



Minto Planning Services

Town Planning Consultants

**PLANNING REPORT
SITE COMPATIBILITY CERTIFICATE
PROPOSED HOUSING FOR SENIORS OR PEOPLE
WITH A DISABILITY
83-85 BOORALIE ROAD, TERREY HILLS**

**On behalf of
Tolucy P/L**

September 2016

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PLANNING REPORT
SITE COMPATIBILITY CERTIFICATE

PROPOSED HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY

83-85 BOORALIE ROAD, TERREY HILLS

Prepared under instructions from

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1. INTRODUCTION

This Town Planning Report accompanies an Application lodged with the NSW Department of Planning & Infrastructure for a Site Compatibility Certificate in relation to the expansion of an approved development comprising of an additional 37 single storey detached dwelling houses pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 upon a proposed consolidation of land identified as Lot 51 in DP 651178 known as 83 Booralie Road, Terrey Hills and Lot 2 in DP 530145 and known as 85 Booralie Road, Terrey Hills.

By way of background it is advised that the Department on the 2nd May 2013 previously issued a Certificate of Site Compatibility to Bayview Links P/L for the construction of up to 50 dwellings (serviced self care housing) for people with a disability. It is advised that Development Consent (DA 2013/796) was granted by Warringah Council in relation to the Certificate of Site Compatibility on the 11th December 2013.

The development which was approved via the original Certificate of Site Compatibility and Development Consent comprised of a two storey residential flat style of development with basement car park.

Since the granting of the Development Consent the subject site has subsequently been sold to Tolucy P/L and who have commenced construction of the approved development.

As detailed above this application seeks to consolidate No. 83 & 85 Booralie Road and to construct an expanded development across the consolidated sites.

It is advised that the need for a Certificate of Site Compatibility arises as a result of the land the subject of this application being zoned RU4 - Primary Production Small Lots under the provisions of the Warringah Local Environmental Plan 2011 and adjoining land zoned R2 - Low Density Residential. In such circumstances Clause 24(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 states that:

- (2) *A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion:*
 - (a) *the site of the proposed development is suitable for more intensive development, and*
 - (b) *development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

In addition to this report the proposal is described in the following documentation:

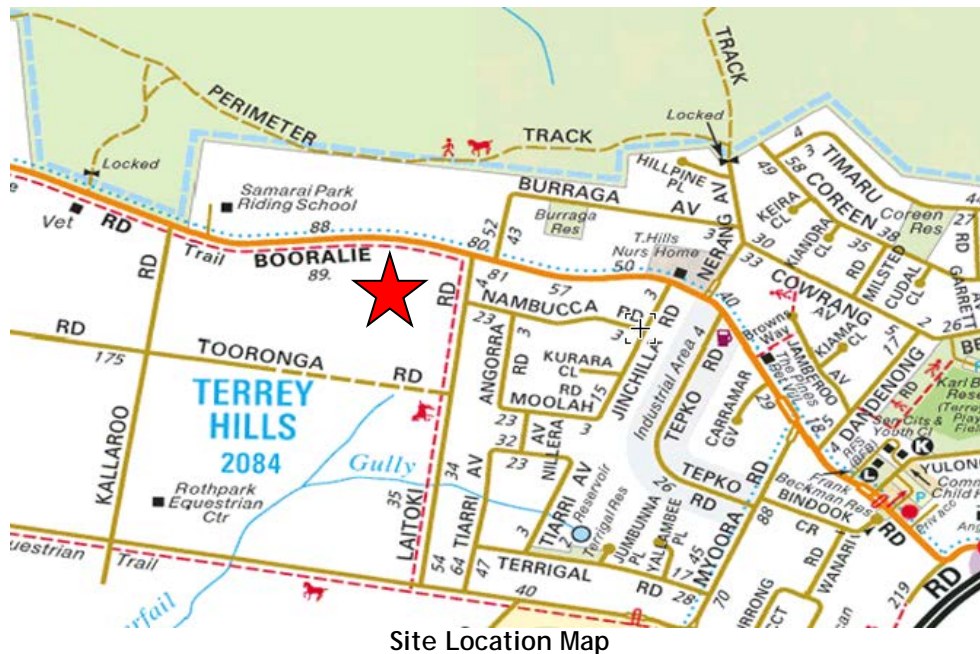
- Detailed Site Survey Plan prepared by Bee & Lethbridge P/L, Ref No. 18278, Sheets 1 to 5 and dated 19/5/16.
- Architectural Plans prepared by Playoust Churcher Architects and dated July 2016.
- Landscape Concept Plan prepared by Trish Dobson Landscape Architecture, Drawing No. 1612/CS-L01 and dated 29/7/16.
- Concept Stormwater Design Requirements prepared by E2 Civil and Structural Design P/L, Ref. No. 16.126-001b-cl and dated 15/8/16.
- Accessibility Statement prepared by Philip Chun Building Compliance and dated 15/8/16.

