

**PLANNING PROPOSAL**

Schedule 1 Amendment  
Pittwater Local Environmental Plan 2014  
Seniors Housing

**2 & 4 Nooal Street and  
66 Bardo Road  
NEWPORT**



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# **Planning Proposal**

## **Schedule 1 Amendment**

## **Pittwater Local Environmental Plan 2014**

## **Seniors Housing**

## **2 and 4 Nooal Street and 66 Bardo Road, Newport**

Prepared on behalf of

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6. Site survey
7. Site Accessibility Report, dated 17<sup>th</sup> August 2017, prepared by Accessibility Solutions (NSW)
8. Surrounding property owner engagement responses

## **EXECUTIVE SUMMARY**

- (i) We confirm that No's 2 and 4 Nooal Street, Newport were purchased by their current owner prior to the gazettal of Pittwater Local Environmental Plan 2014 (PLEP 2014) with the intention of developing the land for the purpose of seniors housing. At the time of purchase these properties were zone 2(a) (Residential "A") pursuant to Pittwater Local Environmental Plan 1993 (PLEP 1993) with seniors housing permissible in the zone pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).
- (ii) In 2013, Draft Pittwater Local Environmental Plan 2013 was formerly exhibited with both State and Local Governments making it clear that the transition to the Standard Template LEP would involve a translation of permissible uses from the old to the new format and that the underpinning intent of such translation was to preserve the range of permissible uses as they related to individual sites.
- (iii) At no time during the exhibition and community engagement process were the owners of the properties, the subject of this planning proposal, advised that the development potential of their land, as it relates to seniors housing, would be lost as a consequence of the inclusion of the E4 Environmental Living zone under the broad land use heading of "Environmental Protection Zones" at clause 2.1 of PLEP 2014. Such description excludes the E4 Environmental Living zone from the operation of SEPP HSPD pursuant to Schedule 1 of that policy which prohibits seniors housing on land described in another environmental planning instrument as "environmental protection" or any like description.
- (iv) Unaware of the E4 Environmental Living zone implications, Crystal Apartments Pty Limited (the Proponent) engaged Richard Cole Architecture and a number of other consultants to commence preparation of a Development Application proposing seniors housing across the sites known as Lot 1, DP 540092, No. 2 Nooal Street, Lot 1, DP 315279, No. 4 Nooal Street and Lot 2, DP 540092, No. 66 Bardo Road, Newport (the development site). A copy of the concept plans is at Attachment 1.
- (v) Following a lengthy community consultation process PLEP 2014 was gazetted in May 2014 with the instrument commencing on 27<sup>th</sup> June 2014. This had the effect of prohibiting seniors housing on the land which until this time was permissible with consent pursuant to SEPP HSPD.



This was confirmed in writing by the Department of Planning and Environment in its correspondence of 9<sup>th</sup> August 2016 a copy of which is at Attachment 2.

- (vi) Despite the advice of Council staff and the Valuer General's Office as contained within the Pittwater Council Community Engagement Outcomes Report (an extract of which is at Attachment 3) that the title of the zone would not have a significant impact on the permissible land uses on the site, or associated land value, such advice was clearly incorrect. The prohibition on seniors housing in the E4 Environmental Living zone pursuant to SEPP HSPD appearing to be an unintended consequence.
- (vii) We have since had a meeting with the Minister for Planning, Mr Rob Stokes MP, who was sympathetic to the Proponents position in relation to the lack of consultation and transparency in the Draft LEP exhibition process as it relates to the E4 Environmental Living zone and the loss of development potential as it relates to seniors housing pursuant to SEPP HSPD. This is consistent with the position expressed by the Minister in correspondence to the Warringah Urban Fringe Association, following a meeting on 24<sup>th</sup> June 2015, pertaining to a draft amendment to Warringah Local Environmental Plan 2011 involving the E4 Environmental Living zone and possible reduction in development potential where he indicated:

*In relation to seniors housing, the Department of Planning and Environment has agreed that where State Environmental Planning Policy (Housing for Seniors or People with a Disability (SEPP) currently applies, seniors housing will continue to be permissible. To do this, the Department will identify all properties where the SEPP currently applies, including that land currently proposed to be zoned E3 or E4 (or any other zone) by the Council planning proposal.*

We do not understand why the same approach was not adopted in relation to PLEP 2014 particularly where the Minister for Planning appeared to have been aware of the prohibition on seniors housing pursuant to SEPP HSPD as a consequence of the E4 Environmental Living zone. A copy of this correspondence is at Attachment 4.

- (viii) The Minister suggested that the proponent engage with Northern Beaches Council to discuss possible rezoning options to render seniors housing permissible on the land with such meeting taking place on 12<sup>th</sup> January 2017. A copy of the minutes is at Attachment 5.

- (ix) This Planning Proposal seeks to amend Schedule 1 of PLEP 2014 to permit seniors housing on the consolidated development site as an additional permitted use as historically facilitated by the now repealed 2(a) (Residential “A”) PLEP 1993 zoning of the land and the resultant applicability of SEPP HSPD. Any future development application will rely on the provisions of PLEP 2014 in terms of permissibility and Pittwater 21 Development Control Plan in terms of built form and environmental considerations.
- (x) This submission demonstrates that facilitating seniors housing as an additional permissible use on this particular site will not defeat the objectives of the E4 Environmental Living zone with a complimentary and compatible building form able to be achieved without unacceptable environmental, streetscape, foreshore scenic protection or residential amenity consequences. The environmental capability of the land is not exceeded as a consequence of the additional permissible use proposed.
- (xi) Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the height, form or massing of the development achieved through implementation of the accompanying concept plans offensive, jarring or unsympathetic in a streetscape or foreshore development context nor having regard to the visibility of the site from Pittwater Waterway or the built form characteristics of development within the sites visual catchment.
- (xii) Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings when viewed from Crystal Bay, foreshore areas, public domain and surrounding residential properties with development able to co-exist in harmony.
- (xiii) We have formed the considered opinion that the development of the site for the purpose of seniors housing is appropriately achieved pursuant to the PLEP 2014 Schedule 1 Additional Permitted Use provisions with the existing provisions of PLEP 2014 and P21DCP collectively ensuring that the land use and built form outcomes will be consistent with the desired future character for the Newport locality.

- (xiv) This Planning Proposal will enable development consent to be obtained to facilitate seniors housing on the development site with the preparation and submission of a separate Development Application either at a later time or concurrently should the planning proposal proceed through the gateway.
- (xv) This Planning Proposal will provide certainty to all stakeholders in relation to the future use and development of the site consistent with that historically anticipated by the previously adopted legislative framework. The proposal will also enable the necessary land use consents to be obtained to facilitate the orderly and economic use of the land. The proposal facilitates an increase in the supply of seniors housing, of exceptional design quality and amenity, on the Northern Beaches with public benefit obtained from such outcome.
- (xvi) This Planning Proposal has been prepared in accordance with the 'Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Infrastructure. This Planning Proposal is consistent with the relevant State Environmental Planning Policies and s.117 Directions issued by the Director General and includes an evaluation of the proposal against the 'Net Community Benefit Test' criteria established in the draft Centres Policy.
- (xvii) An amendment to Schedule 1 of the PLEP 2014 is the appropriate mechanism to facilitate a seniors housing use on the site as an additional permitted use. Accordingly, it is appropriate for the proposal to receive the support of Council, being the relevant planning authority.

## 1.0 SITE DESCRIPTION AND LOCATION

The subject properties (the development site) are legally described as Lot 1, DP 540092, No. 2 Nooal Street, Lot 1, DP 315279, No. 4 Nooal Street and Lot 2, DP 540092, No. 66 Bardo Road, Newport. The development site is wedge shaped having primary frontage and address to Nooal Street of 51.15 metres, secondary frontage to an unmade section of Bardo Road of 78.035 metres, foreshore frontage to Crystal Bay of approximately 27 metres and a site area of 2927.2 square metres. A detailed site survey prepared by Bee and Lethbridge Surveyors is at Attachment 6.

The development site does not contain any significant trees, vegetation or natural features such as exposed rock outcrops and falls approximately 5.5 metre across its surface towards Crystal Bay at an average slope of 7%. The individual allotments are currently occupied by 1 and 2 storey detached dwelling houses with ancillary structures including garages/ carports, studios and swimming pools orientated to the west to take advantage of views over Crystal Bay. The land between the foreshore boundary and Crystal Bay has been reclaimed at some point with a stone seawall delineating the land/ water interface. Water based structures including a concrete ramp, jetty, pontoon and birthing area associated with No. 4 Nooal Street are located below MHWL with the established built form circumstance depicted as follows.



**Figure 1** – Aerial location/ context photograph





**Figure 2** – Subject properties as viewed from Nooal Street



**Figure 3** – Subject properties as viewed form Crystal Bay

The western side of Nooal Street has recently been kerb and guttered with Bardo Road, where it adjoins the development site, unmade other than a driveway providing vehicular access to a number of properties including No's 2 Nooal Street and 66 Bardo Road and an electrical substation and sewer pumping station located at its western end. The adjoining properties to the north, No's 6 and 6A Nooal Street are occupied by 1 and 2 storey detached dwelling houses with No. 6A a battle-axe allotment access via a shared driveway from Nooal Street. This battle-axe subdivision arrangement, and built form typology, extends along the western side of Bardo Road to its intersection with Irrubel Road.



**Figure 4** - View looking west down the unmade portion of Bardo Road





**Figure 5** – Entrance from Bardo Road to rear of No. 2 Nooal Street



**Figure 6** – Driveway entrance from Bardo Road to No. 66 Bardo Road

The properties located on the eastern side of Nooal Street are also occupied by 1 and 2 storey detached dwellings within informal landscaped settings. The properties located on the southern side of the unmade portion of Bardo Road are located at an elevated position, relative to the subject site, and generally obtain access from Princes Lane.



**Figure 7** – View looking south along Nooal Street towards properties located opposite the subject site

The properties located at the western end of Princes Lane, and which sit at the southern edge of the narrow entrance to Crystal Bay, are occupied by 3 and 4 storey residential flat buildings and the Princes Street Marina. The Royal Prince Alfred Yacht Club dominates the northern edge of the entrance to Crystal Bay as depicted in Figure 1.





**Figure 8** – The Princes Street Marina and the adjacent 4 storey flat building which dominate the southern edge of the entrance to Crystal Bay



**Figure 9** – View looking south from the foreshore frontage of the development site towards the properties accessed from the unmade portion of Bardo Road and Princess lane. These properties are elevated relative to the development site.

The geometry of Crystal Bay, which has been significantly altered from its natural state through land reclamation, and its narrow entrance which is visually and physically obstructed by the Princes Street and Royal Prince Alfred Yacht Club mariners, ensures that Crystal Bay is not readily discernible as viewed from the main body of Pittwater Waterway and the development site totally obstructed from view until within the easternmost portion of the bay. Such circumstances erode the aesthetic value of foreshore land fronting Crystal Bay compared to other foreshore land surrounding Pittwater Waterway.



**Figure 10** – View from Pittwater waterway towards development site totally obscured by marina development





**Figure 11** - View towards development site from Crystal Bay



**Figure 12** - View towards development site from Crystal Bay



**Figure 13** – View looking west from development site towards Crystal Bay. Note that views to the body of Pittwater Waterway are totally obscured by marina development.

The aerial photograph at Figure 1 clearly depicts the land reclamation upon which the properties located on the western side of Bardo Road are located with the relatively flat nature of the land and absence of any significant established canopy tree cover reinforcing such circumstance.

We note that a number of waterfront properties previously zoned 2(a) (Residential “A”) pursuant to PLEP 1993, and which are now zoned E4 Environmental Living pursuant to PLEP 2014, have been developed as, or have approval for, seniors housing pursuant to SEPP HSPD with these properties readily discernible as viewed from Pittwater Waterway with such development depicted in the following photographs.





**Figure 14** - “The Jetty” No. 1754 Pittwater Road, Bayview (10 Apartments)



**Figure 15** - “Edge Water” No. 1927 Pittwater Road, Bayview (32 Apartments)



**Figure 16** - “Waters Edge” No. 2079 Pittwater Road, Bayview (5 Apartments)



**Figure 17** - “Sienna” No. 2085 Pittwater Road, Bayview (6 Apartments)





**Figure 18** - “Kalani” No. 2091 Pittwater Road, Bayview (4 Apartments)

The development site is located approximately 390 metres from a bus stop on Gladstone Street which is regularly serviced by 4 bus routes being the I88, L88, I90 and L90 which travel from palm Beach to the City via Avalon, Newport, Mona Vale, Warriewood, Narrabeen, Dee Why, Brookvale and along Military Road to the City. Whilst King Street and Gladstone Street provide appropriate footpath access to the bus stops it is evident that a footpath is required from the subject site along Bardo Road to the King Street intersection to facilitate a continuous accessible path of travel.

The site is located approximately 1 km to the Newport Shopping Centre and 4 km's to Mona Vale and Avalon Shopping Centres which provide a comprehensive range of services and facilities.

## 2.0 PROJECT OVERVIEW

This Planning Proposal seeks to amend Schedule 1 of PLEP 2014 to permit seniors housing on the consolidated development site as an additional permitted use as historically facilitated by the now repealed 2(a) (Residential “A”) PLEP 1993 zoning of the land and the resultant applicability of SEPP HSPD. Specifically, the application proposes the inclusion of the following Schedule 1 land use:

*Use of certain land at 2 and 4 Nooal Street and 66 Bardo Road, Newport*

(1) *This clause applies to the following land identified as “Area \*\*\*” on the Additional Permitted Uses Map:*

*(a) 2 and 4 Nooal Street, Newport, being Lot 1, DP 540092 and Lot, DP 315279,*

*(b) 66 Bardo Road, Newport, being Lot 2, DP 540092.*

(2) *Development for the purpose of seniors housing is permissible with development consent on the consolidated allotment.*

The proposal also involves an amendment to the Additional Permitted Uses Map – Sheet APU\_017.

Any future development application will rely on the provisions of PLEP 2014 in terms of permissibility and Pittwater 21 Development Control Plan (P21DCP) in terms of built form and environmental considerations. We note that the provisions of P21DCP already apply to senior housing.



### **3.0 PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

#### **3.1 Objectives**

To amend Schedule 1 of PLEP 2014 to permit seniors housing on the consolidated development site as an additional permitted use as historically facilitated by the now repealed 2(a) (Residential “A”) PLEP 1993 zoning of the land and the resultant applicability of SEPP HSPD.

#### **3.2 Intended Outcomes**

The intended outcomes of the Planning Proposal are:

- The amendment of Schedule 1 of PLEP 2014 to permit seniors housing as an additional permissible use on the consolidated development site including the amendment of the Additional Permitted Uses Map – Sheet APU\_017.
- To enable the necessary land use consents to be obtained to facilitate the orderly and economic use of the land for seniors housing.
- To increase the supply of seniors housing on the Northern Beaches.

#### 4.0 PART 2 – EXPLANATION OF THE PROVISIONS

The application proposes the inclusion of the following WLEP 2011 Schedule 1 land use:

*Use of certain land at 2 and 4 Nooal Street and 66 Bardo Road, Newport*

*(1) This clause applies to the following land identified as “Area \*\*\*” on the Additional Permitted Uses Map:*

*(a) 2 and 4 Nooal Street, Newport, being Lot 1, DP 540092 and Lot, DP 315279,*

*(b) Bardo Road, Newport, being Lot 2, DP 540092.*

*(2) Development for the purpose of seniors housing is permitted with development consent on the consolidated allotment.*

The proposal also involves an amendment to the Additional Permitted Uses Map – Sheet APU\_017.

We note that such use will need to comply with the following PLEP 2014 definition:

***seniors housing*** means a building or place that is:

*(a) a residential care facility, or*

*(b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*

*(c) a group of self-contained dwellings, or*

*(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*

*and that is, or is intended to be, used permanently for:*

*(e) seniors or people who have a disability, or*

*(f) people who live in the same household with seniors or people who have a disability, or*

*(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*

*but does not include a hospital.*

Any future development application will rely on the provisions of PLEP 2014 in terms of permissibility and Pittwater 21 Development Control Plan (P21DCP) in terms of built form and environmental considerations. We note that the provisions of P21DCP already apply to senior housing.

These amendments will facilitate the development of the site in accordance with the objective and intended outcomes of this Planning Proposal.

## 5.0 PART 3 – JUSTIFICATION

### 5.1 Section A - Need for the Planning Proposal

#### 5.1.1 *Is the Planning Proposal a result of any strategic study or report?*

No. This Planning Proposal seeks to reinstate seniors housing as a permissible form of development on the subject site as historically facilitated by the now repealed 2(a) (Residential “A”) PLEP 1993 zoning of the land and the resultant applicability of SEPP HSPD.

We confirm that No’s 2 and 4 Nooal Street, Newport were purchased by their current owner prior to the gazettal of Pittwater Local Environmental Plan 2014 (PLEP 2014) with the intention of developing the land for the purpose of seniors housing. At the time of purchase these properties were zone 2(a) (Residential “A”) pursuant to Pittwater Local Environmental Plan 1993 (PLEP 1993) with seniors housing permissible in the zone pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).

In 2013, Draft Pittwater Local Environmental Plan 2013 was formerly exhibited with both State and Local Governments making it clear that the transition to the Standard Template LEP would involve a translation of permissible uses from the old to the new format and that the underpinning intent of such translation was to preserve the range of permissible uses as they related to individual sites.

At no time during the exhibition and community engagement process were the owners of the properties, the subject of this planning proposal, advised that the development potential of their land, as it relates to seniors housing, would be lost as a consequence of the inclusion of the E4 Environmental Living zone under the broad land use heading of “Environmental Protection Zones” at clause 2.1 of PLEP 2014. Such description excludes the E4 Environmental Living zone from the operation of SEPP HSPD pursuant to Schedule 1 of that policy which prohibits seniors housing on land described in another environmental planning instrument as “environmental protection” or any like description.

Unaware of the E4 Environmental Living zone implications, Crystal Apartments Pty Limited (the Proponent) engaged Richard Cole Architecture and a number of other consultants to commence preparation of a Development Application proposing seniors housing across the sites known as Lot 1, DP 540092, No. 2 Nooal Street, Lot 1, DP 315279, No. 4 Nooal Street and Lot 2, DP 540092, No. 66 Bardo Road, Newport (the development site). A copy of the concept plans is at Attachment 1.

Following a lengthy community consultation process PLEP 2014 was gazetted in May 2014 with the instrument commencing on 27<sup>th</sup> June 2014. This had the effect of prohibiting seniors housing on the land which until this time was permissible with consent pursuant to SEPP HSPD. This was confirmed in writing by the Department of Planning and Environment in its correspondence of 9<sup>th</sup> August 2016 a copy of which is at Attachment 2.

We note that the Community Engagement Outcomes Report, an extract of which is at Attachment 4, contained the following commentary in response to a number of submissions made raising concerns regarding the loss of development potential and associated property values associated proposed E4 Environmental Living zone:

*It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential B) areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.*

*The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy map adopted into the Pittwater LEP 1993 in 1995. The criterion used to determine where dual occupancy is currently prohibited was as follows:*

- *Residential properties which are entirely or partly within 50 metres of the Foreshore; or*
- *Residential properties all or part of which are within 100 metres of a ridgeline; or*
- *Residential properties all or part of which have a slope in excess of 20%; and*
- *All residential parts of the Western Foreshores and Scotland Island.*

*The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.*

*It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development four new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats).*

*Under the SEPPs for "Exempt and Complying Development" and "Affordable Rental Housing" these types of development cannot be undertaken as "complying development" in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.*

*Whilst this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a "like for like" translation of Council's existing Plan, i.e. The Pittwater Local Environmental Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.*

*In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause and reduction in property values.*

*Notwithstanding this, advice was sought from the Valuer General's Office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.*

Despite the advice of Council staff and the Valuer General's Office that the title of the zone would not have a significant impact on the permissible land uses on the site, or associated land value, such advice was clearly incorrect with the prohibition on seniors housing in the E4 Environmental Living zone pursuant to SEPP HSPD appearing to be an unintended consequence.

We have since had a meeting with the Minister for Planning, Mr Rob Stokes MP, who was sympathetic to the Proponents position in relation to the lack of consultation and transparency in the Draft LEP exhibition process as it relates to the E4 Environmental Living zone and the loss of development potential as it relates to seniors housing pursuant to SEPP HSPD. This is consistent with the position expressed by the Minister in correspondence to the Warringah Urban Fringe Association, following a meeting on 24<sup>th</sup> June 2015, pertaining to a draft amendment to Warringah Local Environmental Plan 2011 involving the E4 Environmental Living zone and possible reduction in development potential where he indicated:

*In relation to seniors housing, the Department of Planning and Environment has agreed that where State Environmental Planning Policy (Housing for Seniors or People with a Disability (SEPP) currently applies, seniors housing will continue to be permissible. To do this, the Department will identify all properties where the SEPP currently applies, including that land currently proposed to be zoned E3 or E4 (or any other zone) by the Council planning proposal.*

We do not understand why the same approach was not adopted in relation to PLEP 2014 particularly where the Minister for Planning appeared to have been aware of the prohibition on seniors housing pursuant to SEPP HSPD as a consequence of the E4 Environmental Living zone. A copy of this correspondence is at Attachment 4.

