoining neighbours:** As demonstrated in the overshadowing diagrams above, the current massing will considerably improve solar access to the adjoining neighbours.
- **Improved quality and quantity of landscaped areas:** The current massing will create more functional and extensive landscaping areas. The current massing will allow for more usable areas and for these areas to enjoy more solar access. The irregular angular spaces present unique landscaping opportunities and benefit the adjoining neighbours and the future occupants.

6.1.2 Proposed development

Given the significant benefits associated with the rotated massing, the strategy incorporates a built form which extends down the centre of the site (on a diagonal)

with various wings extending off the central core. In between the wings are landscaped buffers and communal open space areas. The development is predominately 2 storeys whilst the third storey is significantly setback from the building edge of the lower floor to minimise amenity impacts. The proposal will not give rise to any unacceptable environmental impacts to surrounding land uses as demonstrated in the 'amenity' section below.

The development relies on additional FSR under the Seniors SEPP. The proposal will result in an FSR of 0.99:1 which equates to a GFA of 7,138.6m^2. The proposal will comply with the FSR provision under Clause 48(b) of the Seniors Living SEPP which allows for an FSR of 1:1.

6.1.3 Building height

The 8m height provision under the Seniors SEPP is the relevant standard applicable to the DA (rather than the 8.5m LEP height limit). The proposal will have a building height of 9.975m (i.e. to the ceiling of the topmost floor as per the SEPP definition) which will result in a 1.975m (or 24.7%) variation with the 8m height control. The height variation is supported by a Clause 4.6 variation (refer to **Appendix 13**).

It is highlighted that the height variation only relates to the central part of Level 2 and part of the roof form of Level 1 and is generally located to the central portion of the site. In this respect, it is important to note that the building elements above the 8m building height standard of the Seniors SEPP provide generous setbacks to all property boundaries including:

- Northern boundary: minimum 10.15m setback
- Southern boundary: minimum 19.5m setback
- Western boundary: minimum 22.4m setback
- Eastern boundary: minimum 11.3m setback

As demonstrated above in the view analysis, the third storey will not be highly visible from the adjoining neighbours and where visible, it will be generally behind the building edge of the lower level.

6.1.4 Setbacks

Under Clause 40(2)(c) of the Seniors SEPP, a building located in the rear 25% area of the site must not exceed 1 storey in height. The proposal is 1 storey for the first 12.5m from the rear boundary and then steps up to 2 storeys in height. The first floor will protrude a maximum of 6.43m (or 34%) beyond the 25% site area line (18.93m). Whilst the proposal does not strictly comply with the rear 25% area calculation, the proposal will comply with the 'average seniors living site' setback of 12.5m and the 'irregular building line' which provides a suitable height transition with the adjoining neighbours. Furthermore, the variation with this control is supported by a Clause 4.6 variation (refer to **Appendix 13**).

Whilst there are strictly setback controls that apply to the seniors living development in the DCP, the rear setback controls have been applied as a 'guide' which include 3m for the ground floor and 6m for Level 1. The ground floor complies with the 3m setback while Level 1 mostly complies with the 6m and only small elements protrude into the setback zone.

It is also important to note that the proposed rear setback represents a vastly improved amenity outcome for residents to the south comparted to the existing

bowling club which currently provides a zero setback to 40% of the length of the boundary.

The proposal incorporates generous landscaping areas throughout to soften the built form and to create landscaping buffers with the adjoining neighbours. The development has staggered setbacks along its boundaries with the adjoining residential properties. The proposal will incorporate a 6m deep soil landscaping zone to 65% of the perimeter which will allow for canopy trees and landscaping buffers.

6.2 Landscaping

The DA is accompanied by Landscaping Plans provided by LANDFX, refer **Appendix 5**. The proposal seeks to incorporate 3,223.3m^2 of deep soil landscaping. The generous amount of deep soil landscaping will be focused along the perimeter with the adjoining residents and in between the wings of the built form.

The DA is accompanied by an Arborist Report which is located at **Appendix 4**. The proposal seeks to remove four trees within the south-western corner of the site, refer to the figure below. Two of the trees have a low retention category (trees 14 and 15) whilst the other two are high category trees (trees 13 and 16). The high category trees are to be replaced with new planting on the site and the proposed significant boundary tree cover will ensure there is no impact on the wider setting.