This Report describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed.

It provides an assessment of the proposed development against the requirements of Clause 25(5)(b) of the SEPP. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Department.

2. THE SITE

The consolidated site the subject of this application is identified as Lot 51 in DP 651178 known as 83 Booralie Road, Terrey Hills and Lot 2 in DP 530145 known as 85 Booralie Road, Terrey Hills. The subject property is located on the south western corner of the intersection of Booralie Road which forms the northern boundary of the site and Laitoki Road which forms the sites eastern boundary. The site is also adjoined to its south by an unmade section of Tooronga Road.



The subject property is a generally rectangular shaped allotment having a total site area of 38,813m² with a width (frontage to Booralie Road) of 151.115m and an average site depth of 255m.

The site is a generally level allotment of land having a gradual fall from the front north western corner adjoining Booralie Road through to an existing watercourse which diagonally traverses the rear third of 83 Booralie Road. The total fall over the site is approximately 12m. The existing watercourse flows from the north east to the south west and is piped upstream from the site. The watercourse downstream of the site forms part of Neverfail Gully and which eventually flows into Cowan Creek. The section of watercourse which flows through the site is severely weed infested and displays evidence of significant bank erosion.

All surface water from the property currently drains to the existing watercourse.

The subject property has largely been cleared of vegetation consistent with its former rural use except for some retained native vegetation adjacent to the Booralie Road frontage and which returns part way down the Laitoki Road frontage and which includes examples of *Grevillea Caleyi* (a threatened species) and remnants of the Duffy's Forest Ecological Community.

Other vegetation of note located upon the property comprises the riparian areas associated with the watercourse and which also extends to the area located to the south of the watercourse.

These areas are covered with dense thickets and a disturbed forest of noxious and environmental weeds.

Existing improvements located upon the site include:

- The partial construction of the approved development upon No.83 Booralie Road.
- A single storey brick and tile dwelling house together with a number of rural shed structures located upon No. 85 Booralie Road.

The subject property is not heritage listed and is not considered to have any heritage significance which would impact upon the proposed development.

Vehicular access to the property is currently provided via a number of entry points from Booralie Road and mid-way along the Laitoki Road frontage.

The subject site is currently enclosed by rural type fencing in varying condition.



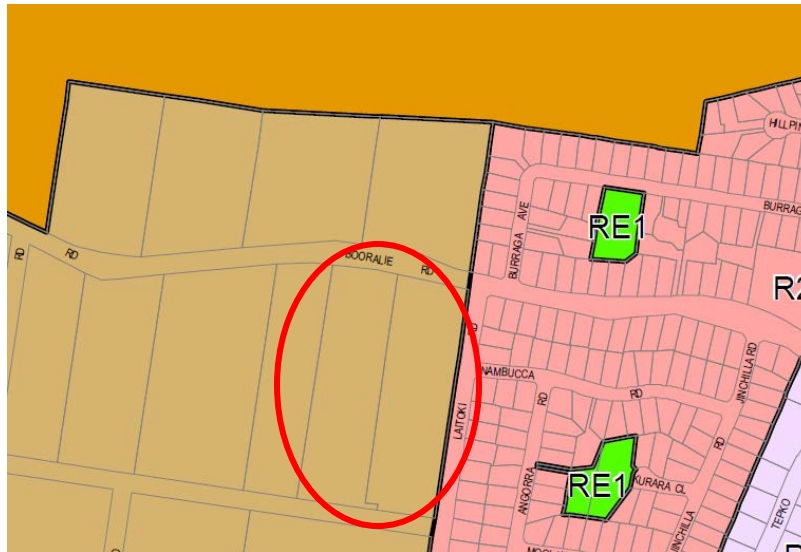
No.85 Booralie Road



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject property as evidenced from the following extract from the Warringah LEP Zoning Map is located on the zone boundary between RU4 - Primary Production Small Lot land which comprises land on the western side of Laitoki Road and which includes the subject site and the land on the eastern side of Laitoki Road and which is zoned R2 - Low Density Residential.