The Minister suggested that the proponent engage with Northern Beaches Council to discuss possible rezoning options to render seniors housing permissible on the land with such meeting taking place on 12<sup>th</sup> January 2017. A copy of the minutes is at Attachment 5. This submission represents a highly considered response to the issues identified in this correspondence.

Having regard to the criteria used to establish the areas where dual occupancy was previously prohibited pursuant to PLEP 1993 the only criteria applicable to the subject properties is the fact that they are partly located within 50 metres of the foreshore. In this regard:

- The site is not identified on Council's geotechnical hazard map;
- The site is not identified on Council's biodiversity map;
- The site is not steeply sloping with an average slope of 7%;
- The site does not contain any significant trees, vegetation or land forms;
- The site does not contain any items of heritage significance;
- The site does not extend to the Crystal Bay seawall with level public access available along the foreshore.
- The site is not discernible as viewed from the main body of Pittwater waterway.

As previously indicated the geometry of Crystal Bay, which has been significantly altered from its natural state through land reclamation, and its narrow entrance which is visually and physically obstructed by the Princes Street and Royal Prince Alfred Yacht Club mariners ensures that Crystal Bay is not readily discernible as viewed from the main body of Pittwater Waterway and the development site totally obstructed from view until within the easternmost portion of the bay. Such circumstances erode the aesthetic value of foreshore land fronting Crystal Bay compared to other foreshore land surrounding Pittwater Waterway. The aerial photograph at Figure 1 clearly depicts the land reclamation upon which the properties located on the western side of Bardo Road are located with the relatively flat nature of the land and absence of any significant established canopy tree cover reinforcing such circumstance.

We note that a number of waterfront properties previously zoned 2(a) (Residential "A") pursuant to PLEP 1993, and which are now zoned E4 Environmental Living pursuant to PLEP 2014, have been developed as, or have approval for, seniors housing pursuant to SEPP HSPD with these properties readily discernible as viewed from Pittwater Waterway and include:

- "The Jetty" No. 1754 Pittwater Road, Bayview - 10 Apartments
- "Edge Water" No. 1927 Pittwater Road, Bayview - 32 Apartments
- "Waters Edge" No. 2079 Pittwater Road, Bayview - 5 Apartments
- "Sienna" No. 2085 Pittwater Road, Bayview - 6 Apartments
- "Kalani" No. 2091 Pittwater Road, Bayview - 4 Apartments



Having assessed the accompanying concept design prepared by Richard Cole Architects against the applicable provisions of SEPP AHD we have formed the considered opinion that the Proponent would have had good prospects of obtained development consent was the application made prior to the gazettal of PLEP 2014. In forming such opinion consideration has been given to the Compliance Table at sheet A24 of the concept plans and the following circumstances:

- The development site satisfies the clause 26 and 38 location and access to facilities and accessibility requirements of SEPP HSPD as detailed in the Site Accessibility Report, dated 17<sup>th</sup> August 2017, prepared by Accessibility Solutions (NSW) Pty Limited a copy of which is at Attachment 7.
- The development site is not bushfire prone land and therefore satisfies the clause 27 bushfire prone land provisions of SEPP HSPD.
- The development site is connected to a reticulated water system and the sewer and therefore satisfies the clause 28 water and sewer provisions of SEPP HSPD and the essential has adequate facilities for the removal or disposal of sewage and the clause 7.10 essential service provisions of PLEP 2014.
- The development site has an area exceeding 1000sqm metres and frontage in excess of 20 metres measured at the building line and therefore satisfies the clause 40(2) and (3) standards of SEPP HSPD.
- The concept architectural plans demonstrate that a seniors housing development is able to be accommodated on the site and compliant with the clause 40(4)(a), (b) and (c) building height standards of SEPP HSPD.
- The concept architectural plans demonstrate that a seniors housing development is able to be accommodated on the site and compliant with the clause the clause 50 building height, density and scale (FSR), landscaped area, deep soil zones, solar access, private open space and parking requirements of SEPP HSPD.

- The concept architectural plans demonstrate that a seniors housing development on this particular site is not antipathetic to the E4 Environmental Living zone objectives namely:
  - *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
  - *To ensure that residential development does not have an adverse effect on those values.*
  - *To provide for residential development of a low density and scale integrated with the landform and landscape.*
  - *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Having regard to these objectives we have formed the considered opinion that:

- The concept architectural plans demonstrate that a low-impact seniors housing development is able to be accommodated on the development site without adverse effect on any special ecological, scientific or aesthetic values.

As previously indicated the geometry of Crystal Bay, which has been significantly altered from its natural state through land reclamation, and its narrow entrance which is visually and physically obstructed by the Princes Street and Royal Prince Alfred Yacht Club mariners ensures that the development site is not discernible as viewed from the main body of Pittwater Waterway with the site totally obstructed from view until within the easternmost portion of Crystal Bay. Such circumstances erode the aesthetic value of foreshore land fronting Crystal Bay compared to other foreshore land surrounding Pittwater Waterway.

- The concept architectural plans demonstrate that adopting a maximum FSR of 0.5:1 for a seniors housing development on the site provides for a low-density housing form which steps down the site in response to landform and which does not require the removal of any significant trees or vegetation. The areas of deep soil landscape opportunity will accommodate planting of a size and density which will ensure that the development sits with a landscape setting and integrates with surrounding landscaping.

- The development will have no adverse impact on riparian or foreshore vegetation or wildlife corridors.
- The concept architectural plans demonstrate that a seniors housing development is able to be accommodated on the site and compliant with the clause the clause 4.3 height of buildings and clause 7.8 limited development on foreshore area standards of PLEP 2014.
- The concept architectural plans demonstrate that a seniors housing development is able to be accommodated on the site and able to satisfy the applicable provisions of P21DCP namely:
  - The Section B3 Hazard controls with all floor levels above the FPL provided by Council as a consequence of the formal pre-lodgement meeting;
  - The Section B4 Natural Environment provisions as they relate to landscape and flora and fauna enhancement;
  - The Section B5 Water Management provisions with the waterfront site able to gravity drain to Pittwater Waterway;
  - The Section B6 Access and Parking provisions as they relate to off street parking, access and transport and traffic management;
  - The Section B8 Site Works Management provisions;
  - The Section C1 Design Criteria for Development as they relate to landscaping, safety and security, view sharing, solar access, visual privacy, acoustic privacy, accessibility, building facades, waste and recycling facilities, pollution control, storage, wash bays, undergrounding of utility services, seniors housing, eaves, and plant, public road reserve planting and equipment and lift over-run;
  - The Section D10 Newport Locality provisions as they relate to character as viewed from a public place, building colours and materials, front building line, side and rear building line, building envelope, landscaped area, fences, construction/retaining walls/terracing and undercroft areas and scenic protection.

- The concept architectural plans demonstrate that a seniors housing development is able to be accommodated on the site consistent with the desired future character of the Newport Locality namely:

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.*

*Future development will maintain a building height limit below the tree canopy and minimise bulk and scale.*

*Existing and new native vegetation, including canopy trees, will be integrated with the development.*

*Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment.*

*Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.*

The concept plans nominate a highly articulated and modulated building form which has been broken into a series of pavilions and which step down the site in response to the topography. The proposal does not require the removal of any significant trees or landscape features and strikes a balance between excavation and building height. The proposed floor levels will ensure that the development will be safe from hazards with generous areas of landscaped open space ensuring the ability to provide appropriately for plantings to soften and screen the building form and ensure that it sits within a landscaped setting.

The use of earthy and natural materials will ensure that the building blends into the vegetated escarpment which forms a backdrop to the site.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the height, form or massing of the development achieved through implementation of the accompanying concept plans offensive, jarring or unsympathetic in a streetscape or foreshore development context nor having regard to the visibility of the site from Pittwater Waterway or built form characteristics of development within the sites visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings when viewed from Crystal Bay, foreshore areas, public domain and surrounding residential properties.

The concept plans provide for a building form which satisfies the desired future character for the Newport Locality as outlined.

This submission demonstrates that facilitating seniors housing as an additional permissible use on this particular site will not defeat the objectives of the E4 Environmental Living zone with a complimentary and compatible building form able to be achieved without unacceptable environmental, streetscape, foreshore scenic protection or residential amenity consequences. The environmental capability of the land is not exceeded as a consequence of the additional permissible use proposed with the site-specific nature of the planning proposal ensuring precedence is not created by way of its support.

***5.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The Planning Proposal is the best means of achieving the intended outcomes. The inclusion of the E4 Environmental Living zone under the broad land use heading of “Environmental Protection Zones” at clause 2.1 of PLEP 2014 rendered seniors housing prohibited on the land pursuant to Schedule 1 of SEPP HSPD.

Schedule 1 of PLEP 2014 enables seniors housing to be listed as an additional permitted use on the development site without the need to rezone the land to R2 Low Density Residential. Although such a spot rezoning was considered, it was discounted on the basis that a very site specific additional permissible use analysis would not create the precedence likely to be created were the E4 Environmental Living zoning of the land challenged in an ad hoc manner.

### **5.1.3 Is there a net community benefit?**

The *Guide to Preparing a Planning Proposal* produced by the Department of Planning states that the guidance on conducting a Net Community Benefit Test included in the Draft Centres Policy should be followed when assessing the net community benefit of a Planning Proposal.

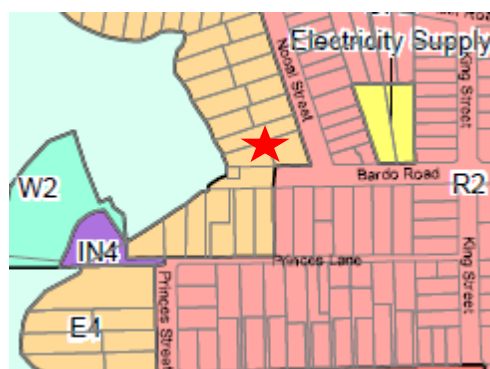
The proposal is assessed against the evaluation criteria for the net community benefit test in the following table.

Criteria	Comment
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?</i>	The development of the site is not antipathetic to any State and Regional strategic direction for development in the area.  There is however a clear demand for seniors housing on the Northern Beaches.
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</i>	No.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	No. The site-specific justification in support of a Schedule 1 amendment, which effectively reinstates the historically permissible seniors housing use on the land, will not create a precedent or change the expectations of other landholders given the site-specific circumstances put forward in support of the application and the maintenance of the E4 Environmental Living zone.

<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	We are not aware of any other/ similar spot re-zonings in the area and accordingly do not consider there to be any potential cumulative rezoning impacts.
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	Yes. The Schedule 1 amendment will facilitate the construction of seniors housing on the site and facilitate permanent employment associated with strata management and general maintenance of the property.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	No. The Schedule 1 amendment will facilitate an increase in the supply of seniors housing to meet a clear demand for such housing on the Northern Beaches.
<i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?</i>	The local road network is capable of accommodating any increase in traffic that may result from the future use of the site. The site is able to be serviced by existing utilities.
<i>Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	<p>The development site is located approximately 390 metres from a bus stop on Gladstone Street which is regularly serviced by 4 bus routes being the I88, L88, I90 and L90 which travel from palm Beach to the City via Avalon, Newport, Mona Vale, Warriewood, Narrabeen, Dee Why, Brookvale and along Military Road to the City. Whilst King Street and Gladstone Street provide appropriate footpath access to the bus stops it is evident that a footpath is required from the subject site along Bardo Road to the King Street intersection to facilitate a continuous accessible path of travel.</p> <p>The development site satisfies the clause 26 and 38 location and access to facilities and accessibility requirements of SEPP HSPD as detailed in the Site Accessibility Report, dated 17<sup>th</sup> August 2017, prepared by Accessibility Solutions (NSW) Pty Limited a copy of which is at Attachment 7.</p>

<i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i>	N/A
<i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i>	No.
<i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i>	<p>No. The only identified environmental constraint to development on the land is estuarine wave action and tidal inundation as identified in the pre-lodgement minutes, dated 22<sup>nd</sup> February 2017, prepared by Northern Beaches Council a copy of which are at Attachment 5.</p> <p>These minutes confirm that the site is identified as affected by a stream wave action and tidal inundation on Council's Extreme Hazard Mapping and accordingly an Estuarine Planning Level of RL 2.95m AHD would apply to seniors housing on the site (pursuant to clause 7.4(3) of PLEP 2014) before application of any reduction factors.</p> <p>The concept plans nominate a minimum ground floor level of RL 2.740m AHD which includes a 210mm reduction factor given the developments location some 35 metres from the foreshore.</p> <p>Accordingly, the flooding affectation on the land does not serve as an impediment to the development of the site for the purpose of seniors housing.</p>
<i>Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</i>	<p>The LEP facilitate the use of the site for seniors housing. We note that seniors housing is permissible pursuant to SEPP HSPD on the R2 Low Density Residential zoned land located on opposite side of Nooal Street and on the opposite side of Bardo Road where they adjoin No. 2 Nooal street as depicted on the zoning map extract over page.</p>





PLEP 2014 Zoning map extract with subject site depicted with a star.

Further, the immediate built form and land use context is somewhat eclectic in nature with 1 and 2 storey detached dwellings, multi storey residential flat buildings and mariner development reflecting the character of development within the sites visual catchment.

As indicated previously, the concept architectural plans depict a residential development displaying a height, form, massing, building footprint, setback and landscaped area which are entirely compatible with those established by adjoining development and development generally within the sites visual catchment. The residential land use proposed is complimentary and compatible with the residential land uses anticipated on all surrounding land with a maximum FSR of 0.5:1 ensuring a complimentary and compatible low density residential outcome.

The concept architectural plans also demonstrate that the site is capable of accommodate a seniors housing development which does not give rise to adverse residential amenity impacts in terms of privacy, overshadowing, view loss or visual amenity both in relation to the immediately surrounding development and the wider public domain/ community.

	<p>Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in the context of adjoining and surrounding development and associated land uses. Surrounding development will co-exist in harmony.</p> <p>The proposal will also facilitate public domain improvements through the removal of the existing driveway access to No. 66 Bardo Road and through the extension of the public pathway along Bardo Road to the King Street intersection.</p>
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	N/A
<i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	N/A
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	<p>This Planning Proposal seeks to amend Schedule 1 of PLEP 2014 to permit seniors housing on the consolidated development site as an additional permitted use as historically facilitated by the now repealed 2(a) (Residential “A”) PLEP 1993 zoning of the land and the resultant applicability of SEPP HSPD.</p> <p>The implication of not proceeding is to abandon the ability to increase the supply and diversity of residences that meet the needs of seniors or people with a disability which is of good design and which makes efficient use of existing infrastructure and services consistent with the aims of SEPP HSPD which applied to the land prior to the gazettal of PLEP 2014.</p>

	<p>This submission clearly demonstrate that the site is suitable for seniors housing with such form of housing likely to have been approved were the application made prior to the gazettal of PLEP 2014. Under such circumstances the gazettal of PLEP 2014 did resulted in a significant loss of development potential on the land and an associated loss of property value.</p> <p>The public interest is best served in ensuring that additional permissible uses are supported on land identified as having the environmental capacity for such use particularly in circumstances where such use was permissible prior to the gazettal of an LEP which sought to translate existing zones and land uses into a standard template however had the effect of prohibiting such land use.</p>
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Based on the above evaluation criteria it is considered that the proposal will have a net community benefit.

## **5.2 Section B - Relationship to strategic planning framework**

### **5.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal is not antipathetic to the objectives and actions contained within the *Draft North-East Subregional Strategy* and the *Metropolitan Plan for Sydney 2036*. There is a clear demand for seniors housing on the Northern Beaches.

### **5.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The proposal is not antipathetic to the Northern Beaches Draft Community Strategic Plan which is currently on Exhibition. This plan identifies that the Northern Beaches population is ageing and young people are increasingly leaving the area. The Census 2011 showed that the proportion of elderly people was relatively large compared to other parts of Sydney (11.0% were aged 70 and over, compared to 9.0% for Greater Sydney). By 2026, Seniors (70+) are forecast to increase from 10.8% to 13.8%.

Northern Beaches Draft Community Strategic Plan identifies a clear demand for seniors housing on the Northern Beaches.

### **5.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?**

The Planning Proposal is consistent with the all relevant State Environmental Planning Policies as summarised in the following table:

<b>SEPP</b>	<b>Comment</b>	<b>Consistent</b>
SEPP 55 - Remediation of Land	<p>When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.</p> <p>In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:</p> <ul style="list-style-type: none"> <li>➤ Council's records indicate that sites have only been used for residential uses.</li> <li>➤ The subject sites and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.</li> <li>➤ The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.</li> </ul> <p>Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for seniors housing. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.</p>	Yes
SEPP 71 – Coastal Protection	<p>This State Environmental Planning Policy applies to land identified as being within the coastal zone as indicated on the map. The subject property is identified as being located within the coastal zone and as such the matters for consideration set out in Clause 8 of the policy are to be taken into account by a consent authority when it determines a development application to carry out development on land to which this Policy applies.</p>	Yes

	<p>The matters for consideration are as follows:</p> <p><i>(A) the aims of this Policy set out in clause 2 being,</i></p> <p><i>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p> <p><i>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i></p> <p>Comment: Existing public foreshore access would not be compromised.</p> <p><i>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i></p> <p>Comment: There are no opportunities for improving foreshore access.</p> <p><i>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</i></p> <p>Comment: Having inspected the site no exposed rock outcrops were observed or evidence of middens. The land appears to have been reclaimed and accordingly the likelihood of disturbing areas of aboriginal significance is extremely low.</p> <p><i>(e) to ensure that the visual amenity of the coast is protected, and</i></p> <p>Comment: This has been discussed in detail previously in this submission. The visual amenity of the foreshore would not be compromised by seniors housing in the form depicted on the accompanying concept Architectural plans.</p> <p><i>(f) to protect and preserve beach environments and beach amenity, and</i></p> <p>Comment: N/A</p>	
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	<p><i>(g) to protect and preserve native coastal vegetation, and</i></p> <p>Comment: N/A</p> <p><i>(h) to protect and preserve the marine environment of New South Wales, and</i></p> <p>Comment: A seniors housing development on the site would have no impact on the marine environment subject to the installation of appropriate sediment and erosion controls. All construction access will be via the established road network.</p> <p><i>(i) to protect and preserve rock platforms, and</i></p> <p>Comment: N/A</p> <p><i>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991 ), and</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p> <p><i>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i></p> <p>Comment: This matter has been discussed in detail in the body of this submission. The site can be developed for seniors housing without defeating this objective.</p> <p><i>(l) to encourage a strategic approach to coastal management.</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p> <p><i>(B) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p>	
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	<p><i>(C) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p> <p><i>(D) the suitability of development given its type, location and design and its relationship with the surrounding area,</i></p> <p>Comment: As detailed within this submission the site can be developed for seniors housing without defeating this objective.</p> <p><i>(E) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,</i></p> <p>Comment: As detailed within this submission the site can be developed for seniors housing without defeating this objective.</p> <p><i>(F) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,</i></p> <p>Comment: As detailed within this submission the site can be developed for seniors housing without defeating this objective.</p> <p><i>(G) measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u> ) and plants (within the meaning of that Act), and their habitats,</i></p> <p>Comment: N/A</p> <p><i>(H) measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u> ) and marine vegetation (within the meaning of that Part), and their habitats</i></p> <p>Comment: N/A</p> <p><i>(I) existing wildlife corridors and the impact of development on these corridors,</i></p> <p>Comment: The site does not form part of a wildlife corridor. N/A</p>	
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	<p><i>(J) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,</i></p> <p>Comment: This matter has been addressed in detail in this report with the EPL able to be achieved such that future development will be safe from flooding hazard.</p> <p><i>(K) measures to reduce the potential for conflict between land-based and water-based coastal activities,</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p> <p><i>(L) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,</i></p> <p>Comment: Having inspected the site no exposed rock outcrops were observed or evidence of middens. The land appears to have been reclaimed and accordingly the likelihood of disturbing areas of aboriginal significance is extremely low.</p> <p><i>(M) likely impacts of development on the water quality of coastal waterbodies,</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p> <p><i>(N) the conservation and preservation of items of heritage, archaeological or historic significance,</i></p> <p>Comment: N/A</p> <p><i>(O) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,</i></p> <p>Comment: N/A</p> <p><i>(P) only in cases in which a development application in relation to proposed development is determined:</i></p> <p><i>(i) the cumulative impacts of the proposed development on the environment, and</i></p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p>	
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	<p>(ii) measures to ensure that water and energy usage by the proposed development is efficient.</p> <p>Comment: The site can be developed for seniors housing without defeating this objective.</p>	
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#### **5.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

<b>S.117 Direction No. and Title</b>	<b>Comment</b>	<b>Consistent</b>
2.1 Environmental Protection Zones	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>This direction applies to all relevant planning authorities.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</p>	Yes
2.2 Coastal Protection	<p>The objective of this direction is to implement the principles in the NSW Coastal Policy.</p> <p>This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i>, and</p> <p>(b) the <i>Coastal Design Guidelines 2003</i>, and</p> <p>(c) the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act 1993</i> (the <i>NSW Coastline Management Manual 1990</i>).</p>	Yes
6.3 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p>	Yes

	<p>The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>The application proposes an additional permitted use on the site with no change to the existing zone and without unnecessarily restrictive site-specific provisions.</p>	
7.1 Implementation of A Plan for Growing Sydney	<p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p> <p>In accordance with this direction Planning Proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014.</p>	Yes

### 5.3 Section C - Environmental, social and economic impact

#### 5.3.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. The subject site is not identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

#### 5.3.2 *Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?*

Likely environmental effects related to the development of the site for seniors housing are limited to potential erosion and sedimentation impacts during construction. The installation of appropriate control measures would ameliorate such impacts.