There are six high category trees (trees 1, 3, 4, 5, 6 and 7) and six low retention trees (trees 2, 8, 9, 10, 11 and 12) which are all to be retained. Section 4 of the report provides an Arboricultural Method Statement which sets out management and protection details that must be implemented to secure successful tree retention. The recommended measures include protection fencing, ground cover (in the form of geotextile fabric and scaffolding boards), trunk protection (in the form of timber panels) and precautions when working in the Tree Protection Zones. The report concludes that if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement, the development proposal will have low impact on the contribution of trees to local amenity or character.

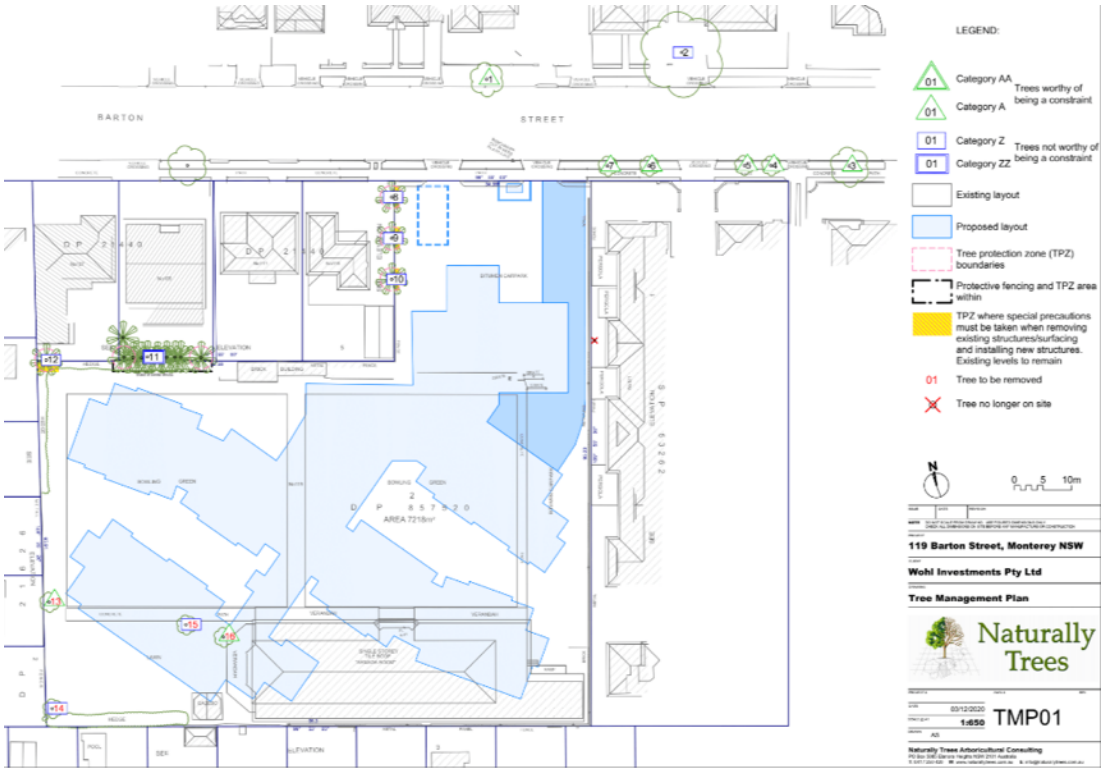


Figure 21 Tree Management Plan

Source: Naturally Trees

6.3 Amenity

6.3.1 Overshadowing

Overshadowing diagrams are provided in the Architectural Package (refer to **Appendix 3**). The figures below illustrate the additional overshadowing to adjoining neighbours during the winter solstice at 9am, 12pm and 3pm. The neighbours to the west will enjoy solar access to their rear yards from 12m onwards whilst the neighbours to the east will enjoy solar access in the morning between 9am and 12pm.

The proposal will result in additional overshadowing to the southern neighbours; however, as illustrated in figure 14 below, the neighbours will generally enjoy at least 3 hours solar access. Furthermore, figure 15 illustrates that the proposal will only result in additional overshadowing to no. 27 Scarborough Street at 9am, whist solar access will be maintained from 12pm onwards.