Extract from Warringah LEP Zoning Map

As a consequence there is a clear distinction between the character of the lands located on either side of Laitoki Road. In this respect the western side which is zoned RU4 and which includes the site is characterised by properties of similar size and characteristics to the subject site whilst the R2 zoned land located on the eastern side is characterised by conventional 600-700m² low density residential allotments supporting a mix of one and two storey detached dwelling houses.

Other features of the surrounding locality of relevance to the proposal include:

- The Terrey Hills Shopping Centre which is located approximately 850m to the south east of the site on Booralie Road and which contains a range of retail and commercial services likely to be required on a daily basis.
- The Terrey Hills Nursing Home which is a large scale aged care facility and which is located approximately 300m to the east of the site on Booralie Road.

The site is also located approximately 70m to the west of bus stops located on either side of Booralie Road which are serviced by regular bus services and which provide access to the Terrey Hills Shops, the Forest Way Shopping Centre at Frenchs Forest and the Chatswood regional shopping and business precinct.

The character of the surrounding locality is evident in the aerial photograph below.



An aerial view of the subject and adjoining properties

4. THE PROPOSAL

The proposal seeks approval for the consolidation of No. 83 & 85 Booralie Road, Terrey Hills followed by the erection of an additional 37 x single storey detached dwelling houses upon the subject site pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed buildings are to be of masonry construction and are to have a pitched tiled roof.

The proposed additional dwellings are to be evenly distributed around the site (85 Booralie Road) and are to be accessed via a common access driveway from Booralie Road. The driveway crossing location is generally consistent with the location of the existing vehicular access to the property from Booralie Road.

The proposed buildings are to be provided with a 24m setback from Booralie Road, a 10-14m setback from the sites north western side boundary and a 12-14m setback from the south western rear boundary. The proposed setback areas are to be provided with extensive landscape screening.

Construction of the proposed development will not involve the removal of any of the previously identified significant vegetation including the threatened species, *Grevillea Caleyi*. In this regard the proposal will provide for significant replenishment vegetation both around the perimeter of the site and as part of the restoration of the riparian zone along either side of the watercourse. The watercourse restoration will also include bank and creek bed stabilisation works consistent with the existing consent.

It is also proposed as part of the development to create a perimeter walking track and which will meander through the proposed revegetation zones. This will include the construction of a pedestrian bridge over the watercourse and which will provide access to a landscaped area of communal open space located in the southern corner of the consolidated site.

The indicative development indices associated with the proposal are detailed below:

Site Area:	38,813m ²
Floor Area:	13,298m ²
Floor Space Ratio:	0.34:1
Landscape Area:	22,997m ² or 59%
Deep Soil Area:	16,832m ² or 43%

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as Integrated development and is permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and SEPP (Housing for Seniors or People with a Disability) 2004. Consent is also required from the NSW Office of Water under the Water Management Act in respect of the watercourse which traverses the subject site.

The following is an assessment of the proposal against the relevant provisions of the Act, the SEPP (Housing for Seniors and People with a Disability) and all of the relevant planning instruments and policies of Warringah Council.

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

Background

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) came into effect on the 31st March 2004 and replaced the previous State Environmental Planning Policy (SEPP) No. 5 - Housing for Older People or People with a Disability.

The aim of this policy is to:

- (a) *Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *Make efficient use of existing infrastructure and services, and*
- (c) *Be of good design.*

The policy allows for the provision of this form of housing on land zoned for urban purposes or upon land adjoining land zoned for urban purposes. The subject land is zoned RU4 - Primary Production Small Lots under the Warringah Local Environmental Plan 2011 and adjoins land zoned R2 - Low Density Residential. The proposal is therefore considered to satisfy the definition of land adjoining land zoned for urban purposes under Clause 4(4) of the SEPP.

Clause 24(1)(a)(i) of the SEPP applies to land adjoining land zoned for residential purposes and requires the obtaining of a Site Compatibility Certificate.

Clause 24(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 states that:

- (2) *A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion:*

- (a) *the site of the proposed development is suitable for more intensive development, and*
- (b) *development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

This application is provided in response to the above requirements.

Clause 13 - Self-contained dwellings

The subject application proposes development of the subject site for a purpose defined under the SEPP as being 'serviced self-care housing' and which is defined as:

serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care

and where a 'self contained dwelling' is defined as;

a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing

The subject application provides for a total of eighty seven (87) self-contained dwellings which satisfy these definitions, comprising of the 50 dwellings previously approved for the site and the 37 dwellings proposed by this application.