#### 5.3.3 *How has the Planning Proposal adequately addressed any social and economic effects?*

The development of the site for the purpose of seniors housing will have no adverse economic or social effects rather such use will generate permanent employment opportunities (management and maintenance) and increase the supply of seniors housing on the Northern Beaches.

## **5.4 Section D - State and Commonwealth interests**

### ***5.4.1 Is there adequate public infrastructure for the Planning Proposal?***

The local road network is capable of accommodating any increase in traffic that may result from the development of the site for the purpose of seniors housing. The site is able to be serviced by existing utilities.

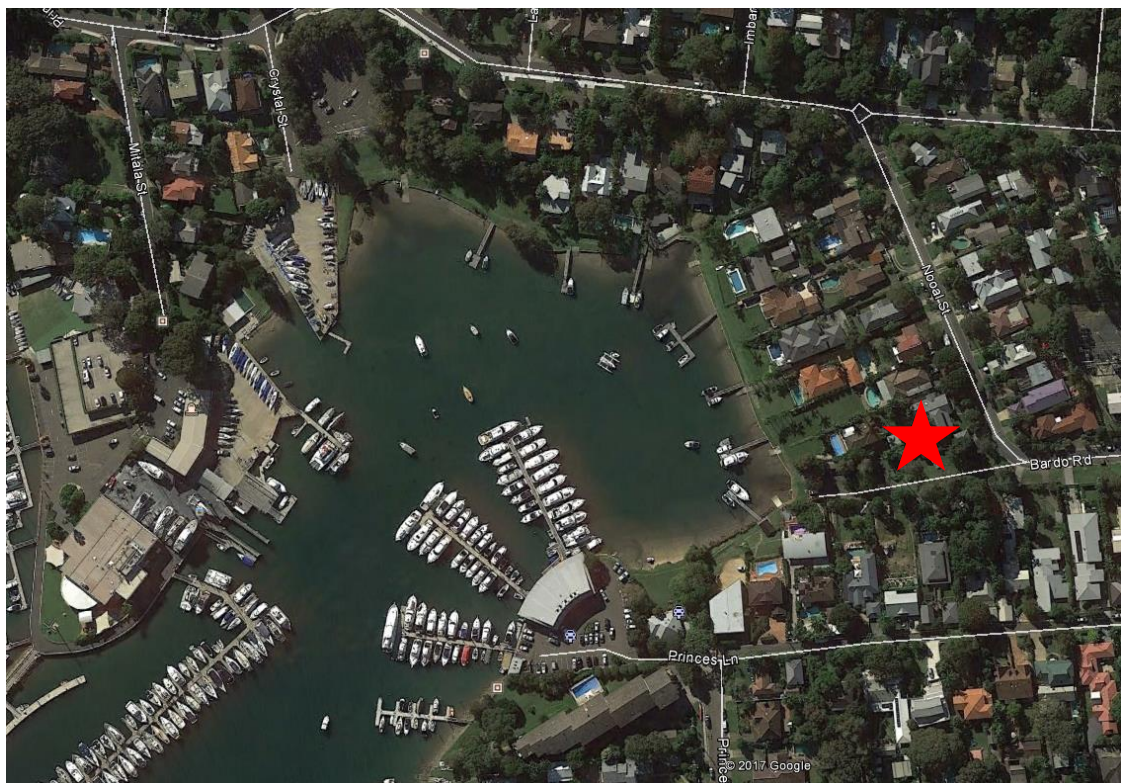
### ***5.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

Relevant public authorities will be consulted following the gateway determination.

## 6.0 PART 4 – MAPS/ AREA TO WHICH PLANNING PROPOSAL APPLIES

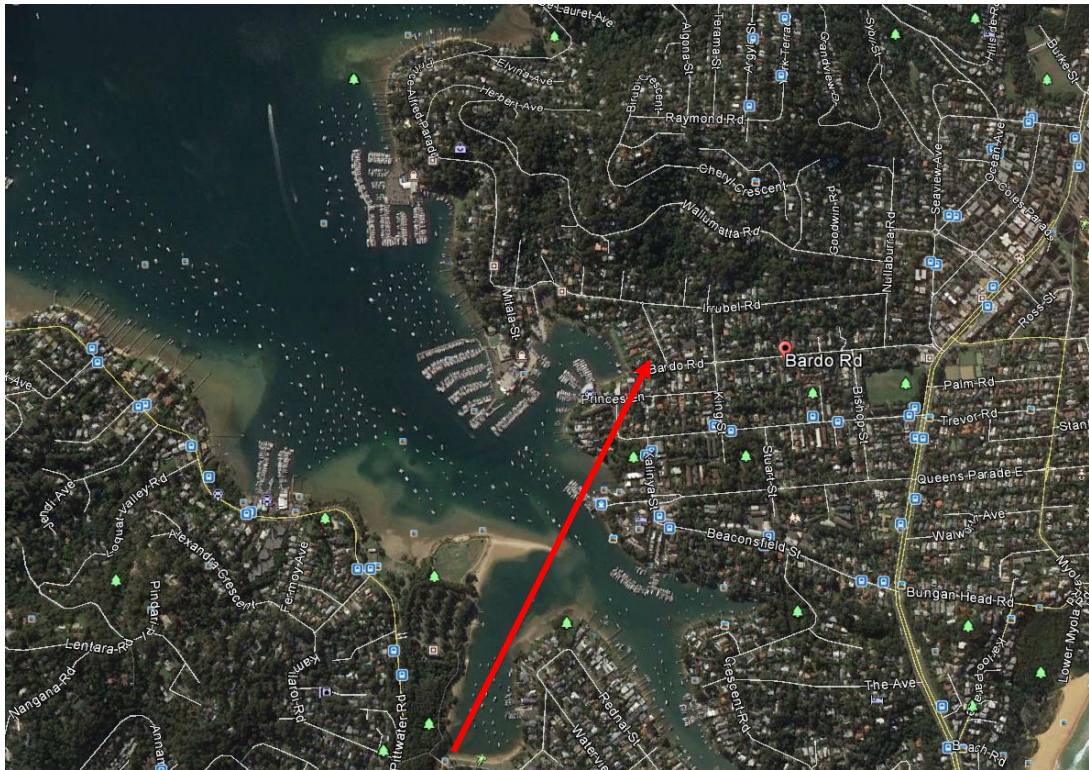


**Figure 19** - Aerial location/ context photograph of subject development site

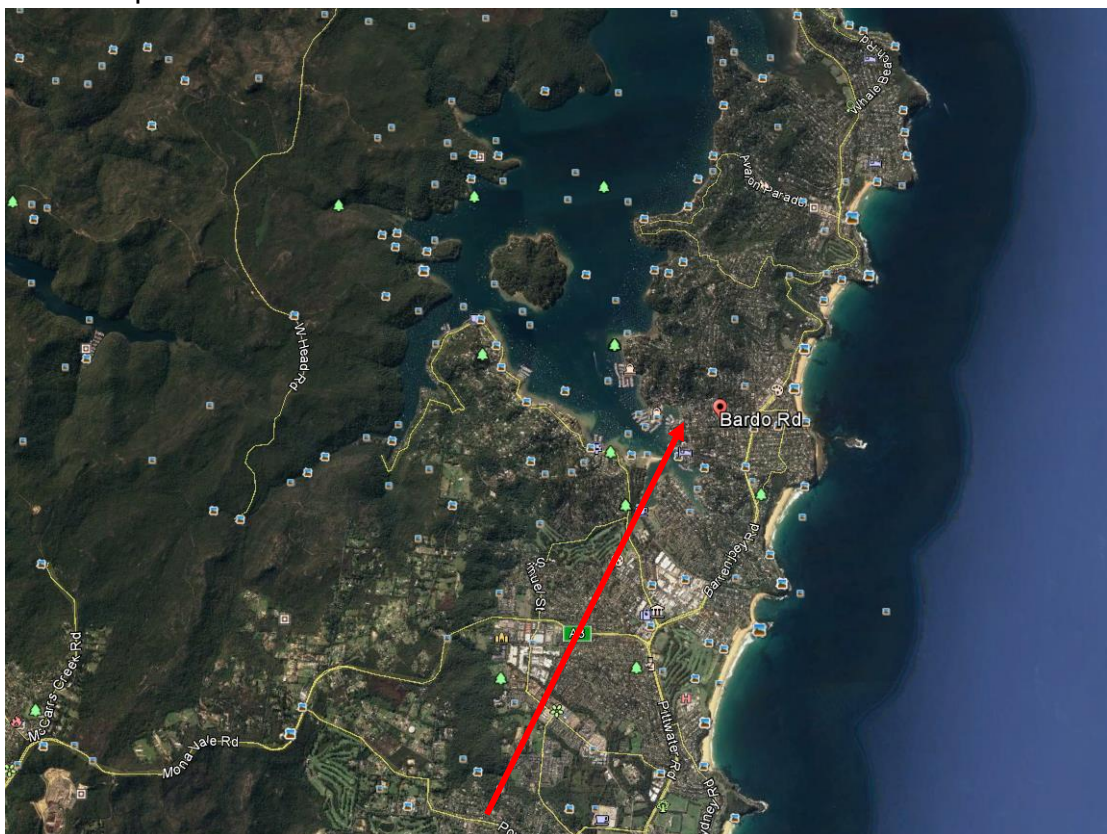


**Figure 20** - Aerial location/ context photograph of surrounding development





**Figure 20** - Aerial location/ context photograph of immediate locality with arrow to development site



**Figure 21** - Aerial location/ context photograph of broader Northern Beaches area



## 7.0 PART 5 - COMMUNITY CONSULTATION

Relevant community stakeholders and public authorities will be consulted following the gateway determination. *'A guide to preparing local environmental plans'* produced by the NSW Department of Planning sets out the community consultation requirements for Planning Proposals.

The guide indicates that consultation will be tailored to specific proposals. The exhibition for low impact Planning Proposals will generally be 14 days and all other Planning Proposals will be 28 days.

Community consultation is to be commenced by giving notice of the public exhibition of the Planning Proposal in a local newspaper, on the Northern Beaches website and in writing to adjoining landowners. The written notice of the Planning Proposal will:

- Give a brief description of the objectives or intended outcomes of the Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal can be inspected;
- Give the name and address of the relevant planning authority (Council) for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the Planning Proposal.

Notwithstanding, we confirm that Crystal Apartments Pty Limited, engaged Northern Beaches Council in formal pre-DA discussion with the detail of this submission representing a highly considered response to the issues raised in the subsequent correspondence dated 22<sup>nd</sup> February 2017 a copy of which is at Attachment 5.

Further, a representative of Crystal Apartments engaged with a number of the surrounding property owners to introduce the planning proposal and accompanying concept Architectural plans. A copy of the written responses obtained are at Attachment 8.

## 8.0 CONCLUSION

This Planning Proposal seeks to amend Schedule 1 of PLEP 2014 to permit seniors housing on the consolidated development site as an additional permitted use as historically facilitated by the now repealed 2(a) (Residential “A”) PLEP 1993 zoning of the land and the resultant applicability of SEPP HSPD. This Planning Proposal has been prepared in accordance with the ‘*Guide to Preparing Planning Proposals*’ prepared by the NSW Department of Planning (DP&I).

This submission demonstrates that facilitating seniors housing as an additional permissible use on this particular site will not defeat the objectives of the E4 Environmental Living zone with a complimentary and compatible building form able to be achieved without unacceptable environmental, streetscape, foreshore scenic protection or residential amenity consequences. The environmental capability of the land is not exceeded as a consequence of the additional permissible use proposed.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the height, form or massing of the development achieved through implementation of the accompanying concept plans offensive, jarring or unsympathetic in a streetscape or foreshore development context nor having regard to the visibility of the site from Pittwater Waterway or the built form characteristics of development within the sites visual catchment.

Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings when viewed from Crystal Bay, foreshore areas, public domain and surrounding residential properties. We have formed the considered opinion that the development of the site for the purpose of seniors housing is appropriately achieved pursuant to the PLEP 2014 Schedule 1 Additional Permitted Use provisions with the existing provisions of PLEP 2014 and P21DCP collectively ensuring that the land use and built form outcomes will be consistent with the desired future character for the Newport locality.

The Planning Proposal will provide certainty to all stakeholders in relation to the future use and development of the site and will also enable the necessary land use consent to be obtained by such outcome. The proposal facilitates an increase in the supply of seniors housing, of exceptional design quality and amenity, on the Northern Beaches.

This Planning Proposal is consistent with the relevant State Environmental Planning Policies and s.117 Directions issued by the Director General and includes an evaluation of the proposal against the 'Net Community Benefit Test' criteria established in the draft Centres Policy.

For the reasons outlined above, in our opinion, it would be appropriate for Northern Beaches Council, as the relevant planning authority, to support the Planning Proposal as outlined.

Yours faithfully

**Boston Blyth Fleming Pty Limited**



**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

**Director**

**Attachment 1**

Concept plans



A01

Existing Site Plan

A02

Environmental Controls

A03

Character Perspectives

A04

Interior Perspectives

A05

Site Plan

A06

Lower Ground Floor Plan

A07

First Floor Plan

A08

Elevations

A09

Elevations

A10

Detail Plan - Unit 1

A11

Detail Plan - Unit 4

A12

Detail Plan - Unit 5

A13

Detail Plan - Unit 8

A14

Site Coverage

A15

Aerial View

A16

Materials Board

A17

Waterfront Apartments

A18

Unit 1 View to Water

A19

Unit 3 View to Water

A20

Front Entry View

A21

New into Unit 7

A22

Unit 7 View to Water

A23

SEPP / SPD Compliance Table

A24

Location Plan

A25

Height Unit View - 4.5m

A26

CRYSTAL BAY APARTMENTS

CONCEPT DESIGN

2 & 4 Nooal Street  
& 66 Bardo Road, Newport

Crystal Apartments Pty Ltd

Jul 2017

115 VALHENGIC ROAD  
AVALON BEACH NSW 2137

61 02 9618 1311  
61 02 9618 1392  
www.richardcolearchitects.com.au

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Planning Proposal - 2 and 4 Nooal Street and 66 Bardo Road, Newport - Seniors Housing



Plan - Existing Site  
1:500

Item	Product Description	Price
A	Concept Design/Draw	300,013
D	Product Concept Design	300,017
F	Product Concept Design	300,017
G	Product Concept Design	220,017

19. **SEND MAILING LABELS TO:** **AMC**, **www.amc.com**  
 20. **OR MAIL TO:** **AMC, P.O. Box 10000, Denver, CO 80260**  
 21. **OR FAX TO:** **303.733.1400**  
 22. **OR E-MAIL TO:** **amc@amc.com**  
 23. **OR VISIT:** **www.amc.com**  
 24. **OR CALL:** **1-800-AMC-2345**  
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 99. **OR VISIT:** **www.amc.com**  
 100. **OR VISIT:** **www.amc.com**

**CRYSTAL BAY  
APARTMENTS**  
Crystal Apartments Pty Ltd  
2 & 4 Nicol Street  
& 616 Bards Road, Newport

Existing Site Plan		
Project number	REG	Checked by
Date	July 2017	Scale
Quantity	REG	

## ENVIRONMENT AND ENERGY

### Energy Conservation

#### Passive

The new apartment building has been designed to take advantage of passive solar heating and cooling. The apartments will open to the north and provide thermal mass for direct gain benefits. The construction is insulated cavity brickwork which is efficient in terms of moderating temperature extremes, retaining heat in winter and remaining cool in summer. The design features cross-ventilation to all spaces.

The design of highlight glazing increases sun penetration into the rear upper level apartments. High performance glass will be incorporated to insulate glazed areas during winter nights.

#### Active

##### Solar Panels

Six by 3.0 kilowatt photovoltaic solar systems with mains linked inverters can be incorporated into the design. Each system could incorporate 12 x 250 watt solar panels which would be oriented to the north or west. This system would produce 80% of the average Australian household energy usage and reduce greenhouse gases by 6 tonnes per year.

#### Heating

A gas boosted evacuated tube solar hydronic heating system would be provided for efficient hot water, space and pool heating.

#### Cooling

An efficient packaged unit air conditioning system will be provided to bedrooms and living areas.

#### Solar Hot Water

The design will incorporate gas boosted solar hot water systems integrated with the hydronic system.

#### Water Conservation

Roof water runoff will be collected on site for reuse and connected to rainwater tanks with mains diversion pumps. Water efficient fixtures and fittings will be provided.

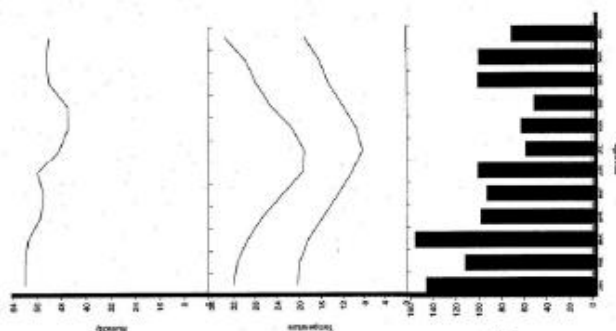
#### Water and sewerage treatment

The building will be connected to the reticulated mains sewer system.

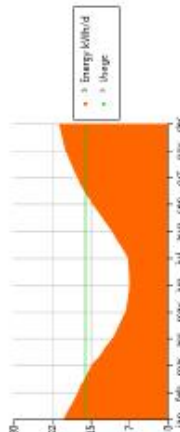
#### Landscape Design

A landscape plan which utilizes locally endemic and drought resistant species will be integrated with the design. Existing street trees will be retained.

**WIND ROSE**  
The arrows indicate the frequency of the wind direction with the longest arrows being the most frequent. The percentages indicate the amount of time the wind is from that direction.