The figures below illustrate the overshadowing impacts at mid-winter, which is the worst-case scenario, and the solar access will improve throughout the year. Furthermore, the built form has been carefully designed to minimise overshadowing to the southern neighbours with generous rear setbacks and the reduction of height to 2 storeys.

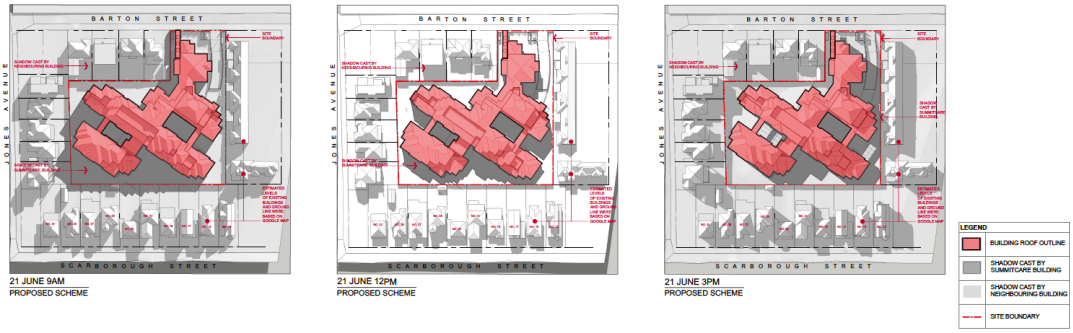
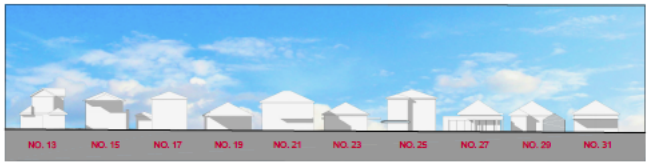


Figure 22 Overshadowing diagrams

Source: Boffa Robertson Group



21 JUNE 9AM

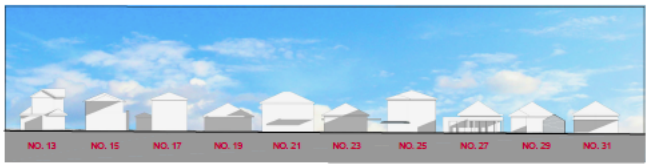
NORTHERN ELEVATION OF SOUTHERN ADJOINING RESIDENTIAL BUILDINGS

No shadow by proposed summitcare building
found cast on northern elevation of neighbour building

21 JUNE 12PM

NORTHERN ELEVATION OF SOUTHERN ADJOINING RESIDENTIAL BUILDINGS

No shadow by proposed summitcare building
found cast on northern elevation of neighbour building



21 JUNE 3PM

NORTHERN ELEVATION OF SOUTHERN ADJOINING RESIDENTIAL BUILDINGS

No shadow by proposed summitcare building
found cast on northern elevation of neighbour building

Figure 23 Elevational shadow diagrams

Source: Boffa Robertson Group

6.3.2 Acoustic and visual privacy

The built form has been skilfully designed to minimise acoustic and visual privacy impacts with only the 'finger-tips' of the wings located along the boundaries. This is a better outcome than a rectilinear massing which has a solid/consistent built form with windows looking directly into adjoining neighbours and limited opportunities for landscaping. The setbacks of the built form are staggered and are at a minimum of 3m. Where possible the windows have been positioned internally or they are at an oblique angle and therefore don't have a 'direct' sightline into the adjoining neighbour. The multi-purpose and private function rooms and communal open spaces are located towards the centre of the site, away from the residential boundaries to minimise acoustic impacts. Furthermore, the landscaping areas create a buffer between the future and adjoining residents.

6.4 Traffic

The Transport Planning Partnership (TTPP) have prepared a Traffic Impact Assessment which is included at **Appendix 16**. It provides an assessment of the proposed parking spaces, access requirements, the anticipated traffic generation associated with the proposal and the proposed Green Travel Plan Framework.

6.4.1 Statutory parking controls

Clause 48 of the Seniors Living SEPP outlines car parking provisions for Residential Care Facilities which cannot be used to refuse consent which are outlined below:

- 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
- 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
- 1 parking space suitable for an ambulance.