Clause 17 - Development on land adjoining land zoned primarily for urban purposes

In accordance with the requirements of this clause it is advised that the proposal does provide for serviced self-care housing and the housing will be suitable for occupation for people with a disability.

A detailed Accessibility Report demonstrating compliance will be prepared and submitted as part of the Development Application however it is submitted that the services proposed to be provided to the approved development will be expanded to cater for the additional dwellings.

Clause 21 - Subdivision

Clause 21 of the SEPP permits land on which development has been carried out under this chapter to be subdivided with the consent of the consent authority.

The proposal seeks to subdivide the subject land in accordance with this provision by way of either a Strata or Community title subdivision. The final form of the subdivision will form part of the Development Application.

Heritage Conservation Areas & Heritage Items

Clause 22 - Heritage Conservation Areas & Heritage Items

Clause 22 of the SEPP requires referral of an application proposed to be carried out in a heritage conservation area or within the vicinity of a heritage item having State significance to the Heritage Council of NSW.

In this regard Council's Heritage Map indicates that neither the subject or adjoining sites are identified as heritage items nor are they located in a Heritage Conservation Area.



Extract from Council Heritage Map

Part 2 - Site Related Requirements

Clause 26 - Location and Access to Facilities

Clause 26(1) provides that Council must be satisfied by written evidence that residents of the proposed development will have access (in accordance with subclause 2) to:

- "a. shops, banks 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."

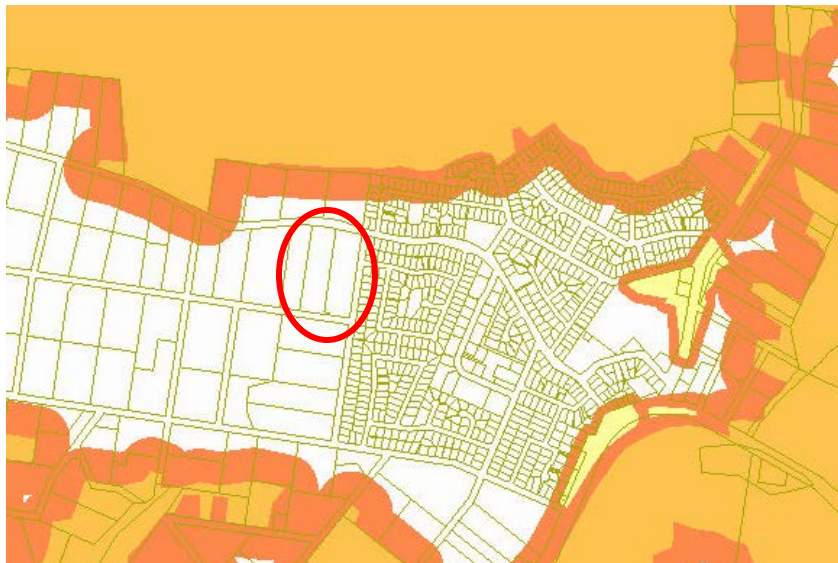
In this regard the SEPP defines “access” at Clause 26(2).

The subject site is located within 70m of bus stops which comply with the applicable accessibility requirements. An Access Report demonstrating compliance will form part of the information accompanying the Development Application.

A preliminary Accessibility Statement has been prepared in support of the proposal by Philip Chun Building Compliance and forms part of the information accompanying this application.

The proposal is therefore considered to be capable of satisfying the requirements of Clause 26 of the SEPP.

Clause 27 - Bushfire Prone Land



Extract from Council Bushfire Prone Land Map

The subject site is not classified as being located upon Bushfire Prone Land.

Clause 28 - Water & Sewer

It is advised that the sewer is currently not available to the subject site.

As was the case in relation to the existing DA consent documentary evidence will be provided with the Development Application which demonstrates that the site can be appropriately serviced.

Part 3 - Design Requirements

Clause 30 - Site Analysis

Clause 30 provides as follows;

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.*
- (2) A site analysis must;*
 - (a) contain information, where appropriate, about the site and its surrounds as described in subclauses (3) and (4), and*
 - (b) be accompanied by a written statement (supported by plans including drawings of section and elevations, and in the case of the proposed development on land adjoining land zoned primarily for urban purposes, and aerial photograph of the site):*
 - (i) explaining how the design of the proposed development has regard to the site analysis, and*
 - (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.*

A detailed site analysis plan has been prepared by Playoust Churcher Architects and forms part of the plans accompanying this application. The site analysis plan should be read in conjunction with the site survey. It is considered that these documents when read in conjunction with this Planning Report satisfy the requirements of Clause 30 of the SEPP.