2 MW grid connected solar power system  
Solar Electric Grid System Output



System specifications	2 MW grid connected solar power system
Warranty on Solar Panels	25 years
System annual output	> 4,000 MWh per year
Greenhouse gas emission reduction	> 117 t CO <sub>2</sub> with over warranty period
Expedited annual energy consumption after installation	> 107.12 kWh per year (based on typical office use)
Energy consumption reduction	> 6107.4 kg per year
Approximate cost (including installation)	> 15,000 kg over warranty period
Approximate cost (including installation)	> 24,000 kg over solar panel equivalent lifetime
Approximate cost (including installation)	1142 kWh per year
Approximate cost (including installation)	95.45%
Approximate cost (including installation)	Use our related online building systems. The tool will report in a new window in case you need to enter.
Approximate cost (including installation)	100 to 100,000 Solar Credits
Approximate cost (including installation)	AUD 2,788.08 RECs

NO.	NAME	DATE
1	Crystal Bay	2007/11
2	Crystal Bay	2007/11
3	Crystal Bay	2007/11
4	Crystal Bay	2007/11

NO.	NAME	DATE
1	Crystal Bay	2007/11
2	Crystal Bay	2007/11
3	Crystal Bay	2007/11
4	Crystal Bay	2007/11



www.bostonblythfleming.com.au

02 9518 1410

02 9518 1411

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02 9518 1435





CRYSTAL BAY  
APARTMENTS Pty Ltd  
2 & 4 Nooal Street  
& 66 Bardo Road, Newport

NO.	ITEM	STATUS
1	Crystal Bay Apartments	20/01/17
2	Crystal Bay Apartments	20/01/17
3	Crystal Bay Apartments	20/01/17
4	Crystal Bay Apartments	20/01/17
5	Crystal Bay Apartments	20/01/17
6	Crystal Bay Apartments	20/01/17
7	Crystal Bay Apartments	20/01/17
8	Crystal Bay Apartments	20/01/17
9	Crystal Bay Apartments	20/01/17
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16	Crystal Bay Apartments	20/01/17
17	Crystal Bay Apartments	20/01/17
18	Crystal Bay Apartments	20/01/17
19	Crystal Bay Apartments	20/01/17
20	Crystal Bay Apartments	20/01/17

CRYSTAL BAY APARTMENTS  
2 & 4 NOOAL STREET  
& 66 BARDO ROAD, NEWPORT  
VIC 3206  
PH: 03 9416 1410  
WWW.CRYSTALBAYAPARTMENTS.COM.AU

CRYSTAL BAY APARTMENTS  
2 & 4 NOOAL STREET  
& 66 BARDO ROAD, NEWPORT  
VIC 3206  
PH: 03 9416 1410  
WWW.CRYSTALBAYAPARTMENTS.COM.AU

Character Precedents

Project number	REC	Checked by
100	100	100

Date	Job #	Scale
20/01/17	100	100

Quantity	REC
100	100

CRYSTAL BAY APARTMENTS  
2 & 4 NOOAL STREET  
& 66 BARDO ROAD, NEWPORT



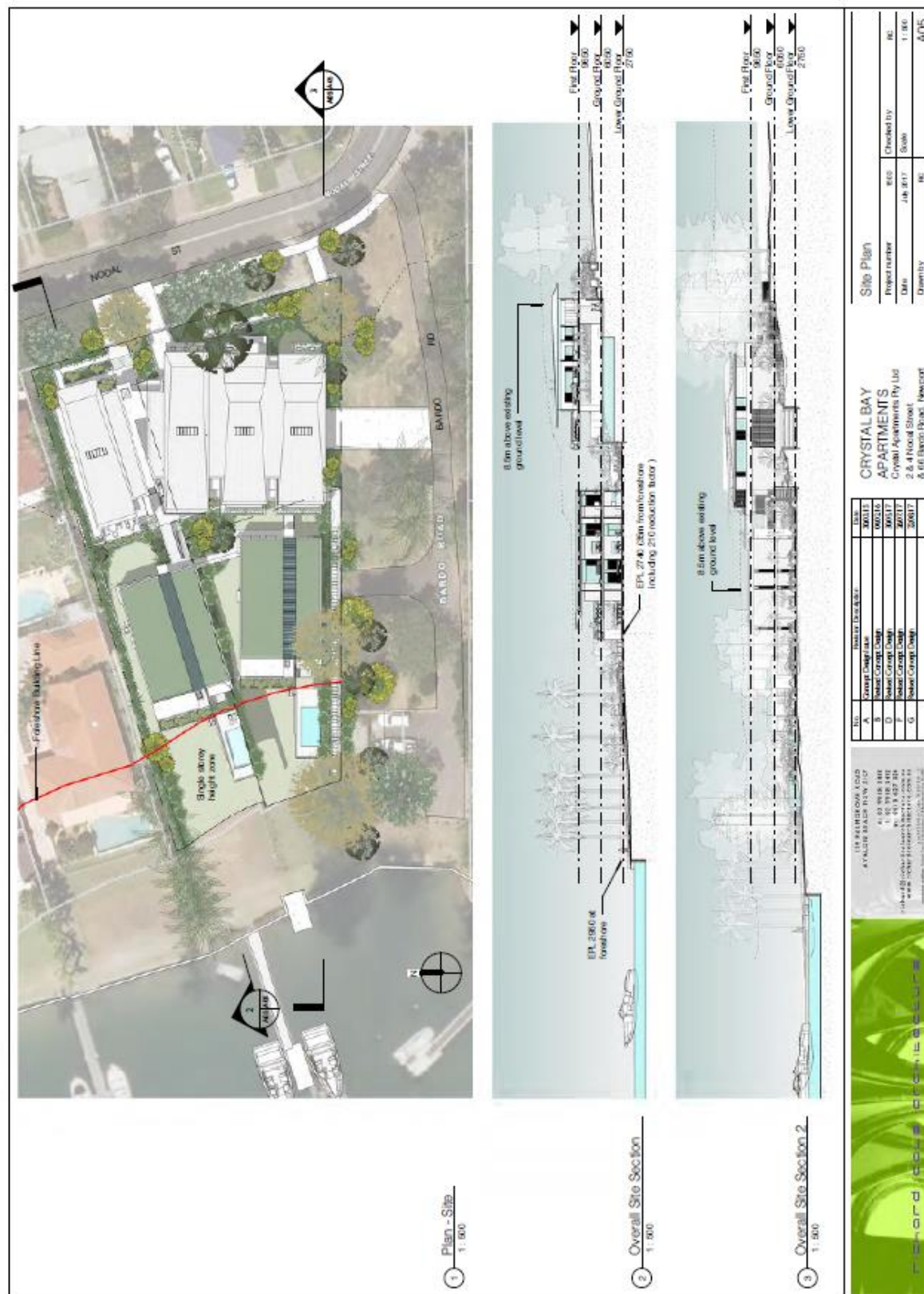
CRYSTAL BAY  
APARTMENTS  
Crystal Apartments Pty Ltd  
2 & 4 Nooal Street  
& 66 Bardo Road, Newport

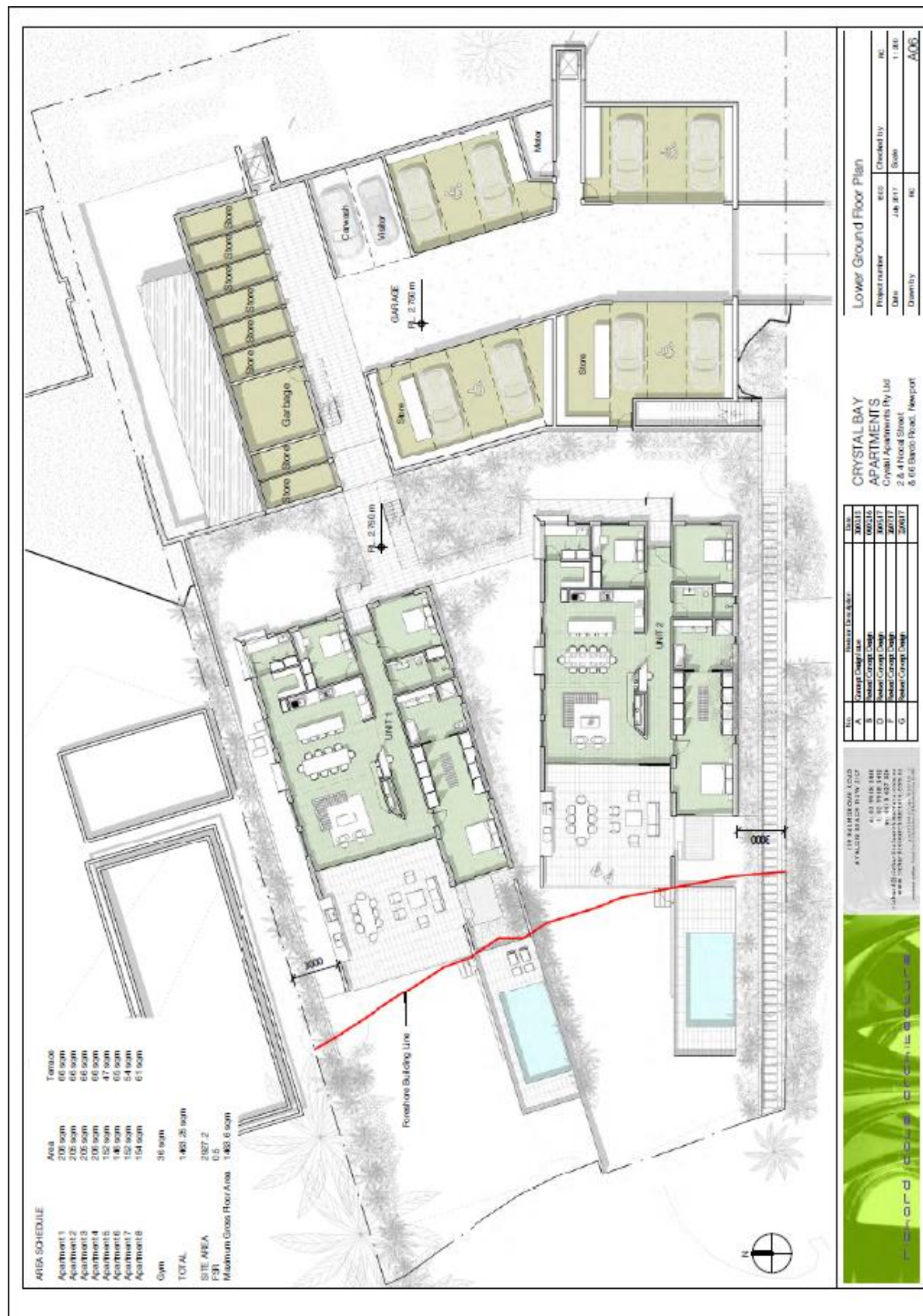
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5	2018/01/01	2018/01/01
6	2018/01/01	2018/01/01
7	2018/01/01	2018/01/01
8	2018/01/01	2018/01/01
9	2018/01/01	2018/01/01
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Interior Procedures

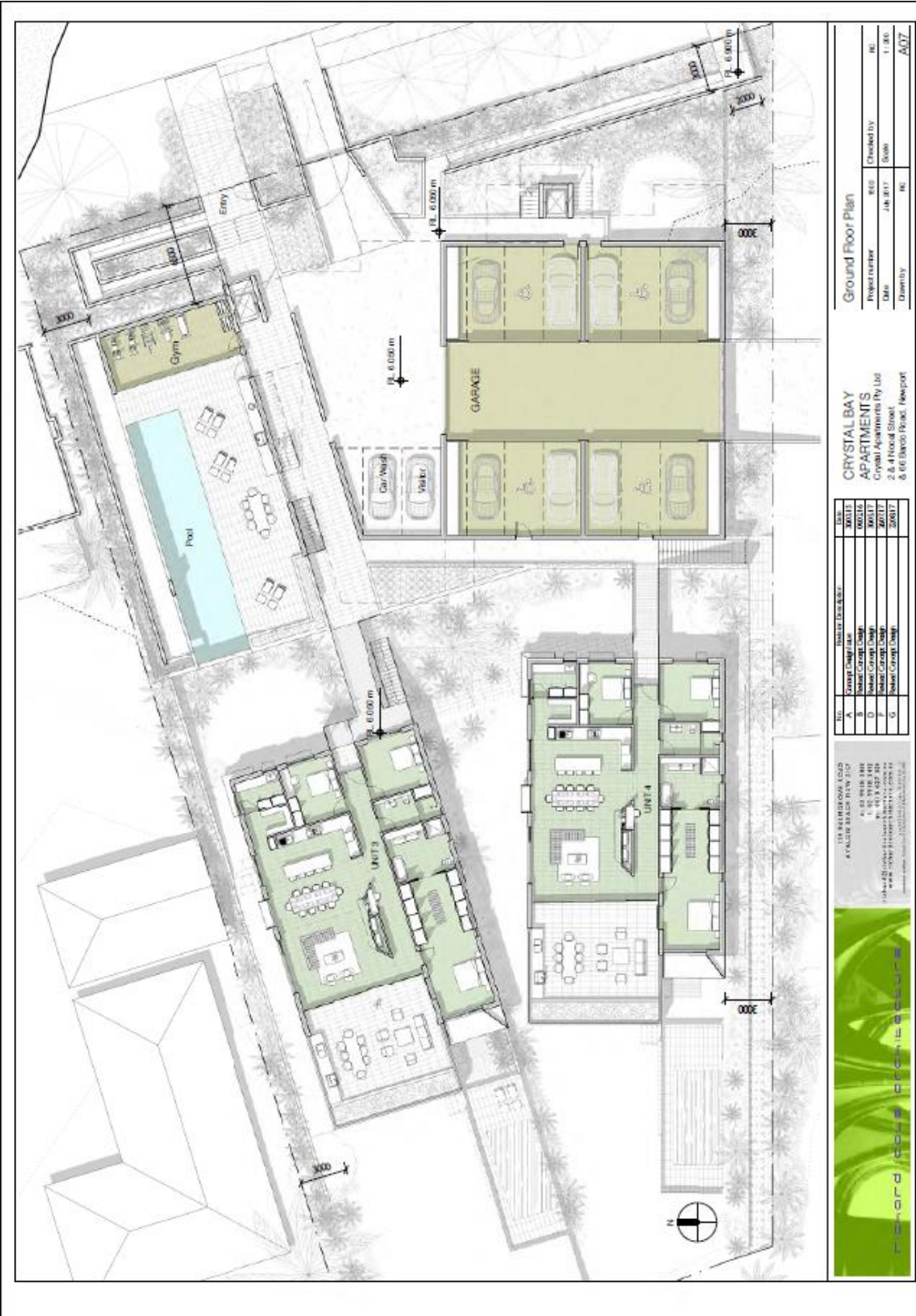
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Date	1.0	1.0	1.0
Quantity	1.0	1.0	1.0







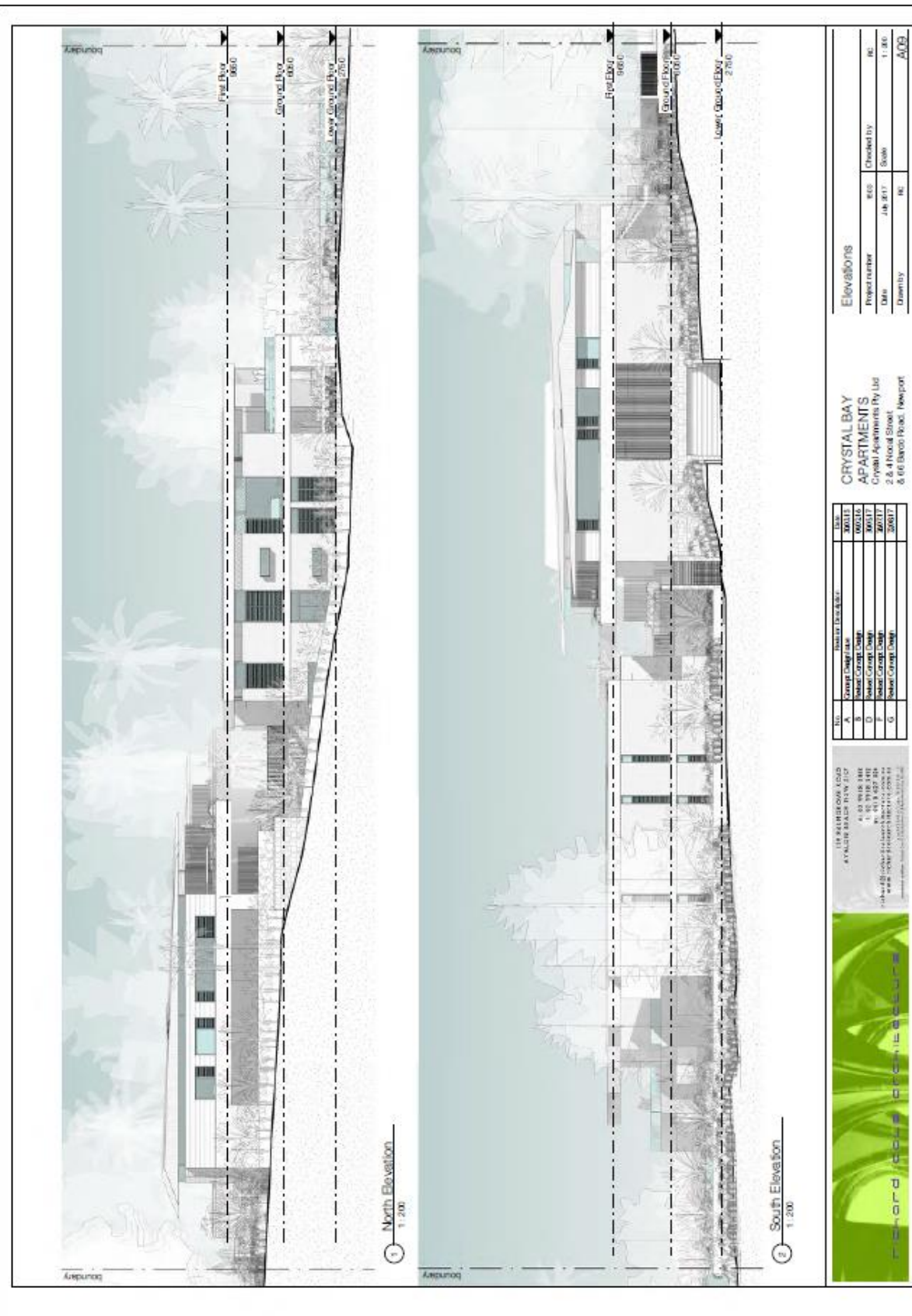




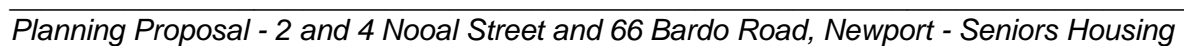
Planning Proposal - 2 and 4 Nooal Street and 66 Bardo Road, Newport - Seniors Housing