The table below outlines the parking requirements and proposed parking for the Seniors Housing development. The development is to provide 38 car parking spaces and one loading bay for both waste and ambulance parking and therefore complies with Clause 48 of the Seniors Living SEPP.

Table 7 – Parking requirements

User	Yield	Parking requirement	Required parking	Parking proposed	Compliance
Resident	126 beds	1 space per 10 beds	13	38	
Staff	48 staff	1 space per 2 persons employed	24		
Total			**37**	**38**	**Complies**
Ambulance		1 space for ambulance	1	1	Complies

6.4.2 Traffic generation

Typical traffic generation estimates for the Seniors Housing development were sourced from the RMS (now TfNSW) *Technical Directions DT2013/04a* which included 0.4 trips per dwelling at PM peak hour and no trips at AM peak hour. As a comparison, the RMS Trip Generation and Parking Generation Surveys Housing for Seniors (2009) where considered which were 0.15 trips per dwelling. However, the traffic assessment has adopted the more conservative and higher rate.

On this basis the proposed development would generate 5 vehicle trips per hour (based on the RMS Technical Direction) which equates to one vehicle every minute. The report concludes that the traffic volume is considered to be manageable and would not adversely impact upon the surrounding road network.

6.4.3 Green Travel Plan Framework

A Green Travel Plan (GTP) is to be implemented on site, which will provide a strategy to manage travel demand that embraces sustainable transport principles. The GTP will encourage use of transport modes with low environmental impact such as public transport, car pooling, walking and cycling. A Travel Plan Coordinator or member of staff would be responsible for the management of the Plan. Section 6.2 of the report outlines a number of recommended measures to be implemented. It is also recommended that the GTP be monitored on a regular basis to ensure that the desired benefits are achieved.

6.5 Stormwater Management

The DA is accompanied by a Civil Engineering Report and a Stormwater Management Overview Letter which provides details on the proposed stormwater disposal system and stormwater quality (refer to **Appendix 11** and **Appendix 23** respectively). Due to the sites proximity to Botany Bay, the site is located within the Botany Bay Sand Aquifer and as per Rockdale Technical Specification – Stormwater Management, on-site detention in the form of absorption tank applies to sites located within the Botany Bay Aquifer due to the typically sandy soils with acceptable permeability rates.

The site is divided into 3 separate catchments which discharge into their respective absorption tanks to then permeate into the Botany Bay Sand Aquifer. Bayside Council requires the absorption system to be designed to accept all the flows off the impervious areas for an Average Recurrence Interval (ARI) storm of 50 years. However, due to the lack of overland flow path, the absorption tanks have been designed to cater for the 100 year ARI storm event.

Rockdale Technical Specification–Stormwater Management 2011 specifies to reduce stormwater pollution loads coming from urban development on the waterways in the Botany Bay catchment all new development and redevelopment must meet stormwater pollution reduction targets.

The sand layer at the bottom of the absorption tanks will effectively be a filter which will treat the stormwater runoff total nitrogen (TN) and total phosphorous (TP). A stormwater quality analysis was undertaken and the catchment area has been modelled using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) to demonstrate that the proposed stormwater treatment devices achieve the following stormwater treatment targets:

- 85% removal of total suspended solids (TSS); and
- 90% removal of gross pollutants.

6.6 Erosion and sediment control

During construction, an erosion and sediment control plan is to be implemented to prevent sediment flowing into adjoining properties, roadways or water bodies. The Erosion and Sediment Plan is provided in Appendix A of the Civil Engineering Report (refer to **Appendix 11**) and the proposed controls are in accordance with relevant regulatory authority guidelines including the Rockdale DCP and Landcom NSW's Managing Urban Stormwater, Soils and Construction ("Blue Book"). The controls include: hay bale sediment filters; swales; sediment traps; siltation fences; geotextile pit filters and temporary construction exits to wash sediment off trucks exiting the site.

6.7 Acid Sulphate Soils

An Acid Sulphate Soils (ASS) Assessment has been prepared by Martens Consulting Engineers (refer to **Appendix 27**). The scope of works associated with the ASS Assessment included a preliminary desktop assessment, a site walkover and three boreholes which were tested in the laboratory.