Clause 32 - Design of Residential Development

Clause 32 of the SEPP requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles.

Neighbourhood Amenity & Streetscape

The proposal has been designed so as to provide an amenity and streetscape which is responsive to both the rural character of the subject site and adjoining lands to the north and west together with the adjoining low density residential lands located to the east of the site.

In this regard the proposal seeks to provide for a minimum 20m setback for development from Booralie Road and a minimum 10m setback from the western side boundary and the rear boundary.

In all instances the proposed setbacks are to comprise extensive vegetative screening comprising of both existing retained vegetation and new replenishment vegetation.

In addition to the proposed setbacks the proposal seeks to provide for a low scale of development comprising of single storey dwelling houses. The dwellings will be of a modern design with pitched roofs and will be compatible with surrounding built forms.

Access to the site is proposed to be via a single entry point from Booralie Road and which will be located consistent with the location of the existing driveway.

It is considered that the proposed buildings will be provided with appropriate separation from surrounding dwellings which will allow for appropriate levels of amenity to be retained by those dwellings as well as providing appropriate amenity for the future residents of the development.

As previously detailed the proposal will retain significant tree species located on the site which will assist in maintaining the existing landscape character of the locality. In addition a Landscape Plan is proposed which will identify additional plantings, including screen planting and canopy trees, to be provided on site to enhance the landscape character of this development.

In my view the proposal will result in a development that will be of a form and scale compatible with the existing character of this location.

Visual and Acoustic Privacy

The development has been designed having regard to the visual and acoustic privacy of both the future residents of the development together with the adjoining property owners. In this regard it is considered that the development will provide future residents with a private and quiet living environment.

This has primarily been achieved through the provision of generous setbacks particularly from the front, side and rear boundaries and which will be provided with extensive landscaping.

In terms of internal visual privacy for future occupants of this development, measures such as window placement and the provision of landscaping and courtyard fencing have all been incorporated into the design so as to ensure that there will be appropriate amenity provided to future residents.

Solar Access and Design for Climate

The SEPP requires that the design of the proposed development ensures adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.

As a result of the orientation of the site, the setbacks and the single storey built form it is considered that the proposal will not result in any unreasonable overshadowing of the adjoining properties.

In relation to the provision of appropriate solar access to the future residents of the development it is considered that the dwelling design and orientation will ensure compliance with this requirement.

It is considered that the proposed development satisfies the requirements of this design element.

Stormwater

The proposal will provide for the detailed management of stormwater from the site. In this regard a Stormwater Management Plan will be prepared for the site consistent with both the requirements of Council and BASIX. In this regard the proposal will provide for individual rainwater re-use tanks for each dwelling with retained water to be used for toilet flushing, washing machines and garden watering consistent with the requirements of BASIX with any overflow from the system being directed to the existing watercourse which traverses the site.

An on-site stormwater detention system will also be provided as part of the proposal so as to ensure that stormwater discharge from the development does not impact on downstream properties.

Appropriate pollution control devices will be incorporated into the design of the proposal to prevent pollutants from the internal road entering the watercourse.

Crime Prevention

The occupants of the development will be provided with a secure living environment. Appropriate lighting and security measures will be incorporated into the construction of the development.

Each dwelling is also provided with a secure courtyard/terrace area.

Accessibility

The proposal has been designed so that each dwelling will be accessible by a wheelchair bound person via suitably graded pathways.

Each dwelling has also been designed so as to provide for a bedroom and all essential facilities capable of satisfying the applicable Australian Standards.

The site is also considered to be provided with appropriate vehicular and pedestrian access.

Waste Management

At this time it is proposed that each dwelling will be provided with an area suitable for the storage of individual waste and recycling receptacles and which would in turn be serviced on the site by Council's designated waste contractor.

The proposal is therefore considered to be capable of satisfying the requirements of Clause 32 of the SEPP.

Part 4 - Development Standards

Clause 40 - Development Standards - minimum sizes and building height

Clause 40 (1) provides that a consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this Clause.

Clause	Standard	Proposal	Compliance
Clause 40(2) - Lot Size	Minimum 1000m ²	Site Area: 38,813m ²	Yes
Clause 40(3) - Site Frontage	Minimum 20m measured at the building line.	151m to Booralie Road & 252.85m to Laitoki Road	Yes
Clause 40(4) - Height in zones where residential flat buildings are not permitted	(a) 8 metres or less (b) No more than 2 storeys adjacent to a boundary (c) Max. 1 storey in rear 25% of site	Refer to plans. The proposal provides for single storey dwellings.	(a) - Yes (b) - Yes (c) - Yes

Clause 41 - Self-contained dwellings - standards concerning access and useability

Clause 41 of the SEPP states:

- 41. A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

The proposal will be designed so as to comply with the requirements of this Clause.