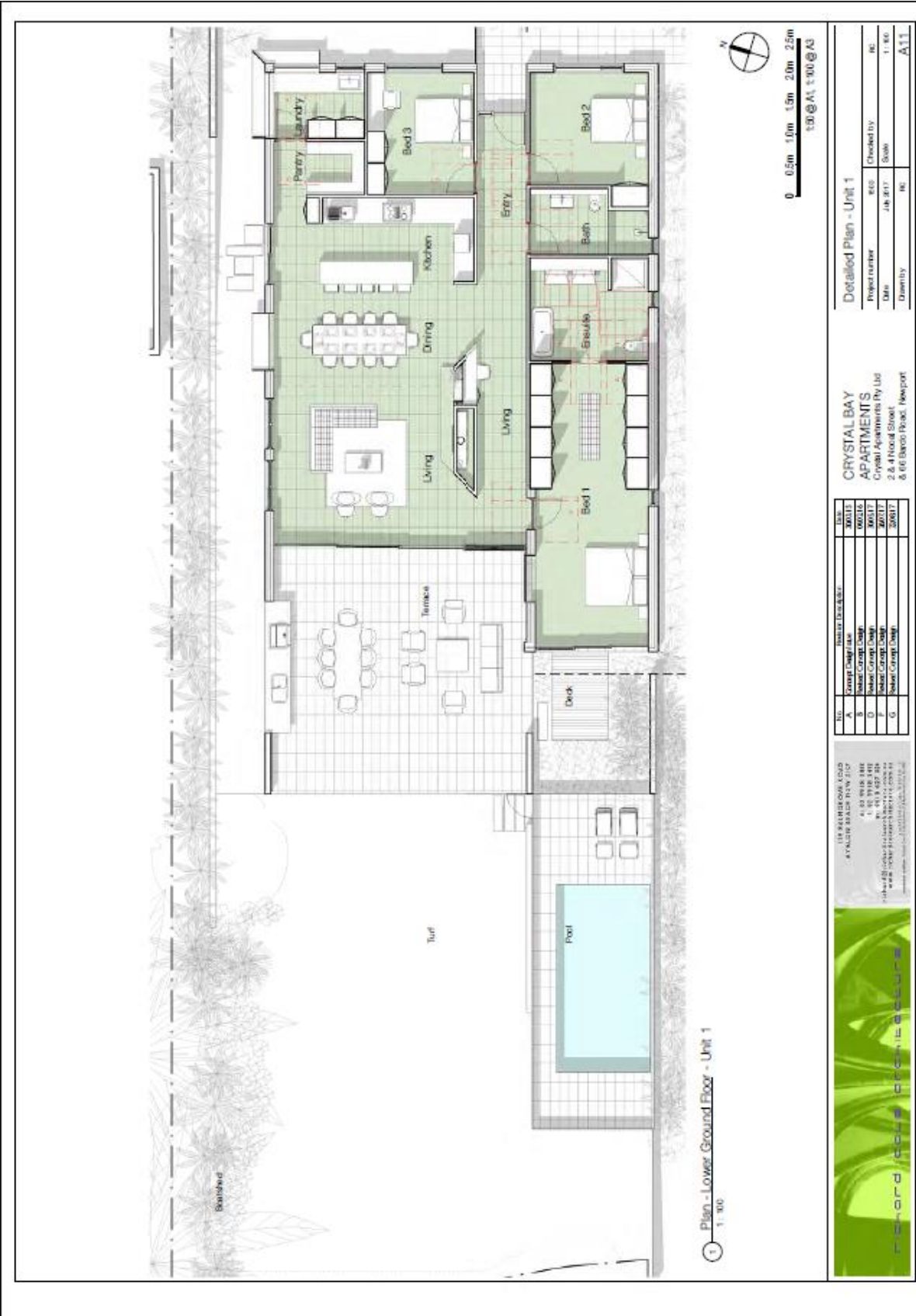


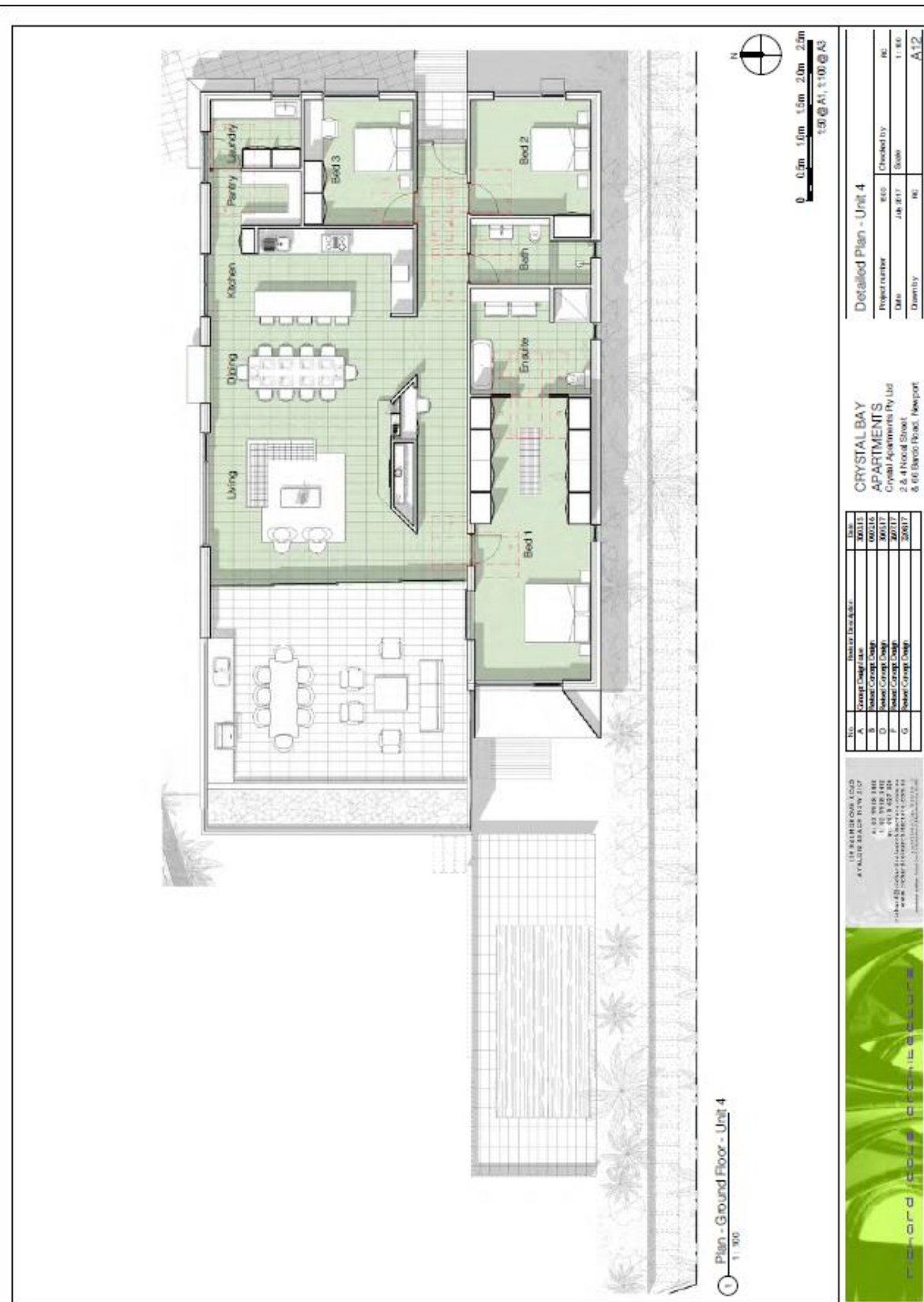




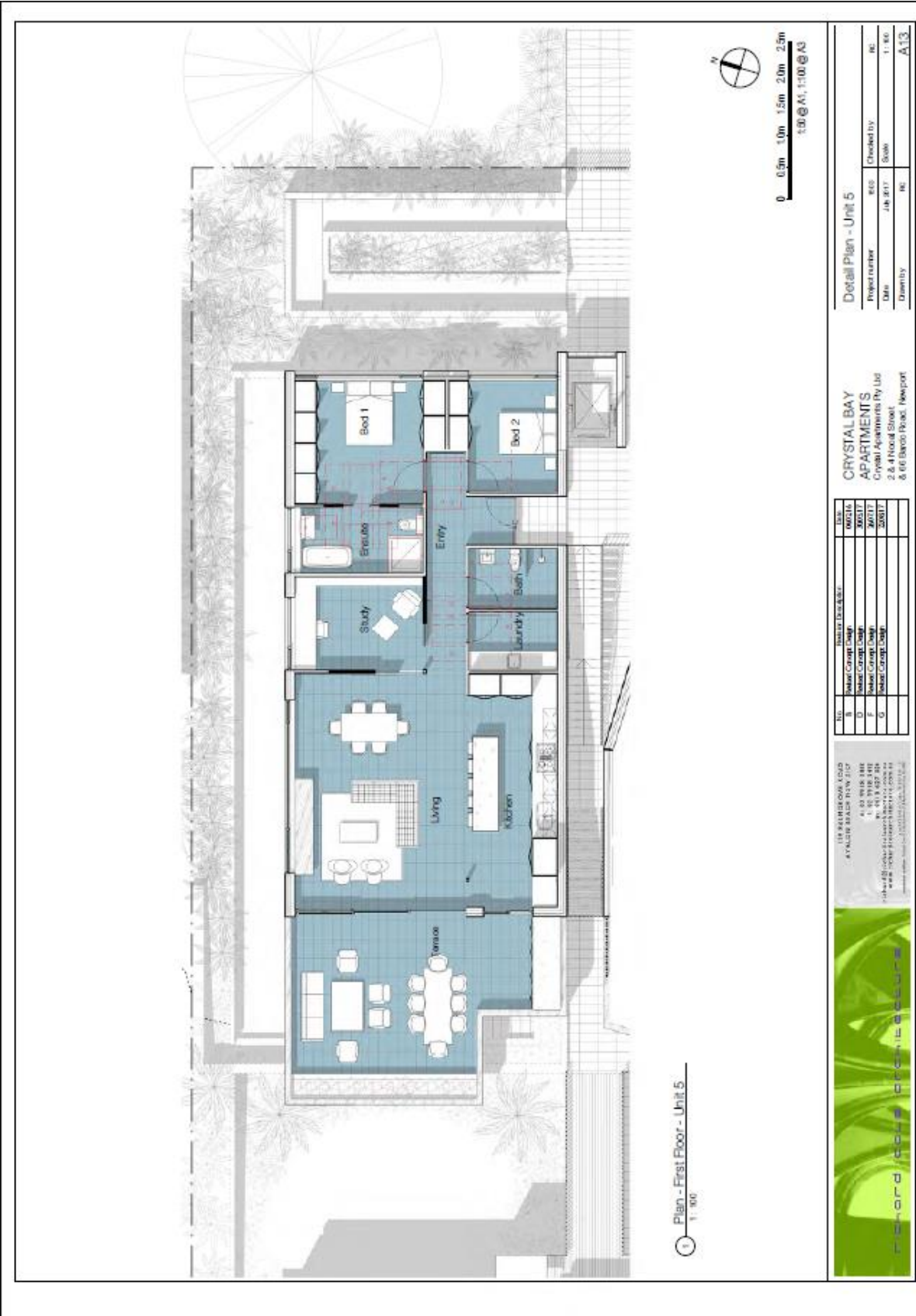


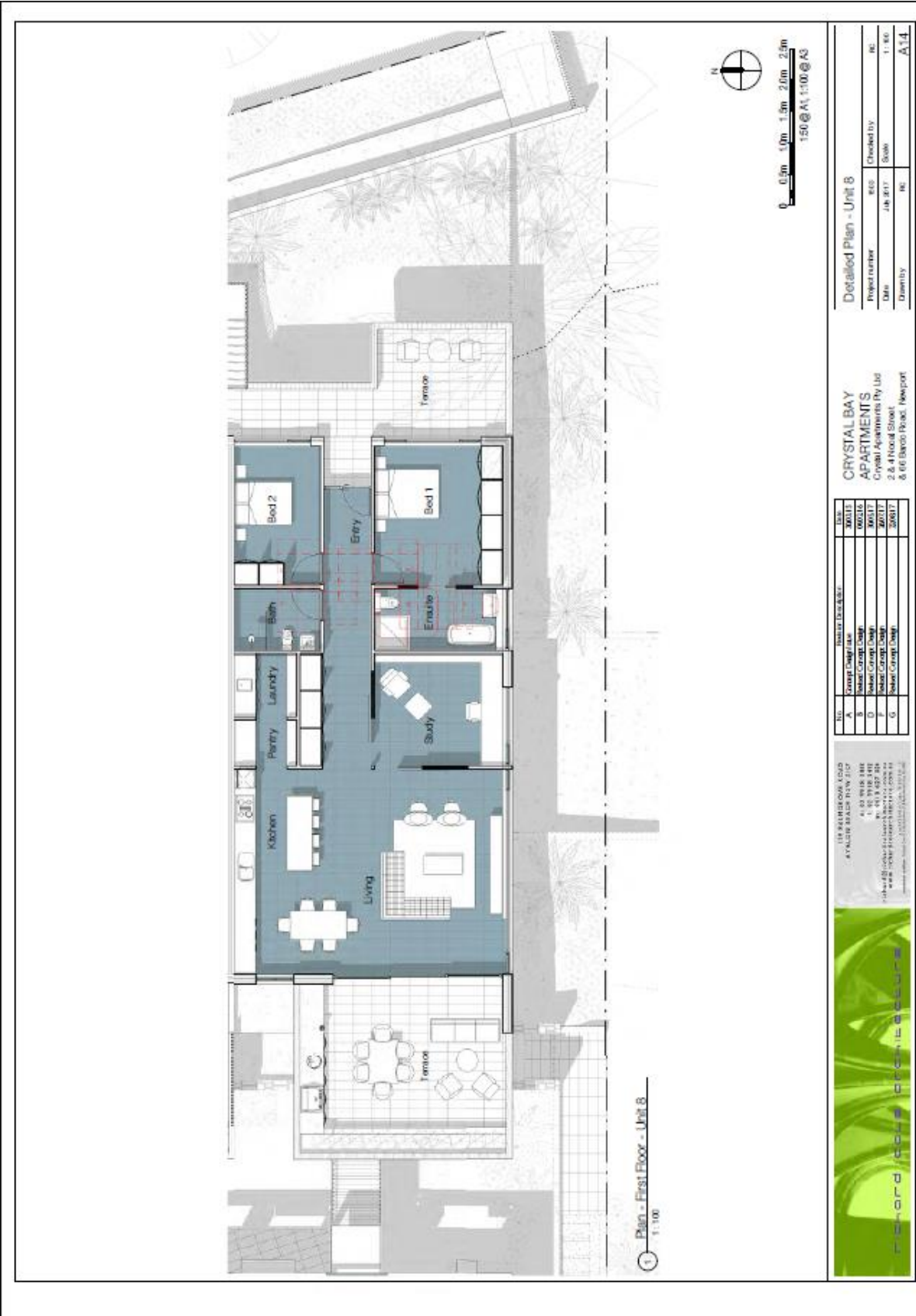
























CRYSTAL BAY  
APARTMENTS  
Crystal Apartments Pty Ltd  
2 & 4 Nooal Street  
& 66 Bardo Road, Newport

NO.	UNIT	STATUS	DATE
A	200115	Sublet Complete	200115
B	200116	Sublet Complete	200116
C	200117	Sublet Complete	200117
D	200118	Sublet Complete	200118
E	200119	Sublet Complete	200119
F	200120	Sublet Complete	200120
G	200121	Sublet Complete	200121

10 BROADWAY, SUITE 101  
ATLANTA, GA 30303  
404.525.1111  
www.bostonblythfleming.com

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ATLANTA, GA 30303  
404.525.1111  
www.bostonblythfleming.com

PROPOSED PROJECT

Waterfront Apartments

Project number	REC	Checked by	REC
100	100	100	100

Date	Job #	Scale	REC
10/1/17	100	100	100

Quantity	REC	REC
100	100	100



UNIT 1 View to Window

Project number	REG	Checked by	HC
Date	Jul 8/17	Scale	
Quantity	HC		A19

CRYSTAL BAY  
APARTMENTS  
Crystal Apartments Pty Ltd  
2 & 4 Nooal Street  
& 66 Bardo Road, Newport

NO.	DATE	REVISION	BY
1	2017/07/08	Initial Design	HC
2	2017/07/10	Revised Design	HC
3	2017/07/10	Revised Design	HC
4	2017/07/10	Revised Design	HC

CRYSTAL BAY APARTMENTS  
2 & 4 Nooal Street  
& 66 Bardo Road, Newport  
www.crystalbayapartments.com.au  
08 9448 1111  
08 9448 1111  
08 9448 1111  
08 9448 1111





CRYSTAL BAY  
APARTMENTS  
Crystal Apartments Pty Ltd  
2 & 4 Nooal Street  
& 66 Bardo Road, Newport

NO.	REVISION	DATE	BY
A	Submitted for Council	20/01/17	MB
B	Submitted for Council	20/01/17	MB
C	Submitted for Council	20/01/17	MB
D	Submitted for Council	20/01/17	MB
E	Submitted for Council	20/01/17	MB
F	Submitted for Council	20/01/17	MB
G	Submitted for Council	20/01/17	MB

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ATLANTA, GA 30303  
TEL: 404.525.1111  
FAX: 404.525.1112  
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Front Entry View

Project number	REC	Checked by	MB
Date	Jul 2017	Scale	1:1
Drawn by	MB		AP



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UNIT	TYPE	STATUS	DATE
101	1 BR	Available	10/1/17
102	1 BR	Available	10/1/17
103	1 BR	Available	10/1/17
104	1 BR	Available	10/1/17
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200	1 BR	Available	10/1/17

CRYSTAL BAY  
APARTMENTS  
Crystal Apartments Pty Ltd  
2 & 4 Nooal Street  
& 66 Bardo Road, Newport

View into Unit 7

Project number	800	Checked by	RE
Date	Jul 8 17	State	
Drawn by	RE		A22





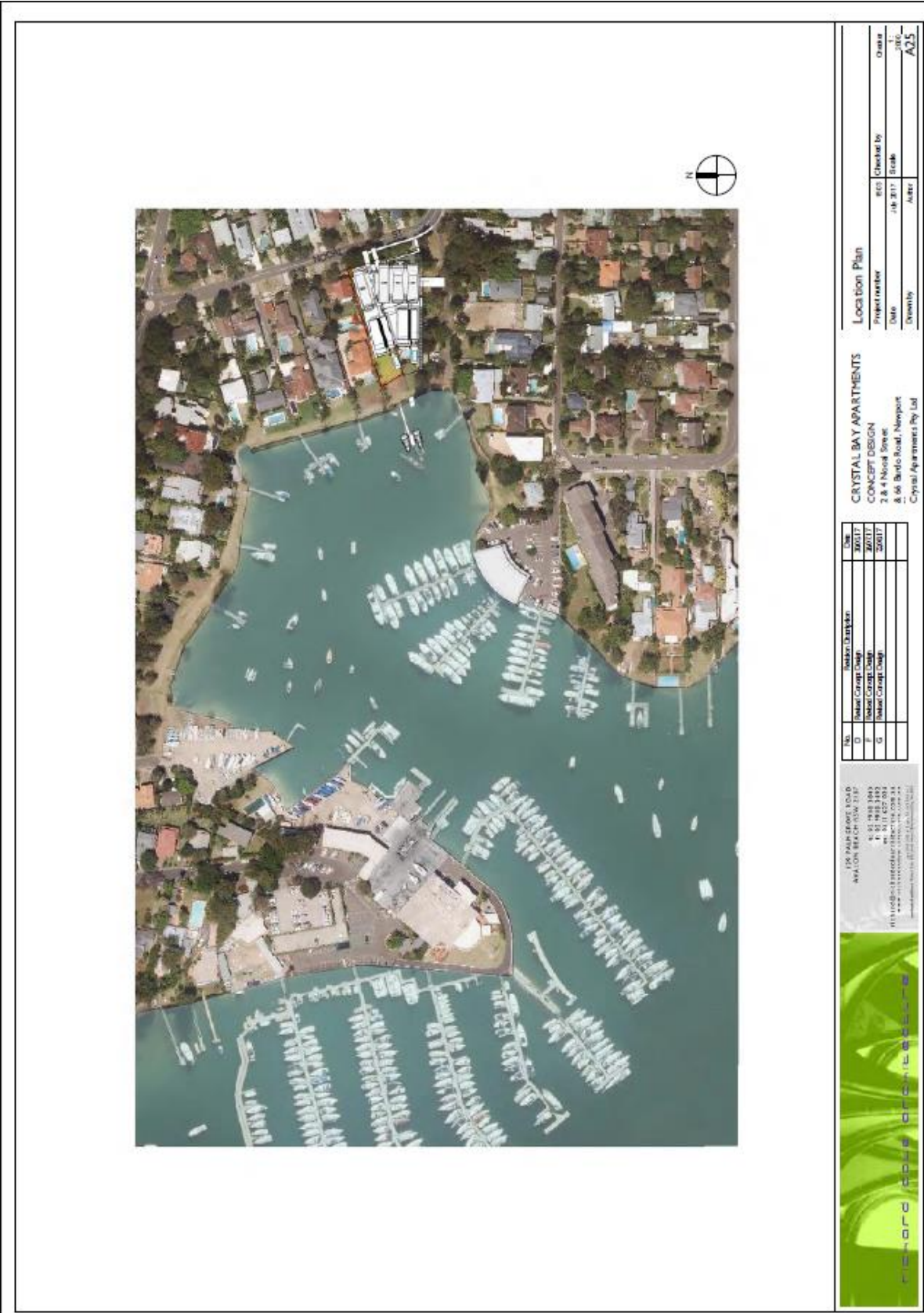
Unit 7 View to Water		
Project number	REG	Checked by
Date	July 2017	Score
Quantity	REG	A-23

**CRYSTAL BAY  
APARTMENTS**  
Crystal Apartments Pty Ltd  
2 & 4 Nicol Street  
& 616 Bards Road, Newport

No.	Software Tools & etc.	Date
A	Storyboard Design	2003.11
B	Storyboard Concept Design	2003.11
F	Storyboard Concept Design	2003.11
G	Storyboard Concept Design	2003.11

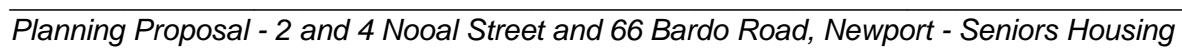
[illegible]