The laboratory results indicated that all samples were below the detection limit apart from one sample which was representative of the sandy clay layer which exceeded the TAA soil action criteria of the Acid Sulphate Soil Management Advisory Committee (1998) guidelines. However, whilst this layer was considered as acidic soil, it was not acid sulphate soil or potential acid sulphate soil. The ASS Assessment concludes that the site is suitable for the development and no further investigation or assessment is required regarding ASS.

6.8 Acoustic

A Noise Impact Assessment has been prepared by Acoustic Logic (refer to **Appendix 10**) which provides an acoustic assessment of noise intrusion from traffic movements and noise emissions from mechanical plant to service the project site. One unattended noise monitor was placed at the front of the site to determine the background noise levels for the site and immediate surrounds. The major external noise sources intruding into the proposed development will be vehicle movements from Barton Street.

Section 6 of the report recommends a number of façade requirements to be incorporated into the design to minimise noise impacts which include thick glazing, acoustic seals and other requirements for ceiling and wall construction. Provided these treatments are incorporated, the internal noise levels shall comply with the acoustic requirements in the Rockdale DCP 2011 and Australian and New Zealand AS/NZS 2107:2016 'Recommended design sound levels and reverberation times for building interiors'.

The proposal includes a number of plant items including: air conditioning units (on the roof), car park supply and exhaust fan (located in the carpark and riser to the roof) and various laundry, kitchen, toilet, storage, refrigerant exhaust fans (located internally with risers to the roof). These minor plant items are to be located internally and suitable acoustic treatment can be applied to minimise noise emissions within.

Whilst major plant items located in the carpark and on the roof are not yet specified, an indicative review of the allowable noise generation from a conservative standpoint assumes that no treatment or screening is provided. Noise emissions from all mechanical services plant to the closest residential receiver will comply with the noise emission trigger levels. If the final plant selections exceed the cumulative noise levels, treatment will be required to either individual plant items or to the roof plant area as a whole in form of an acoustic screening system.

A detailed plant selection has not been undertaken at this stage however once plant selections have been chosen a detailed acoustic review will be undertaken at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels.

6.9 Section J Assessment

Section J of the NCC sets minimum energy efficiency measures to reduce the use of artificial heating and cooling, improve the energy performance of lighting, conditioning and ventilation and reduce energy loss through air leakage. These reductions are achieved by setting specific prescriptive design criteria for the building fabric (section J1 and J3) and building services (section J5 and J8).

A Section J Report has been prepared by ADP to address the Deemed-to-Satisfy (DTS) performance requirements for the proposed development (refer to **Appendix 17**). Part 3 of the report outlines the minimum construction and performance provisions required for the project specific climate zone and building classification in relation to thermal installations, roof and ceiling construction, roof lights, wall and glazing systems and floor construction. Furthermore, Section 4 of the report outlines the building seal requirements for new works under Section J3.

It is noted that the amended scheme (August 2021) incorporates solar panels to the north and west facing roof planes. A minimum 50kw PV system will be implemented to support the building services requirements which reduce the reliance on fossil fuels to provide energy. An updated Section J report is to be prepared and submitted to Council which addresses the solar panels.

6.10 Access

The DA is accompanied by a Statement of Compliance (Access Provisions) report prepared by Accessible Building Solutions (refer to **Appendix 18**). The report addresses compliance with relevant Australian Standards, BCA provisions and Council's DCP controls relating to Access for People with a disability.

The report identifies that where full compliance cannot be demonstrated, consistency with relevant access provisions can be achieved via the adoption of alternative performance solutions at the Construction Certificate Phase that are consistent with the Deemed-to-Satisfy Provisions.

6.11 BCA

A Regulatory Compliance Report has been prepared by McKenzie Group and is included at **Appendix 19**. The report has been prepared to assess the project against the BCA and further assessment of the design will be undertaken as the design develops to ensure compliance. The report identifies that where full compliance cannot be demonstrated, consistency with the BCA can be achieved via the adoption of alternative performance solutions at the Construction Certificate Phase that are consistent with the Deemed-to-Satisfy Provisions. An updated BCA report is to be submitted to Council which addresses the amended scheme (August).

6.12 Waste Management

6.12.1 Operational waste

An operational waste management plan has been prepared by Elephants Foot which is located at **Appendix 20.** The report identifies different waste streams likely to be generated from the use, as well as how the waste will be disposed of and details of

the bin sizes, quantities and waste rooms. The waste generation rates for the RACF and associated amenities have been derived from the NSW EPA's *Better Practice Guide for Resource Recovery in Residential Developments 2019*. Based on these rates the following recommended bin quantities and collection frequencies for the site are as follows:

- General waste: 12 x 660L MGBs collected 3 x weekly
- Recycled cardboard/paper: 5 x 660L MGBs collected 1 x weekly
- Commingled recyclables: 5 x 660L MGBs collected 1 x weekly

The bins will be stored in a central waste and recycling room in the basement and a private contractor will be engaged to collect the waste on an agreed schedule. The private waste collection vehicle will enter Barton Street and park in the loading bay to collect the waste.

6.12.2 Construction and demolition

A construction and demolition waste management plan has been prepared by Elephants Foot which is located at **Appendix 21.** The plan outlines a number of site specific provisions for the management and disposal of construction and demolition waste.

During the demolition stage, it is recommended that where possible materials should be reused either on site or off site. A demolition contractor will be engaged during this phase to ensure all demolition activities are planned and undertaken in accordance with relevant waste minimisation and requirements.

In relation to hazardous waste materials, a qualified and certified contractor must remove all contaminated/hazardous materials and dispose of all waste at an appropriate licenced facility.

Waste generated during the construction stage will be managed by the principal contractor and sub-contractors. Materials will be reused and recycled wherever possible and where this is not possible, waste will be disposed of as general waste at a licensed landfill site.

6.13 CPTED

A Crime Prevention Through Environmental Design (CPTED) has been prepared by Harris Crime Prevention Services (refer to **Appendix 12**). The report provides an analysis on the five CPTED principles which are detailed below:

Principle 1: Territorial definition–clarity about spatial identify, separation, boundaries and purposes

The CPTED report concludes that:

- The proposed development footprint successfully addresses definitional issues, specifically in terms of off-street and adjacent dwelling boundary definitions;
- Internal boundary to building open spaces are clearly and legibly defined;
- Vehicle and pedestrian approaches invite wayfinding and purpose clarity; and
- The basement, ground floor, first floor and second floor layouts indicate clear spatial separation and designated purposes.

Principle 2: Natural surveillance–architecture facilitating strong sightlines for ground plane, basement and/or upper-level observation and surveillance

The proposal provides a number of internal and external natural surveillance opportunities. The Landscaping Plan invites safe social gathering options and distant sightlines. The boundary pathway and designated ground plane increase day and night 'eyes and ears' opportunities to observe and hear unusual activities. Internally, the design maximises adequate to strong sightlines on each floor, assisted primarily by the openness of the lift foyer, offices, balconies and function spaces.

Principle 3: Access control–access-egress definitions-who goes where, when and why

The report concludes that there are adequate access control measures throughout the Developer's footprint. However the following recommendations are provided to strengthen access and control measures:

1. Vehicles entering the basement should be number plate 'identified 'as an added security precaution, especially in the event of a tailgated security breach.
2. Should the perimeter be breached, for added security of outdoor spaces, consideration should begiven to installing additional gates along the boundary path way to 'lock off' those spaces.
3. All external-facing windows and doors should be fitted with security rated screens, especially those fronting balconies.
4. Watermeters, and other externally installed plant should been closed and secured

Principle 4: Activity support–the supportive influences of (external) lighting, landscaping and signage

The development will benefit from the 'open' and clearly defined ground floor plane. The external lighting plan should aim to meet continuous safe wayfinding and identification objectives along the boundary pathway, at communal spaces, along building facades and at vehicle and pedestrian entries. The Landscaping Plan takes into account the need to ensure wayfinding while inviting safe and activated social gathering spaces. Way finding signage should feature back lighting, for night-time clarity.

Principle 5: Target hardening–adding specific and robust architecture and technology

Target hardening is recommended for the most vulnerable zones within and around the ground plane building, perimeters, outdoor and internal spaces. The report recommends that camera surveillance is provided to cover the basement, main entry, boundaries and vulnerable zones. It is also recommended that security rated windows and door screens be incorporated, a help point be installed in the basement and non-glazed surfaces should be anti-graffiti.