<p><b>BUILDING HEIGHT</b> SEPP STANDARD: If all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument development to 2 storeys)</p> <p>UNIT 1 - COMPLES UNIT 2 - COMPLES UNIT 3 - COMPLES UNIT 4 - COMPLES UNIT 5 - COMPLES UNIT 6 - COMPLES UNIT 7 - COMPLES UNIT 8 - COMPLES</p> <p><b>COMPLES</b></p>	<p><b>BUILDING HEIGHT</b> M17 M1751 DCP: 8.5 metres or less in height</p> <p>UNIT 1 - COMPLES UNIT 2 - COMPLES UNIT 3 - COMPLES UNIT 4 - COMPLES UNIT 5 - COMPLES UNIT 6 - COMPLES UNIT 7 - COMPLES UNIT 8 - COMPLES</p> <p><b>COMPLES</b></p>	<p><b>SOLAR ACCESS</b> SEPP STANDARD: If living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter</p> <p>UNIT 1 - COMPLES UNIT 2 - COMPLES UNIT 3 - COMPLES UNIT 4 - COMPLES UNIT 5 - COMPLES UNIT 6 - COMPLES UNIT 7 - COMPLES UNIT 8 - COMPLES</p> <p><b>COMPLES</b></p>	<p><b>PART 4 DEVELOPMENT STANDARDS TO BE COMPLIED WITH</b> DIVISION 1 GENERAL Development Standards - minimum size and building height</p> <p><b>Site Size</b> The size of the site must be at least 1000 square metres <b>COMPLES</b></p> <p><b>Site Footprint</b> The site footprint must be at least 20 metres wide measured at the building line <b>COMPLES</b></p> <p><b>Height</b> The height of all buildings in the proposed development must be 8 metres or less (over building height section of the table) <b>COMPLES</b></p> <p><b>Height</b> The height of all buildings in the proposed development must be 8 metres or less (over building height section of the table) <b>COMPLES</b></p>	<p><b>DENSITY AND SCALE</b> SEPP STANDARD: If the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less</p> <p>Area UNIT 1 205 sqm UNIT 2 205 sqm UNIT 3 205 sqm UNIT 4 205 sqm UNIT 5 205 sqm UNIT 6 205 sqm UNIT 7 205 sqm UNIT 8 205 sqm Gym 30 sqm TOTAL 1463.25 sqm</p> <p>Site Area FBI 2637.2 Minimum Gross Floor Area 1463.6 sqm</p> <p><b>COMPLES</b></p>	<p><b>PRIVATE OPEN SPACE</b> SEPP STANDARD: In the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15sqm of private open space per dwelling is provided and of this private open space, one area is not less than 3m wide by 3m long and is accessible from a living area located on the ground floor.</p> <p>In the case of any other dwelling, there is a balcony with an area of not less than 10sqm (or 8sqm for a 1 bedroom dwelling that is not less than 2m in either length or depth and that is accessible from a living area)</p> <p>PRIVATE OPEN SPACE UNIT 1 66 sqm UNIT 2 66 sqm UNIT 3 66 sqm UNIT 4 66 sqm UNIT 5 66 sqm UNIT 6 66 sqm UNIT 7 66 sqm UNIT 8 66 sqm</p> <p><b>COMPLES</b></p>	<p><b>PRIVATE OPEN SPACE</b> SEPP STANDARD: In the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15sqm of private open space per dwelling is provided and of this private open space, one area is not less than 3m wide by 3m long and is accessible from a living area located on the ground floor.</p> <p>In the case of any other dwelling, there is a balcony with an area of not less than 10sqm (or 8sqm for a 1 bedroom dwelling that is not less than 2m in either length or depth and that is accessible from a living area)</p> <p>PRIVATE OPEN SPACE UNIT 1 66 sqm UNIT 2 66 sqm UNIT 3 66 sqm UNIT 4 66 sqm UNIT 5 66 sqm UNIT 6 66 sqm UNIT 7 66 sqm UNIT 8 66 sqm</p> <p><b>COMPLES</b></p>	<p><b>SOLAR ACCESS</b> SEPP STANDARD: If living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter</p> <p>UNIT 1 - COMPLES UNIT 2 - COMPLES UNIT 3 - COMPLES UNIT 4 - COMPLES UNIT 5 - COMPLES UNIT 6 - COMPLES UNIT 7 - COMPLES UNIT 8 - COMPLES</p> <p><b>COMPLES</b></p>	<p><b>LANDSCAPED AREA &amp; DEEP SOIL ZONES</b> SEPP STANDARD: A minimum of 30% of the area of the site is to be landscaped &amp; in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which the Policy applies) that is not built on, paved or otherwise sealed, there is soil of sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres.</p> <p>TOTAL SITE AREA 2,827.2 sqm REQUIRED LANDSCAPED AREA SEPP 30% 876.16 sqm REQUIRED LANDSCAPED AREA DCP 60% 1756.32 sqm REQUIRED DEEP SOIL PLANTING AREA 15% 439.08 sqm PROPOSED DEEP SOIL PLANTING 38.4% 1154.7 sqm ADDITIONAL LANDSCAPED AREA 0.7% 192.2 sqm GROUND LEVEL PATHS &amp; RECREATION AREAS 28.8% 812.2 sqm TOTAL PROPOSED LANDSCAPED AREA 63.9% 1871.1 sqm</p> <p><b>COMPLES</b></p>	<p><b>PARKING</b> SEPP STANDARD: If the parking is provided, 0.5 car spaces per each bedroom where the development application is made by a person other than a social housing provider</p> <p>UNIT 1 - 3 bedrooms min. 1.5 car spaces UNIT 2 - 3 bedrooms min. 1.5 car spaces UNIT 3 - 3 bedrooms min. 1.5 car spaces UNIT 4 - 3 bedrooms min. 1.5 car spaces UNIT 5 - 2 bedrooms min. 1 car space UNIT 6 - 2 bedrooms min. 1 car space UNIT 7 - 2 bedrooms min. 1 car space UNIT 8 - 2 bedrooms min. 1 car space</p> <p>TOTAL REQUIRED CAR SPACES: 10</p> <p>TOTAL CAR SPACES PROVIDED: 28 16 non-disabled car spaces 8 disabled car spaces 2 car wash spaces 2 visitor spaces</p> <p><b>COMPLES</b></p>	<p><b>PARKING</b> SEPP STANDARD: If the parking is provided, 0.5 car spaces per each bedroom where the development application is made by a person other than a social housing provider</p> <p>UNIT 1 - 3 bedrooms min. 1.5 car spaces UNIT 2 - 3 bedrooms min. 1.5 car spaces UNIT 3 - 3 bedrooms min. 1.5 car spaces UNIT 4 - 3 bedrooms min. 1.5 car spaces UNIT 5 - 2 bedrooms min. 1 car space UNIT 6 - 2 bedrooms min. 1 car space UNIT 7 - 2 bedrooms min. 1 car space UNIT 8 - 2 bedrooms min. 1 car space</p> <p>TOTAL REQUIRED CAR SPACES: 10</p> <p>TOTAL CAR SPACES PROVIDED: 28 16 non-disabled car spaces 8 disabled car spaces 2 car wash spaces 2 visitor spaces</p> <p><b>COMPLES</b></p>	<p><b>SCHEDULE STANDARDS CONCERNING ACCESSIBILITY AND QUALITY OF ENVIRONMENT</b> PART 1 Standards applying to hotels and self-contained dwellings <b>COMPLES WITH ALL</b></p> <p>PART 2 Additional standards for self-contained dwellings <b>COMPLES WITH ALL</b></p>	<p><b>CRYSTAL BAY APARTMENTS</b> CONCEPT DESIGN 2 &amp; 4 Nooal Street 8, 66 Bardo Road, Newport Crystal Apartments Pty Ltd</p>	<p><b>SEPP HSFD Compliance Table</b></p> <p>Project number: 1003 Date: 10/10/17 Scale: A24</p>	<p><b>SEPP HSFD Compliance Table</b></p> <p>Project number: 1003 Date: 10/10/17 Scale: A24</p>
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Planning Proposal - 2 and 4 Nooal Street and 66 Bardo Road, Newport - Seniors Housing





## **Attachment 2**

Correspondence from the Department of Planning and Environment



Mr Greg Boston  
Director  
Boston Blyth Fleming Town Planners  
Suite 1, 9 Narabang Way  
Belrose NSW 2085

16/09384

Dear Mr Boston

Thank you for your letter to the Executive Director Regions, Department of Planning and Environment, regarding the permissibility of seniors housing on land now zoned E4 Environmental Living under *Pittwater Local Environmental Plan 2014* (PLEP). The Executive Director has asked me to reply on his behalf.

I understand that *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP) previously applied to certain land, including the subject sites in Pittwater zoned 2(a) Residential under PLEP 1993. I note that the sites are now zoned E4 Environmental Living under PLEP 2014.

Clause 4(6)(a) of the SEPP excludes land described in Schedule 1 Environmentally Sensitive Land. Schedule 1 of the SEPP states that "land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions" includes environment protection.

The Department's investigations suggest that land in zone E4 Environmental Living of PLEP 2014 falls within a description of "environmental protection" for the purpose of Schedule 1 of the SEPP. This is supported by the E4 zone being listed under the "Environment Protection Zones" heading in the LEP. Further, the Department notes that the objectives of the E4 zone, which include ensuring that residential development has a low-impact on special ecological values, is a similar description to "environment protection".

As a result, it is the Department's view that the site is excluded from the application of the SEPP and development for the purposes of seniors housing is not permissible.

The Department suggests that options to permit seniors housing on the subject sites include making an amendment to PLEP 2014 to permit seniors housing as an additional permitted use under Schedule 1 of the LEP. An alternative is to rezone the subject sites to a zone which permits seniors housing under the LEP or a zone that is considered land zoned primarily for urban purposes under the SEPP. I encourage you to discuss these options, and suitability for application to the subject sites, with Northern Beaches Council to understand their position on this matter.

If you have any further questions regarding this matter, please contact Ms Lauren Templeman of the Department's Sydney Region East section on (02) 9228 6590.

Yours sincerely

 9/8/16  
**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**

### **Attachment 3**

Extract from Pittwater Council Community Engagement Outcomes Report



No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
7	<p>We don't agree with the Proposed zone "E4 Environmental Living" for our Property 20 Beaconsfield Street, Newport. The reasons are:</p> <ul style="list-style-type: none"> <li>- There is a large and ugly looking block of home units at the back side of our property located.</li> <li>- Our property is close to public transport and the shops.</li> <li>- We own a large block of land.</li> <li>- Dual occupancy is and should be in future entirely appropriate in this area.</li> <li>- The intended zoning is a clear reduction of the value of the properties.</li> <li>- Neighbors have already got good offers from developers.</li> <li>- We see no environmental attributes worthy of retention in this special area."</li> </ul>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> <li>- Residential properties which are entirely or partly within 50 metres of the Foreshore; or</li> <li>- Residential properties all or part of which are within 100 metres of a ridge line; or</li> <li>- Residential properties all or part of which have a slope in excess of 20%; and</li> </ul>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>– All residential parts of the Western Foreshores and Scotland Island.</p> <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land &amp; Property Information Division of the NSW Department of Finance &amp; Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p>

**Attachment 4**

Correspondence from Minister for Planning



**Rob Stokes**  
Minister for Planning

Mr John Holman  
Warringah Urban Fringe Association  
PO Box 125  
Belrose NSW 2085

15/10882

Dear Mr Holman *John,*

Thank you for writing to me about our meeting on 24 June 2015 regarding Oxford Falls Valley and Belrose North.

I am aware there are a number of matters that require further consideration in progressing Council's planning proposal and I have since met with Council in this regard. I am however confident that an appropriate planning outcome can be achieved and have requested the Department to continue working with Council and the community.

To progress the matter, I make the following comments below.

The amendment to Warringah LEP 2011 is to be a translation of Warringah LEP 2000. The principle I have asked the Department to work to in considering the Gateway determination is that currently permissible uses will continue to be permissible under the new zoning. This relates to Category 1 and Category 2 uses under the Warringah LEP 2000 not Category 3 uses.

In relation to seniors housing, the Department of Planning and Environment has agreed that where *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP) currently applies, seniors housing will continue to be permissible. To do this, the Department will identify all properties where the SEPP currently applies, including that land currently proposed to be zoned E3 or E4 (or any other zone) by the Council planning proposal.

It is not proposed to extend the permissibility of seniors housing to any new land through this planning proposal. This is consistent with the principle of translation which informs this LEP amendment.

However, the actual zone to be used for any land will be a matter for Council to determine in accordance with the Gateway determination and established policies and guidelines.

The Department will also engage an ecological consultant to review the suitability of the land that is proposed by Council to be E4 Environmental Living. This offer is not extended to other proposed zonings under this amendment, including land proposed to be zoned E3 Environmental Management. This is because the E4 zone was suggested by the Department for consideration as a suitable zone, and not by the Council.

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Level 15, 52 Martin Place, Sydney NSW 2000  
Phone: (61 2) 8574 6707 Fax: (61 2) 9339 5554 Email: [office@stokes.minister.nsw.gov.au](mailto:office@stokes.minister.nsw.gov.au)



The Department will liaise with Warringah Urban Fringe Association (WUFA) and Council on the criteria that will be used to assess the characteristics of properties in determining an appropriate zone. This will include a combination of desktop analysis, contemporary mapping and ground truthing.

The Department agrees to settle the scope and methodology of the ecological study in consultation with WUFA and Council.

The Department understands that WUFA needs to have confidence in the consultant undertaking this work. If WUFA or the Council remains dissatisfied with the approach proposed by the Department's consultant, then the Department will retain another consultant agreed by the parties.

The Oxford Falls and Belrose North areas represent an important locality within the Warringah local government area. I expect that through this planning process, a balanced approach will be achieved between planning for its future uses and protecting the environmentally sensitive assets of the area. I encourage WUFA to continue liaising with the Department and Council.

If you have any further enquiries, please contact Mr Simon Manoski, Acting General Manager, Metropolitan at the Department on (02) 9228 6565.

Yours sincerely



**Rob Stokes**  
**Minister for Planning**



**Attachment 5**

Beaches Council pre-lodgement meeting minutes

**NORTHERN BEACHES  
COUNCIL**

northernbeaches.nsw.gov.au

22 February 2017

Greg Boston  
Boston Blyth Fleming Town Planners  
Suite 1  
9 Narabang Road  
Belrose NSW 2085

Dear Greg,

**Re: 66 Bardo Road and 2-4 Nooal Street, Newport – Seniors Housing**Permissibility

Following our prelodgement meeting on 12 January 2017, we have investigated the matter of the permissibility of Seniors Housing in the E4 zone and wish to advise that we concur with the advice of the Department of Planning and Environment set out in its letter to you dated 9 August 2016 that the site is excluded from the application of the SEPP (Housing for Seniors or People with a Disability).

Planning Proposal

The options raised and discussed at the prelodgement meeting are considered high risk and not supported by Council.

The practice of spot rezoning (either change of zoning or additional permitted uses for a single site) is generally not supported by Council, unless there is a compelling case in support of it.

Regardless of the attributes of the site and the nature, scale and likely impact of a proposed development, the planning controls which have been in place both in the superseded and current LEP have engendered long-held community expectations that only low density residential development such as dwelling houses and secondary dwellings will occur in this location.

A planning proposal to rezone the site or provide for additional permitted uses would require appropriate justification, including demonstrating strategic and site-specific merit.

Furthermore, a planning proposal to rezone the site to R2 (Low Density), wherein Seniors Housing remains a prohibited use in the Table of Zones, carries with it the possibility that the SEPP may still not apply, given that there are other LEP provisions which may identify the land as Environmentally Sensitive Land

Estuarine Hazard

Notwithstanding the above advice, we are able to provide the following details regarding the Estuary Planning Level (EPL).

1 Belgrave Street  
Manly NSW 2095  
ABN 57 284 295 198  
t. 02 9976 1500 f. 02 9976 1400

Civic Centre, 725 Pittwater Road  
Dee Why NSW 2099  
ABN 57 284 295 198  
t. 02 9942 2111 f. 02 9971 4522

Village Park, 1 Park Street  
Mona Vale NSW 2103  
ABN 57 284 295 198  
t. 02 9970 1111 f. 02 9970 1200

-2-

The site is identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3 Estuarine Hazard controls will apply to any proposed development.

Without the benefit of survey, the foreshore edge treatment type appears to be a vertical stone seawall with a crest height at or about RL 1.5m AHD. As such, in accordance with Council's Estuarine Hazard Mapping for Pittwater (2015), an EPL of RL 2.45m AHD would apply to the site. A reduction factor (RF) to the EPL based upon the distance of proposed development from the foreshore edge may also apply. The reduction equates to 0.03m for every 5.0m distance from the foreshore edge up to a maximum reduction of 0.21m at a distance of 35.0m, beyond which no further reduction applies.

If development for a 'vulnerable use' purpose as defined in 7.4(3) of the LEP is proposed, an EPL based upon the 2100 sea level rise scenario will apply. The EPL for the 2100 SLR scenario at the site is RL 2.95m AHD, to which the same reduction factor calculation applies.

The EPL provided above is indicative only and may be subject to revision based upon any additional information lodged in support of a development application for the site.

Please do not hesitate to contact me if you wish to discuss the matters outlined in this letter.

Yours sincerely

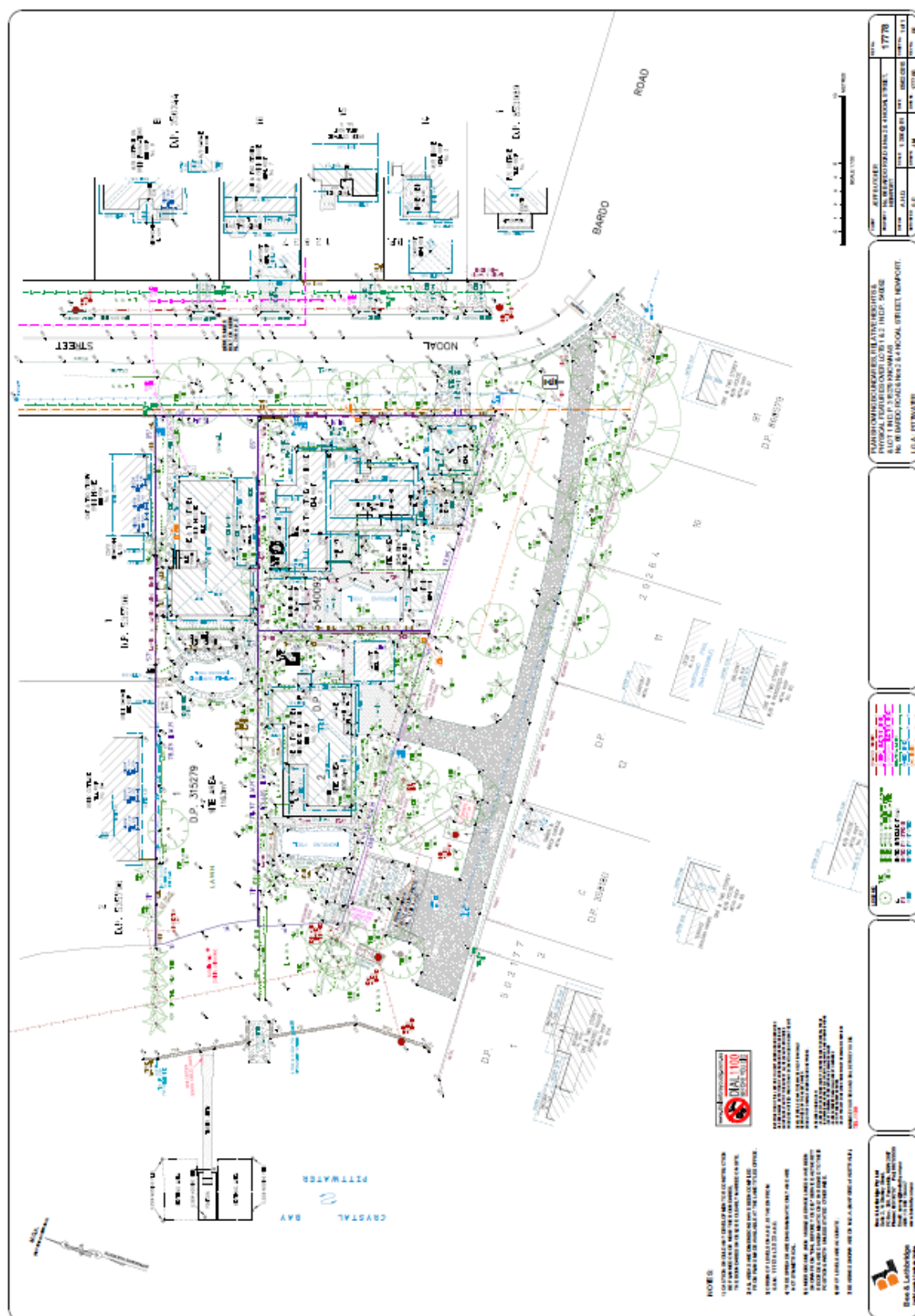


Anne-Maree Newbery  
Principal Officer – Strategic

## **Attachment 6**

### Site Survey





**Attachment 7**

Site Accessibility Report, dated 17<sup>th</sup> August 2017, prepared by Accessibility  
Solutions (NSW) Pty Limited



## **ACCESS REPORT SITE ACCESSIBILITY**

**2 & 4 NOOAL STREET &  
66 BARDO ROAD  
NEWPORT**

**HOUSING FOR SENIORS OR  
PEOPLE WITH A DISABILITY**

Prepared by Mark Relf

17<sup>th</sup> August 2017

Accessibility Solutions (NSW) PTY LTD ABN 20 105 200 128 | 20 Begonia Street PAGEWOOD 2035  
Tel: 9695-1940 | Fax: 9695-1906 | Mob: 0417-467-007 | Email: markrelf@bigpond.com



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2-4 NOOAL STREET & 66 BARDO ROAD, NEWPORT

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## Site Accessibility Assessment Report

### 2 & 4 NOOAL STREET & 66 BARDO ROAD, NEWPORT

#### Development Summary

The following report has been prepared to assess the suitability of a site to establish a seniors housing development at 2-4 Nooal Street and 66 Bardo Road, Newport under the State Environment Planning Policy – Housing for Seniors Policy.

The Seniors Housing development will propose self-contained dwellings with basement parking, pedestrian accessways and associated landscaping.

#### Assessment Criteria

In review of the site and proposed development this assessment considers whether the proposed development will provide appropriate access to public transport, shops and services in accordance with:

- (a) Clauses 26 and 38 of the Housing for Seniors Policy concerning access to transport, shops and services.

Documents relied upon for this assessment include:

Dwg No.	Issue	Description
17778 B	00	Site Survey 66 Bardo Road & 2 & 4 Nooal Street Newport
17778 C Sheet 1	00	Plan – Pedestrian Verge Levels from Nooal Street to bus stop in Gladstone Street, Newport
17778 C Sheet 2	00	Long Section – Pedestrian Verge Levels from Nooal Street to bus stop in Gladstone Street, Newport



## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

**Access Assessment***Site access and on-site pathways**View of the site adjoining Nooal Street and Bardo Road***1.1 Site Access - Continuous Accessible Paths of Travel**

The development of the subject site will propose the construction of several self-contained dwellings with below ground parking and an accessible site entrance from Nooal Street into the site.

The pedestrian entry point to the site would occur in the south-east corner of the aggregated site boundary @RL6.60 to RL6.90 whereby on-grade access to the verge and a future footpath, which can travel to the Gladstone Street bus stops.

*Nooal Street front boundary and potential site entry access.***1.2 Site Access – Intrasite Pathway Design**

Within the site the survey indicates moderate topographical change from RL6.50 at the front boundary to RL2.50 which can easily accommodate a small scale development that incorporates a lift to access the various levels to satisfy the Housing for Seniors Policy.

## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT



Site Survey

**1.3 Summary**

While the site has 3 to 4 metres of topographical change it is evident that a design can be developed to facilitate continuous accessible paths of travel that enable safe equitable and dignified access from site entrance to common accessways to access all apartments and thereby satisfy D3.2 of the BCA and clauses 38 and Schedule 3, clauses 2 and 3 of the Housing for Seniors Policy.

2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

**Access to Public Transport and Services [Clause 26 & Clause 38(i)]****Accessible facilities and services**

- 2.1 With respect to the location of the development and provision of access to shops and services the following assessment is provided having regard to clauses 26 and 38 (i) of the SEPP HS.

Clauses 26 and 38(i) sets out the following criteria for determining site suitability with respect to access to shops and services.