6.14 Infrastructure Report

An Infrastructure Report has been provided in **Appendix 22** which provides an overview of existing infrastructure servicing the site, estimated new infrastructure works associated with the development and a summary of additional infrastructure items to be resolved as part of the project design. Section 3 of the report provides an overview of the existing infrastructure and proposed works associated with the redevelopment. Sections 4-10 of the report provides further detail on the proposed works and additional items to be resolved for electrical infrastructure, telecommunications, water and sewer services, stormwater service, gas infrastructure and fire services.

6.15 Geotechnical Report

A Geotechnical Report is provided in **Appendix 24** which provides a geotechnical assessment of the site. The assessment included eight boreholes and constant-head permeability tests to assess the subsurface profile and soil permeability at potential locations of the absorption pits. Based on the permeability test results, the nominal absorption rates are greater than Council's nominal absorption rate of 0.05 L/s/m2 and as such the use of on-site absorption pits is considered to be feasible from a hydrogeological point of view.

A relatively shallow groundwater table, however, was encountered 2.5 m to 2.8 m below the current ground surface levels. Given the basement will protrude below the ground water table, it is anticipated that the basement will be tanked. Subsequent groundwater testing being undertaken by the environmental engineers will conclude in their reporting that the preferred course for the basement will be that it is a fully tanked basement.

6.16 Site Suitability and Public Interest

The proposal is considered suitable and in the public interest for the following reasons:

- The Seniors Housing development is permissible with consent and is consistent with the zone objectives;
- It will contribute to the diversity of residential accommodation in the locality by providing much needed housing for seniors;
- It will contribute a high standard of Seniors Housing which has access to public transport services, recreational facilities and day to day services;
- It will be compatible with the surrounding residential uses;
- Provide a suitably scaled development that respects the adjoining residential properties;
- Will provide an appropriately scaled envelope with adequate setbacks to minimise overshadowing and privacy concerns from adjoining properties;
- It will facilitate job creation;
- It will provide generous landscaping opportunities with significant boundary tree coverage, creating a landscaping buffer with the adjoining neighbours;
- Integrates energy efficiency measures which are achieved through Section J of the NCC;
- It will support sustainable modes of public transport through its Green Travel Plan which will encourage public transport use, car pooling, walking and cycling;
- The proposed three absorption stormwater tanks will minimise any disturbance of stormwater to adjoining properties or receiving waters; and
- The proposal will activate the ground floor plane and incorporate safety measures to address the CPTED principles.

7 Conclusion

This SEE has been prepared on behalf of Monterey Equity Pty Ltd to support a Development Application to Bayside Council for a Seniors Living Development at 119 Barton Street, Monterey.

This statement describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to section 4.15 of the EP&A Act.

A planning assessment has been undertaken in Section 5 and an environmental planning assessment has been undertaken in Section 6 of this report. The proposal is supported by additional consultant studies as per the requirements of Council. The environmental assessment found the associated impacts of the proposal are considered to be minimal and manageable. Hence, the outcomes of the proposal:

- The site can be made suitable for the use provided a RAP is prepared and implemented as per SEPP 55- Remediation of Land;
- The proposal is generally consistent with the provisions of the Seniors Living SEPP, RLEP 2011 and RDCP 2011 whilst the non-compliances with the height and rear 25% setback are justified in a Clause 4.6 variation (refer to **Appendix 13**). The Clause 4.6 variation demonstrates that strict compliance with the development standards are unreasonable or unnecessary in the circumstances of the case, there are sufficient environmental planning grounds to justify contravening of the development standards; and the proposal will be consistent with the purpose of the particular standard and is consistent with the zone objectives;
- Provides an appropriate built form for the site which responds to adjoining properties and minimises amenity impacts with regard to overshadowing and acoustic and visual privacy;
- Provides a significant boundary tree coverage that will create a landscaping buffer with adjoining neighbours, soften the appearance of the built form and will enhance the visual character of the site;
- Provides minimal and acceptable traffic generation and supports sustainable modes of public transport;
- Minimise stormwater runoff into adjoining neighbours and waterways;
- Incorporates construction and performance provisions under Section J to minimise energy consumption;
- Provides a safe and secure development which is consistent with CPTED principles;
- The proposal is considered to be suitable for the site and is in the public interest; and
- Increases the supply of high quality seniors living accommodation in close proximity to public transport services and a range of services and facilities.

Therefore, we request that Council recommend that the proposed development be granted development approval.

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