**Clause 26 - Location and access to facilities**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
- (b) community services and recreation facilities, and
- (c) the practice of a general medical practitioner.

- (2) Access complies with this clause if:

- (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time,

or

- (2) (b) In the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development; and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services; and
- (iii) 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 (and from the public transport services

## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

**Accessible facilities and services**

to the facilities and services referred to in subclause (1)) complies with subclause (3)

- (3) For the purposes of subclause (2)(b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the distance are also acceptable:
- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time;
  - (ii) a gradient of no more than 1:10 for slopes for a maximum of 5 metres at a time;
  - (iii) a gradient of no more than 1:8 for slopes for a maximum of 1.5 metres at a time; or
- (4) For the purposes of subclause (2):
- (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
  - (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.
- (5) In this clause:
- Bank service provider** means a bank, credit union or building society or any post office that provides banking services.

**Clause 38 – Accessibility:**

The proposed development should:

- (i) have obvious and safe pedestrian links from the site that provide access to public transport services and local facilities,

The following assessment has considered the above criteria and provides evidence regarding suitability of the location and surrounding environment.

**Distance to shops and services**

- 2.2 The site is located approximately 1.0 km to the Newport Shopping Centre or 4 kls to Mona Vale or Avalon shopping centres, which provide a wide variety of shops and services.

Therefore the development relies upon the use of public transport to access shops and services as specified by Clause 26 (2)(b) of the SEPP HS, which requires a 400 metre maximum distance from the site to bus stops and upon arriving at a destination a further 400 metres maximum distance to reach the specified services that incorporate pedestrian accessways which are suitable for motorised wheelchair access.

- 2.3 The site is located at approximately 390 to 393 metres to bus stops on Gladstone Street Avenue which are serviced by 4 bus routes regularly by the 188, L88, 190,



## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

L90 services which travel from Palm Beach to the City via Avalon, Newport, Mona Vale, Warriewood, Narrabeen, Dee Why, Brookvale and along Military Road to the City.

These bus routes provide numerous services daily Monday to Friday to shopping centres at each of the above locations.



Site Location Map and pedestrian access to the Gladstone Street bus stops



## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

- 2.4 It is evident that the 390-393 metre distances to public bus transport from the subject site complies with Clause 26(2) of the SEPP HS.

The destination shopping precincts at the abovementioned locations provide a comprehensive range of services to readily satisfy Clause 26(1) and 26(5) of the SEPP HS.

Bus stops within these retail precincts are also located within 400 metres of the required range of services to comply with Clause 26(2) of the SEPP HS.



#### Footpath access to Bus Stops, to shops and services

- 2.5 While King Street and Gladstone Street provide appropriate footpath access to the bus stops it is evident that a footpath is required from the subject site along Bardo Road to the King Street intersection to enable a continuous accessible path of travel.



Bardo Road to King Street

- 2.6 A site inspection and review of the survey indicates a footpath could be installed with gradients complying with the provisions of Clause 26(3) of the SEPP HS.

## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

- 2.7 The development proposes to install a footpath on Bardo Road from the pedestrian site entrance to King Street to ensure appropriate footpath access consistent with Clause 26(4) of the SEPP HS.
- 2.8 At the intersection of Bardo Road and King Street the existing kerb ramps and roundabout provides a safe crossing point for pedestrians to access the King Street footpath and continue to the Gladstone Street bus services which readily satisfied Clause 38 of the SEPP HS.



- 2.9 The existing footpaths, kerb ramps and pedestrian crossing at Gladstone Street provide appropriate access consistent with Clauses 26(2), 26(3), 26(4) and 38 of the SEPP HS.



Gladstone Street Bus Stops

<b>Summary of Bus Services</b>
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2.10 **Bus Route Frequency**

Generally, the combined bus routes as mentioned above provide over 100 services daily Monday to Friday and a slightly lesser number on Saturday and Sunday.

With respect to requirements of clause 26(2)(b) of the SEPP HS the timetables for **L90, L90, L88, L88**, routes confirms the following for trips to the City via Mona Vale, Dee Why and Warringah Mall;



## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

- a) 20+ services depart from the Gladstone Street bus stop between 8.00am and noon Mon–Fri travelling to Mona Vale, Dee Why, Warringah Mall and the City; and
- b) 25+ return services to the bus stop between noon and 6.00pm from Mona Vale, Dee Why, Warringah Mall and the City.
- 2.11 The same **L90, I90, L88, I88** bus services departing from Gladstone Street to Newport, Avalon and Palm Beach provide at least 15 services between 8.00am and noon and 20 return services between noon and 6.00pm Monday to Friday to comply with clause 26(2)(b) of the SEPP HS.
- 2.12 The timetables also confirm that many of the abovementioned bus routes provide services on Saturday and Sunday to ensure a comprehensive array of public transport. A small sample of the timetables are attached at Appendix A of this report to illustrate the above frequencies.
- Overall, the abovementioned services provide an appropriate range of services and choice of destinations to access a wide range of shops and services to satisfy clause 26 (2)(a) and (b) of the SEPP HS.

<b>Scope and adequacy of retail and community services</b>
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- 2.13 **Destination Accessibility** – With respect to the accessibility of destination bus stops and access to shops and services this assessment confirms appropriate access in accordance with Clauses 26(2)(3)(4) and 38(i) of the SEPP HS at
- Avalon
  - Newport
  - Mona Vale
  - Warriewood and Narrabeen
  - Dee Why, Collaroy and Long Reef
  - Brookvale including Warringah Mall and
  - City (Wynyard) and route L87 to North Sydney.
- 2.14 **Avalon Shopping Centre** is located on Avalon Parade and Old Barrenjoey Road approximately 50-350 metres from the bus stops and there is a signalised pedestrian crossing, footpaths and kerb ramps which provide appropriate access to access shops and services in accordance with Clauses 26(2)(3)(4) and 38(a) of the SEPP HS.
- 2.15 **Newport Shopping Centre** is located on Barrenjoey Road approximately 50-350 metres from the bus stops and there is a signalised pedestrian crossing, footpaths and kerb ramps which provide appropriate access to access shops and services in accordance with Clauses 26(2)(3)(4) and 38(a) of the SEPP HS.
- 2.16 **Mona Vale Shopping Centre** is located on Pittwater and Barrenjoey Roads approximately 50-350 metres from the bus stops and there is a signalised pedestrian



## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

- crossing, footpaths and kerb ramps which provide appropriate access to access shops and services in accordance with Clauses 26(2)(3)(4) and 38(a) of the SEPP HS.
- 2.17 **Warriewood Shopping Centre** is located on Jackson Road approximately 400 metres from the bus stops and there is a signalised pedestrian crossing, footpaths and kerb ramps which provide appropriate access to access shops and services in accordance with Clauses 26(2)(3)(4) and 38(a) of the SEPP HS.
- 2.18 **Narrabeen, Collaroy, Long Reef & Dee Why Shopping Centres** are located on Pittwater Road approximately 50-350 metres from the bus stops and there is a signalised pedestrian crossing, footpaths and kerb ramps which provide appropriate access to access shops and services in accordance with Clauses 26(2)(3)(4) and 38(a) of the SEPP HS.
- 2.19 **Brookvale & Warringah Mall Shopping Centres** are large regional centres with multiple bus stops and footpaths, kerb ramps and signalized crossings throughout the centres that facilitate appropriate access to access shops and services in accordance with Clauses 26(2)(3)(4) of the SEPP HS.
- 2.20 **Other Services**
- In addition to the abovementioned retail/commercial precincts supplementary surveys confirm a wide range of health/medical, recreational, social and cultural services within the abovementioned suburbs to confirm that the development is well located and provides suitable access to an appropriate range of shops and services for future residents to fully satisfy Clause 26(1) and (5) of the SEPP HS.

<b>Summary of Access to Services, Bus Stops and Bus Services</b>
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- 2.21 In summary it is evident that:
- That the development can provide appropriate pedestrian access to the public bus transport on Gladstone Street in accordance with clauses 26(2)(3)(4) and 38 of the SEPP HS, subject to the installation of a footpath on Bardo Road adjacent to the site.
  - The available bus services provided by bus routes **L90, I90, L88, I88** as listed above, in conjunction with the abovementioned pedestrian infrastructure, will provide appropriate access to services in a manner consistent with clause 26(2)(b) of the SEPP HS.
  - The **L90, I90, L88, I88** bus routes and destination shopping centres and services at Avalon, Newport, Mona Vale, Warriewood, Narrabeen, Dee Why, Collaroy, Long Reef, Brookvale, Warringah Mall, North Sydney and the City, provide a comprehensive range of services to readily satisfy Clause 26(1) and 26(5) of the SEPP HS.

### Conclusion

Following a review of the plans and documentation it is my opinion that the proposed development site is appropriate for the geographical location and can comply with the accessibility and adaptability requirements of the State Environment Planning Policy - Housing for Seniors or People (SEPP HS) with a Disability in the following manner:

- That the development can provide appropriate pedestrian access to the public bus transport on Gladstone Street in accordance with clauses 26(2)(3)(4) and 38 of the SEPP HS, subject to the installation of a footpath on Bardo Road adjacent to the site.
- The development will facilitate access to shops and services through the provision of a transport service (as detailed in Appendix A) that will travel to Avalon, Newport, Mona Vale, Warriewood, Narrabeen, Dee Why, Collaroy, Long Reef, Brookvale, Warringah Mall, North Sydney and the City shopping precincts and recreational services twice a day Monday to Friday during daylight hours in accordance with clauses 26(1), 26(2)(a)(c), 26(3), 26(4) and 38; and
- A review of Avalon, Newport, Mona Vale, Warriewood, Narrabeen, Dee Why, Collaroy, Long Reef, Brookvale, Warringah Mall, North Sydney and the City shopping centres and surrounds illustrates an appropriate range of retail, commercial and recreational services that includes banking, medical centres and Home Nursing/Personal Care Services, supermarkets and numerous variety stores to comply with clause 26(1) and 26(5) suitable for this type of development.



Mark Relf  
Access Consultant (ACAA)

## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

## Appendix A – Bus Services

Closest timing point to Gladstone Street Newport highlighted below

L90

City Wynyard to Palm Beach (Limited Stops)



Valid from: 04 June 2017

Creation date: 18 Aug 2017

NOTE: Information is correct on date of download.

Monday to Friday												
Wynyard Station, Carrington St, Sydney	05:33	05:55	06:15	06:45	07:10	07:40	08:10	08:40	09:10	09:40	10:10	
Military Rd opp Wycombe Rd, Neutral Bay	05:42	06:03	06:23	06:55	07:20	07:52	08:22	08:52	09:21	09:51	10:20	
Spit Junction, Spit Rd, Mosman	05:46	06:07	06:27	06:59	07:24	07:57	08:27	08:57	09:26	09:56	10:25	
Warringah Mall, Pittwater Rd, Brookvale	05:56	06:18	06:38	07:12	07:38	08:16	08:46	09:16	09:45	10:14	10:40	
Pittwater Rd at St Davids Ave, Dee Why	06:04	06:25	06:45	07:19	07:45	08:24	08:54	09:24	09:53	10:22	10:48	
Pittwater Rd after Collaroy St, Collaroy	06:10	06:32	06:52	07:26	07:52	08:31	09:01	09:31	10:00	10:29	10:55	
Berry Reserve, Pittwater Rd, Narrabeen	06:14	06:36	06:56	07:30	07:57	08:38	09:05	09:35	10:04	10:33	10:59	
Pittwater Rd at Waratah St, Mona Vale	06:21	06:46	07:06	07:40	08:08	08:50	09:17	09:47	10:16	10:45	11:11	
Barrington Rd after Dadey St, Mona Vale	06:23	-	07:08	07:43	08:11	08:53	09:20	09:50	10:19	10:48	11:14	
Newport Anchorage Marina, Beaconsfield St, Newport	06:27	-	07:14	07:48	08:16	08:58	09:25	09:55	10:24	10:53	11:19	
Barrenjoey Rd before Robertson Rd, Newport	06:31	-	07:18	07:52	08:20	09:02	09:29	09:59	10:28	10:57	11:23	
Barrenjoey Rd near Avalon Pde, Avalon	06:37	-	07:24	07:58	08:26	09:08	09:35	10:05	10:34	11:03	11:29	
Barrenjoey Rd near Careel Head Rd, Avalon	06:40	-	07:27	08:01	08:29	09:12	09:39	10:09	10:38	11:07	11:33	
Ocean Pl at Ocean Rd, Palm Beach	06:48	-	07:36	08:10	08:38	09:21	09:48	10:18	10:47	11:17	11:43	
Monday to Friday												
Service Information												
Wynyard Station, Carrington St, Sydney	10:40	11:10	11:40	12:10	12:40	13:10	13:40	14:10	14:40	15:10	15:40	
Military Rd opp Wycombe Rd, Neutral Bay	10:50	11:20	11:50	12:20	12:50	13:20	13:50	14:20	14:50	15:20	15:51	
Spit Junction, Spit Rd, Mosman	10:55	11:25	11:55	12:25	12:55	13:25	13:55	14:25	14:55	15:25	15:56	
Warringah Mall, Pittwater Rd, Brookvale	11:08	11:38	12:08	12:38	13:08	13:38	14:08	14:38	15:08	15:39	16:10	
Pittwater Rd at St Davids Ave, Dee Why	11:16	11:46	12:16	12:46	13:16	13:46	14:16	14:46	15:16	15:47	16:18	
Pittwater Rd after Collaroy St, Collaroy	11:23	11:53	12:23	12:53	13:23	13:53	14:23	14:53	15:23	15:54	16:25	
Berry Reserve, Pittwater Rd, Narrabeen	11:27	11:57	12:27	12:57	13:27	13:57	14:27	14:57	15:27	15:58	16:29	
Pittwater Rd at Waratah St, Mona Vale	11:39	12:09	12:39	13:09	13:39	14:09	14:39	15:09	15:39	16:10	16:41	
Barrington Rd after Dadey St, Mona Vale	11:42	12:12	12:42	13:12	13:42	14:12	14:42	15:12	15:42	16:13	16:44	
Newport Anchorage Marina, Beaconsfield St, Newport	11:47	12:17	12:47	13:17	13:47	14:17	14:47	15:17	15:47	16:18	16:51	
Barrenjoey Rd before Robertson Rd, Newport	11:51	12:21	12:51	13:21	13:51	14:21	14:51	15:21	15:51	16:22	16:56	
Barrenjoey Rd near Avalon Pde, Avalon	11:57	12:27	12:57	13:27	13:57	14:27	14:57	15:27	15:57	16:28	17:03	
Barrenjoey Rd near Careel Head Rd, Avalon	12:01	12:31	13:01	13:31	14:01	14:31	15:01	15:31	16:01	16:32	17:07	
Ocean Pl at Ocean Rd, Palm Beach	12:11	12:41	13:11	13:41	14:11	14:41	15:11	15:41	16:11	16:42	17:17	
Monday to Friday												
Wynyard Station, Carrington St, Sydney	16:10	16:40	17:10	17:40	18:10	18:40	19:10	19:40	20:10	20:40	21:10	
Military Rd opp Wycombe Rd, Neutral Bay	16:21	16:51	17:21	17:51	18:21	18:51	19:21	19:51	20:21	20:51	21:19	
Spit Junction, Spit Rd, Mosman	16:26	16:56	17:26	17:56	18:26	18:56	19:26	19:56	20:26	20:56	21:23	
Warringah Mall, Pittwater Rd, Brookvale	16:39	17:09	17:41	18:12	18:40	19:08	19:36	20:04	20:34	21:04	21:34	
Pittwater Rd at St Davids Ave, Dee Why	16:47	17:17	17:49	18:19	18:47	19:15	19:42	20:10	20:40	21:10	21:40	
Pittwater Rd after Collaroy St, Collaroy	16:54	17:24	17:56	18:26	18:54	19:22	19:48	20:16	20:46	21:16	21:46	
Berry Reserve, Pittwater Rd, Narrabeen	16:58	17:28	18:00	18:30	18:58	19:26	19:52	20:20	20:50	21:20	21:50	
Pittwater Rd at Waratah St, Mona Vale	17:08	17:38	18:10	18:40	19:08	19:35	20:00	20:28	20:58	21:28	21:58	
Barrington Rd after Dadey St, Mona Vale	17:11	17:41	18:12	18:42	19:11	19:38	20:02	20:30	21:00	21:30	22:00	
Newport Anchorage Marina, Beaconsfield St, Newport	17:18	17:48	18:20	18:48	19:16	19:43	20:07	20:35	21:05	21:35	22:05	
Barrenjoey Rd before Robertson Rd, Newport	17:23	17:52	18:24	18:52	19:20	19:46	20:10	20:38	21:08	21:38	22:08	
Barrenjoey Rd near Avalon Pde, Avalon	17:30	17:59	18:30	18:58	19:25	19:51	20:15	20:43	21:13	21:43	22:13	
Barrenjoey Rd near Careel Head Rd, Avalon	17:34	18:03	18:34	19:02	19:28	19:54	20:18	20:46	21:16	21:46	22:16	
Ocean Pl at Ocean Rd, Palm Beach	17:44	18:12	18:43	19:11	19:36	20:02	20:26	20:54	21:24	21:54	22:24	



## 2-4 NOOAL STREET &amp; 66 BARDO ROAD, NEWPORT

**L88****City Wynyard to Avalon (Limited Stops)****Valid from: 04 June 2017****Creation date: 18 Aug 2017****NOTE:** Information is correct on date of download.

Monday to Friday	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
Wynyard Station, Carrington St, Sydney	06:30	07:00	07:20	07:30	07:50	08:00	08:20	08:30	08:50	09:00	09:20	09:30	09:40	09:50	10:00	10:10	10:20	10:30	10:40	10:50	11:00	11:10	11:20	11:30	11:40	11:50
Military Rd opp Wycombe Rd, Neutral Bay	06:38	07:10	07:32	07:42	08:02	08:12	08:32	08:42	09:02	09:11	09:31	09:41	09:51	10:01	10:11	10:21	10:31	10:41	10:51	11:01	11:11	11:21	11:31	11:41	11:51	12:01
Spit Junction, Spit Rd, Mosman	06:42	07:14	07:36	07:46	08:07	08:17	08:37	08:47	09:07	09:16	09:36	09:46	09:56	10:06	10:16	10:26	10:36	10:46	10:56	11:06	11:16	11:26	11:36	11:46	11:56	12:06
Warringah Mall, Pittwater Rd, Brookvale	06:55	07:28	07:50	08:04	08:26	08:36	08:56	09:06	09:26	09:35	09:55	10:05	10:15	10:25	10:35	10:45	10:55	11:05	11:15	11:25	11:35	11:45	11:55	12:05	12:15	12:25
Pittwater Rd at St Davids Ave, Dee Why	07:02	07:35	07:58	08:12	08:34	08:44	09:04	09:14	09:34	09:43	10:03	10:13	10:23	10:33	10:43	10:53	11:03	11:13	11:23	11:33	11:43	11:53	12:03	12:13	12:23	12:33
Pittwater Rd after Collaroy St, Collaroy	07:09	07:42	08:05	08:19	08:41	08:51	09:11	09:21	09:41	09:50	10:10	10:20	10:30	10:40	10:50	11:00	11:10	11:20	11:30	11:40	11:50	12:00	12:10	12:20	12:30	12:40
Berry Reserve, Pittwater Rd, Narrabeen	07:13	07:47	08:10	08:26	08:48	08:58	09:18	09:28	09:48	09:57	10:17	10:27	10:37	10:47	10:57	11:07	11:17	11:27	11:37	11:47	11:57	12:07	12:17	12:27	12:37	12:47
Pittwater Rd at Waratah St, Mona Vale	07:23	07:58	08:22	08:38	09:00	09:10	09:27	09:37	09:57	10:06	10:26	10:36	10:46	10:56	11:06	11:16	11:26	11:36	11:46	11:56	12:06	12:16	12:26	12:36	12:46	12:56
Barrenjoey Rd after Darley St, Mona Vale	07:26	08:01	08:25	08:41	09:03	09:13	09:30	09:40	10:00	10:09	10:29	10:39	10:49	10:59	11:09	11:19	11:29	11:39	11:49	11:59	12:09	12:19	12:29	12:39	12:49	12:59
Newport Anchorage Marina, Beaconfield St, Newport	07:31	08:06	08:30	08:46	09:08	09:18	09:35	09:45	10:05	10:14	10:34	10:44	10:54	11:04	11:14	11:24	11:34	11:44	11:54	12:04	12:14	12:24	12:34	12:44	12:54	13:04
Barrenjoey Rd before Robertson Rd, Newport	07:35	08:10	08:34	08:50	09:12	09:22	09:39	09:49	10:09	10:18	10:38	10:48	10:58	11:08	11:18	11:28	11:38	11:48	11:58	12:08	12:18	12:28	12:38	12:48	12:58	13:08
Barrenjoey Rd near Avalon Pde, Avalon	07:41	08:16	08:40	08:56	09:18	09:28	09:45	09:55	10:15	10:24	10:44	10:54	11:04	11:14	11:24	11:34	11:44	11:54	12:04	12:14	12:24	12:34	12:44	12:54	13:04	13:14
Monday to Friday	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
Wynyard Station, Carrington St, Sydney	09:30	09:50	10:00	10:25	10:55	11:25	11:55	12:25	12:55	13:25	13:55	14:25	14:55	15:25	15:55	16:25	16:55	17:25	17:55	18:25	18:55	19:25	19:55	20:25	20:55	21:25
Military Rd opp Wycombe Rd, Neutral Bay	09:41	10:01	10:10	10:35	11:05	11:35	12:05	12:35	13:05	13:35	14:05	14:35	15:05	15:35	16:05	16:35	17:05	17:35	18:05	18:35	19:05	19:35	20:05	20:35	21:05	21:35
Spit Junction, Spit Rd, Mosman	09:46	10:06	10:15	10:40	11:10	11:40	12:10	12:40	13:10	13:40	14:10	14:40	15:10	15:40	16:10	16:40	17:10	17:40	18:10	18:40	19:10	19:40	20:10	20:40	21:10	21:40
Warringah Mall, Pittwater Rd, Brookvale	10:05	10:22	10:30	10:54	11:23	11:53	12:23	12:53	13:23	13:53	14:23	14:53	15:23	15:53	16:23	16:53	17:23	17:53	18:23	18:53	19:23	19:53	20:23	20:53	21:23	21:53
Pittwater Rd at St Davids Ave, Dee Why	10:13	10:30	10:38	11:02	11:31	12:01	12:31	13:01	13:31	14:01	14:31	15:01	15:31	16:01	16:31	17:01	17:31	18:01	18:31	19:01	19:31	20:01	20:31	21:01	21:31	22:01
Pittwater Rd after Collaroy St, Collaroy	10:20	10:37	10:45	11:09	11:38	12:08	12:38	13:08	13:38	14:08	14:38	15:08	15:38	16:08	16:38	17:08	17:38	18:08	18:38	19:08	19:38	20:08	20:38	21:08	21:38	22:08
Berry Reserve, Pittwater Rd, Narrabeen	10:24	10:41	10:49	11:13	11:42	12:12	12:42	13:12	13:42	14:12	14:42	15:12	15:42	16:12	16:42	17:12	17:42	18:12	18:42	19:12	19:42	20:12	20:42	21:12	21:42	22:12
Pittwater Rd at Waratah St, Mona Vale	10:36	10:53	11:01	11:25	11:54	12:24	12:54	13:24	13:54	14:24	14:54	15:24	15:54	16:24	16:54	17:24	17:54	18:24	18:54	19:24	19:54	20:24	20:54	21:24	21:54	22:24
Barrenjoey Rd after Darley St, Mona Vale	10:39	10:56	11:04	11:28	11:57	12:27	12:57	13:27	13:57	14:27	14:57	15:27	15:57	16:27	16:57	17:27	17:57	18:27	18:57	19:27	19:57	20:27	20:57	21:27	21:57	22:27
Newport Anchorage Marina, Beaconfield St, Newport	10:44	11:01	11:09	11:33	12:04	12:34	13:04	13:34	14:04	14:34	15:04	15:34	16:04	16:34	17:04	17:34	18:04	18:34	19:04	19:34	20:04	20:34	21:04	21:34	22:04	22:34
Barrenjoey Rd before Robertson Rd, Newport	10:48	11:05	11:13	11:37	12:08	12:38	13:08	13:38	14:08	14:39	15:09	15:39	16:09	16:39	17:09	17:39	18:09	18:39	19:09	19:39	20:09	20:39	21:09	21:39	22:09	22:39
Barrenjoey Rd near Avalon Pde, Avalon	10:54	11:11	11:19	11:43	12:14	12:44	13:14	13:44	14:14	14:45	15:15	15:45	16:15	16:45	17:15	17:45	18:15	18:45	19:15	19:45	20:15	20:45	21:15	21:45	22:15	22:45
Monday to Friday	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
Wynyard Station, Carrington St, Sydney	14:25	14:50	15:00	15:20	15:30	15:50	16:00	16:20	16:30	16:50	17:00	17:20	17:30	17:50	18:00	18:20	18:30	18:50	19:00	19:20	19:30	19:50	20:00	20:20	20:30	20:50
Military Rd opp Wycombe Rd, Neutral Bay	14:35	15:00	15:10	15:30	15:41	16:01	16:11	16:31	16:41	17:01	17:13	17:33	17:43	18:03	18:13	18:33	18:43	19:03	19:13	19:33	19:43	20:03	20:13	20:33	20:43	21:03
Spit Junction, Spit Rd, Mosman	14:40	15:05	15:15	15:35	15:46	16:06	16:16	16:36	16:46	17:06	17:18	17:38	17:48	18:08	18:18	18:38	18:48	19:08	19:18	19:38	19:48	20:08	20:18	20:38	20:48	21:08
Warringah Mall, Pittwater Rd, Brookvale	14:53	15:19	15:29	15:49	16:00	16:20	16:29	16:49	16:59	17:21	17:31	17:51	18:01	18:21	18:31	18:51	19:01	19:21	19:31	19:51	20:01	20:21	20:31	20:51	21:01	21:21
Pittwater Rd at St Davids Ave, Dee Why	15:01	15:27	15:37	15:57	16:08	16:28	16:37	16:57	17:07	17:29	17:39	17:59	18:09	18:29	18:39	18:59	19:09	19:29	19:39	19:59	20:09	20:29	20:39	20:59	21:09	21:29
Pittwater Rd after Collaroy St, Collaroy	15:08	15:34	15:44	16:04	16:15	16:35	16:44	17:04	17:14	17:36	17:46	18:06	18:16	18:36	18:46	19:06	19:16	19:36	19:46	20:06	20:16	20:36	20:46	21:06	21:16	21:36
Berry Reserve, Pittwater Rd, Narrabeen	15:12	15:38	15:48	16:08	16:19	16:39	16:48	17:08	17:18	17:40	17:50	18:10	18:20	18:40	18:50	19:10	19:20	19:40	19:50	20:10	20:20	20:40	20:50	21:10	21:20	21:40
Pittwater Rd at Waratah St, Mona Vale	15:24	15:50	16:00	16:20	16:31	16:51	17:01	17:21	17:31	17:53	18:03	18:23	18:33	18:53	19:03	19:23	19:33	19:53	20:03	20:23	20:33	20:53	21:03	21:23	21:33	21:53
Barrenjoey Rd after Darley St, Mona Vale	15:27	15:53	16:03	16:23	16:34	16:54	17:04	17:24	17:34	17:56	18:06	18:26	18:36	18:56	19:06	19:26	19:36	19:56	20:06	20:26	20:36	20:56	21:06	21:26	21:36	21:56
Newport Anchorage Marina, Beaconfield St, Newport	15:34	16:00	16:10	16:30	16:41	17:01	17:11	17:31	17:41	18:03	18:13	18:33	18:43	19:03	19:13	19:33	19:43	20:03	20:13	20:33	20:43	21:03	21:13	21:33	21:43	22:03
Barrenjoey Rd before Robertson Rd, Newport	15:39	16:05	16:15	16:35	16:46	17:06	17:16	17:36	17:46	18:08	18:18	18:38	18:48	19:08	19:18	19:38	19:48	20:08	20:18	20:38	20:48	21:08	21:18	21:38	21:48	22:08
Barrenjoey Rd near Avalon Pde, Avalon	15:46	16:12	16:22	16:42	16:53	17:13	17:23	17:43	17:53	18:15	18:25	18:45	18:55	19:15	19:25	19:45	19:55	20:15	20:25	20:45	20:55	21:15	21:25	21:45	21:55	22:15
Monday to Friday	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
Wynyard Station, Carrington St, Sydney	17:20	17:30	17:50	18:00	18:20	18:30	18:50	19:00	19:20	19:30	19:50	20:00	20:20	20:30	20:50	21:00	21:20	21:30	21:50	22:00	22:20	22:30	22:50	23:00	23:20	23:30
Military Rd opp Wycombe Rd, Neutral Bay	17:35	17:45	18:02	18:12	18:32	18:40	19:00	19:10	19:30	19:39	19:59	20:09	20:29	20:39	20:59	21:09	21:29	21:39	21:59	22:09	22:29	22:39	22:59	23:09	23:29	23:39
Spit Junction, Spit Rd, Mosman	17:40	17:50	18:07	18:17	18:37	18:45	19:05	19:15	19:35	19:43	20:03	20:13	20:33	20:43	21:03	21:13	21:33	21:43	22:03	22:13	22:33	22:43	23:03	23:13	23:33	23:43
Warringah Mall, Pittwater Rd, Brookvale	17:53	18:03	18:20	18:30	18:50	18:58	19:17	19:26	19:45	19:54	20:14	20:24	20:44	20:54	21:14	21:24	21:44	21:54	22:14							



## Appendix B – Statement of Expertise

### CONSULTANCY PROFILE & STATEMENT OF EXPERTISE

Accessibility Solutions consultancy offers a range of services to provide advice for clients to develop new and modify existing buildings, facilities and services to be accessible to people with disabilities to comply with legislation and regulations relevant to people with disabilities.

Relevant legislation and regulations that underpins advice includes the Disability Discrimination Act (DDA) Building Code of Australia, Australian Standards 1428, DDA Premises Standards, DDA Transport Standard, State Environment Planning Policy Housing for Seniors or People With a Disability (SEPP HS) / Seniors Living Policy, SEPP 65 – Apartment Design Guide and various local government Development Control Plans.

The scope of services provided by Accessibility Solutions includes:

- Plan Appraisals and design advice
- Access Reports for development applications and construction certificates
- Expert Reports for Court evidence
- Access Auditing of existing buildings, facilities, transport conveyances and infrastructure
- Policy and document reviews and development of Disability Action Plans
- Staff training in access auditing

The services consider issues concerning people with all types of disability including: physical; vision; hearing, intellectual and other cognitive impairments that may affect access for people with a disability consistent with the Disability Discrimination Act.

As principal consultant Mark Relf has considerable experience and expertise in a wide range of access related projects and has attained accreditation with the Association of Consultants in Access Australia for the purposes of providing advice concerning access to the built environment and services for people with disabilities.

His expertise has been gained over 20 years working in management and advocacy roles within the disability sector and since 1994 providing advice to clients on access issues. Mark also participates on various key committees concerning access for people with disabilities. His qualifications and affiliations are:

- Accredited Member of the Association of Consultants in Access Australia.
- Member, Standards Australia ME/64 Committee responsible for the AS1428 suite and AS4299 – Adaptable Housing.
- Former Member 2000-2014, NSW Heritage Office's – Fire, Access and Services Advisory Panel.



## **Attachment 8**

Surrounding property owner engagement responses

## Neighbourhood Comments

## Crystal Apartments

2 &amp; 4 Nooal st and 66 Bardo rd Newport

I HUGH RICHARDSON of  
85 PRINCES LANE Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 15 metres from the site.

Comments I face north across Bardo lane opposite the proposed lower carpark drive way. I note that the lane currently is well treed and lane is a quiet street. I would like to see the landscaped nature retained as part of the proposed development. I would have no objection to the current proposed plans.

Signed H/E Richardson Date 17/8/17

## Neighbourhood Comments

### Crystal Apartments

2 & 4 Nooal st and 66 Bardo rd Newport

I GREG HAMMOND OAM of  
1 NOOAL STREET Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 10 metres from the site.

Comments I HAVE VIEWED THE DESIGN PLANS OF THE PROPOSED DEVELOPMENT AND FIND THEM TO BE AN ACCEPTABLE CONCEPT IN DESIGN & LAYOUT TO SUITE THE AREA & ENVIRONMENT AND ARE HAPPY FOR A DA TO BE LODGED

Signed



Date

11/8/17



## Neighbourhood Comments

## Crystal Apartments

2 &amp; 4 Nooal st and 66 Bardo rd Newport

I SIMON + LOUISE JACKSON of  
7 NOOAL STREET Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 20 metres from the site.

Comments THE PLANS LOOK TO BE WELL THOUGHT OUT, ESPECIALLY PLEASING TO THE SURROUNDING ENVIRONMENT + COMMUNITY. THE AREAS OF CONCERN FOR US WILL BE THE IMPACT ON OUR EXISTING VIEWS TO THE WATER OVER CHLYSTON BAY + OVER PLYMOUTH + BAYVIEW. WE WOULD REQUEST THAT THE HEIGHT PROFILES BE RECHECKED + SIGNED OFF BY A REGISTERED SURVEYOR, SO WE CAN BETTER ASSESS THE IMPACT TO OUR EXISTING VIEWS PRIOR TO A PA. WE WOULD PREFER ALL ACCESS TO OFF STREET PARKING BE FROM BARDOR RD RATHER THAN NOOAL ST WHERE THERE WILL BE MORE TO NO PARKING TRAFFIC + LESS IMPACT ON NEIGHBOURS.

Signed [Signature] Date 12/3/17

[Signature]

## Neighbourhood Comments

### Crystal Apartments

2 & 4 Nooal st and 66 Bardo rd Newport

I Alex Woodley of  
16 King street Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 50 metres from the site.

Comments After viewing the plans  
for the Crystal Bay development  
I am more than happy for  
this to go forward, I think  
as a builder it would fit in well  
with the street.

Signed  Date 10/8/17

## Neighbourhood Comments

## Crystal Apartments

2 &amp; 4 Nooal st and 66 Bardo rd Newport

X WE Alan + Maire M. TELLELL of  
114A Nooal STREET Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx \_\_\_\_\_ metres from the site.

Comments This is A GREAT DEVELOPMENT  
FOR NEWPORT + CRYSTAL BAY.  
WELL THOUGHT OUT AND WILL IMPROVE  
THE AESTHETICS OF THE AREA. HIGHLY  
SUPPORTED.

M. Tellell

Signed Alan Tellell Date 8/4/17

## Neighbourhood Comments

## Crystal Apartments

2 &amp; 4 Nooal st and 66 Bardo rd Newport

I Peter HAXEN of  
87 BARDO RD Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 30 metres from the site.

Comments Initial look at concept. My  
concerns are privacy and green out look.  
Need to ensure existing tree edge remains  
plus more trees/plants.

Signed  Date 8/8/17



## Neighbourhood Comments

### Crystal Apartments

2 & 4 Nooal st and 66 Bardo rd Newport

WE CHRISTOPHER & TERESA BLACK of  
75 PRINCES LANE & 75 BARD RD Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 75 metres from the site.

Comments WE WOULD HAVE NO OBJECTIONS TO THIS  
PROPOSED DEVELOPMENT. WE FEEL THIS DEVELOPMENT WOULD  
BE A FANTASTIC IMPROVEMENT AND ASSET TO THIS  
IMMEDIATE AREA, AND THE NORTHERN BEACHES AS A  
WHOLE. WE WOULD LOVE TO SEE THIS DEVELOPMENT PROCEED.

Signed BLACK T. Black. Date 8.8.17

## Neighbourhood Comments

### Crystal Apartments

2 & 4 Nooal st and 66 Bardo rd Newport

I We Steven + Cassandra Bridge of

91a Princes Lane Newport Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 35 metres from the site.

Comments: I have no objection (object to DA drawings) for the proposed development based on Architectural drawings Amendment 'A' dated July 2017. I feel the Development is within conducive with the local surroundings.

Signed



Date 7<sup>th</sup> Aug '17.

## Neighbourhood Comments

## Crystal Apartments

2 &amp; 4 Nooal st and 66 Bardo rd Newport

I Pember Anne Baker of  
9 Nooal St Newport NewportHave viewed concept plans for the proposed Crystal Apartments development. I live approx 20 metres from the site.Comments I have no objection  
to the proposed Crystal  
apartments  
\_\_\_\_\_  
\_\_\_\_\_Signed Pember A. Date 7/8/17.  
Baker

## Neighbourhood Comments

### Crystal Apartments

2 & 4 Nooal st and 66 Bardo rd Newport

I Craig & Virginia Schuster of  
7 Jason St. Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 6 metres from the site.

Comments We have viewed the concept plans provided by the proposer. We have an appreciation for the proposed development, and believe it would be an asset to, and added the amenity of the local area. We have no objection to the proposed development + look forward to it proceeding + rejuvenating the area.

Signed  Date 8.8.17



**Jeff Butcher**

**From:** Nicholas Crawshaw [Nicholas@privatefleet.com.au]  
**Sent:** Monday, 7 August 2017 5:43 PM  
**To:** Jeff butcher  
**Subject:** RE: Proposed Crystal Apartments

Hi Jeff

Thank you for the update and copy of proposal. It looks like you have gone to a lot of effort as the plans look very detailed and the properties look very smart.  
I cannot see them being difficult to sell at all.  
It does look very pleasant, I am not sure how you are going to get on with Ron and the rest of the neighbours though.

Kind regards

Nicholas Crawshaw  
Director  
Private Fleet - *Car Buying Made Easy*  
Level 2 845 Pacific Highway  
Chatswood NSW 2067  
1300303181 ext 211  
0410488181

8A Nooal ST Newport

**From:** Jeff butcher [mailto:jeff@crystalbayapartments.com.au]  
**Sent:** Monday, 7 August 2017 4:58 PM  
**To:** Nicholas Crawshaw <Nicholas@privatefleet.com.au>  
**Subject:** Proposed Crystal Apartments

Hi Nicholas as discussed please find attached current proposed concept plans for Crystal Apartments and also a comment sheet. The proposal is 100% compliant and we welcome any questions you may have.  
I would appreciate your opinion and look forward to your response should you wish to do so.  
Kind regards

Jeff Butcher  
Crystal Apartments Pty Ltd  
M 0418 448 967 | F 61 2 9979 9303  
jeff@crystalbayapartments.com.au  
www.crystalbayapartments.com.au

## Neighbourhood Comments

### Crystal Apartments

2 & 4 Nooal st and 66 Bardo rd Newport

I ANDREW TREGONVING of  
3 NOOAL STREET Newport

Have viewed concept plans for the proposed Crystal Apartments development. I live approx 20 metres from the site.

Comments THE PLANS APPEAR TO ADDRESS THE USUAL  
ISSUES OF CONCERN FOR SURROUNDING RESIDENTS SUCH  
AS PARKING, GREEN AREAS, NOISE & AESTHETICS ...  
LOOKS GOOD!

Signed A Tregonving Date 14/8

**Greg Boston**

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**From:** Jeff butcher  
**Sent:** Sunday, 3 September 2017 8:11 PM  
**To:** 'Greg Boston'  
**Subject:** FW: 2 & 4 Nooal Street and 66 Bardo Road Newport

Hi Greg please see letter of support from Jim and Belinda Koopman they are on Crystal Bay next to Marina about 60 mtrs from our site.  
regards

Jeff Butcher  
Crystal Apartments Pty Ltd  
M 0418 448 967 | F 61 2 9979 9303  
[jeff@crystalbayapartments.com.au](mailto:jeff@crystalbayapartments.com.au)  
[www.crystalbayapartments.com.au](http://www.crystalbayapartments.com.au)

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**From:** Jim Koopman [mailto:Jim.Koopman@architectsajc.com]  
**Sent:** Sunday, 3 September 2017 11:43 AM  
**To:** jeff@crystalbayapartments.com.au  
**Subject:** 2 & 4 Nooal Street and 66 Bardo Road Newport

Attention: Jeff Butcher

Thank you for the provision of your planning proposal documentation for 2 & 4 Nooal Street and 66 Bardo Road. Having reviewed the documents we are of the view that the development has the potential to be a high quality outcome. Additional confidence arises in the choice of Richard Coles who is a skilled architect respected by his peers.

We have been the owners, of 18 Princes Street Newport since 2007.

Jim is a Director of Allen Jack and Cottier Architects and since 2013 has been primarily involved with strategic masterplanning and preparing planning proposals for areas of urban renewal in Greater Sydney. He also has experience in the design of Seniors Living Housing in environmentally sensitive areas (e.g. Lipman v Warringah Council LEC 10973/4 2009).

Belinda is a Director at Peter Stutchbury Architects who are an internationally recognised architects located in Newport, focussing on architecture for sustainable living.

Notwithstanding this professional experience, We were surprised to learn from Jeff that the E4 Environmental Living zoning precluded the possibility of Seniors Living. Our understanding was that the Draft Pittwater LEP 2013 was a 'like for like' instrument change to bring the LEP of the time into alignment with the Standard Model Template for LEP's. We understood that some sites took the opportunity with Council support to rezone. We understood that certain complying development provisions would now require Council consent. It was never made clear to us, following the exhibition materials, or in writing from Council, that the provisions of SEPP Seniors would not be treated differently to the Complying Development SEPP. Perhaps this was an oversight.

We further support this proposal on the basis of its strategic justification for the following reason. The ability to increase the supply and diversity of residences of good design to make better use of

existing infrastructure within the Pittwater area is essentially good policy and environmentally sustainable. This approach is far more sensible than say, new land release in areas like Ingelside increasing the urban sprawl.

We are happy to support your proposal, as local residents, at any meetings with Council or relevant development review panels

Regards

**Jim and Belinda Koopman**  
18 Princes Street Newport

Jim (Allen Jack + Cottler Architects) +61 2 9311 8263 Mobile 61 408 291 183

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<http://www.mailguard.com.au/mg>