Part 5 - Development on land adjoining land zoned primarily for urban purposes

Clause 42 - Serviced self-care housing

Clause 42 of the SEPP states that:

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:*
- (a) home delivered meals, and*
 - (b) personal care and home nursing, and*
 - (c) assistance with housework.*
- (2) For the purposes of sub clause (1), residents of a proposed development do not have reasonable access to the services referred to in sub clause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).*

In order to satisfy this clause it is proposed to submit with the Development Application a preliminary agreement from an appropriate service provider detailing their ability to provide the required services to future residents of the development.

It is proposed that this will involve the services proposed to be provided to the approved development being expanded to cater for the proposed additional dwellings.

Clause 43 - Transport services to local centres

In accordance with the requirements of this clause a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development and which will be available to provide residents with access in accordance with the following:

- (a) *that will drop off and pick up passengers at a local centre that provides residents with access to the following:*
 - (i) *shops, bank service providers and other retail and commercial services that residents may reasonably require,*
 - (ii) *community services and recreation facilities,*
 - (iii) *the practice of a general medical practitioner, and*
- (b) *that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.*

The proposed bus will be administered by the owners corporation of the development.

Clause 44 - Availability of facilities and services

It is advised that all services associated with the development will be available when the development is ready for occupation including if the development was to be constructed in stages.

Division 4 - Self contained dwellings

Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings

This clause provides additional standards for self contained dwellings which is summarised below:

Clause	Standard	Proposal	Compliance
Clause 50(a) - Building Height	Buildings not to exceed 8.0m in height	Refer to plans. All dwellings are single storey and less than 8m in height.	Yes
Clause 50(b) - Density and Scale	Floor Space Ratio not to exceed 0.5:1	0.34:1	Yes
Clause 50(c) - Landscaped Area	30% of site area to be landscaped	59%	Yes
Clause 50(d) - Deep Soil Zones	15% of the site area with 10% preferably at the rear	43%	Yes

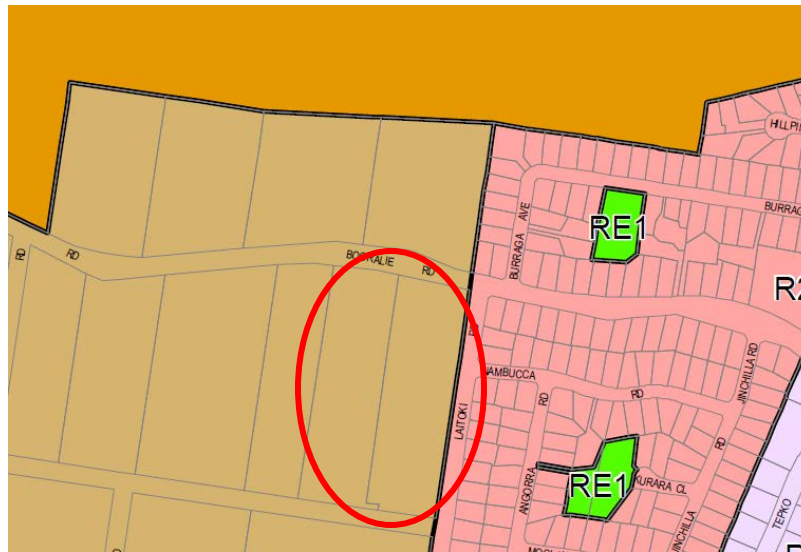
Clause	Standard	Proposal	Compliance
Clause 50(e) - Solar Access	70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	Refer to plans	Yes
Clause 50(f) - Private Open Space	15m ² of private open space per dwelling	Refer to plans	Yes. All dwellings are provided with in excess of 15m ² of private open space.
Clause 50(h) - Parking	1 space per bedroom	Each dwelling is to be provided with two car parking spaces and no more than 3 bedrooms therefore exceeding the minimum requirements of the SEPP.	Yes

Summary

Based upon the responses above it is my opinion that the proposed development of the subject site as serviced self-care housing and which involves the erection of 37 single storey detached dwelling houses in addition to the 50 dwellings previously approved for the site is capable of complying with the requirements of this SEPP.

5.2 Warringah Local Environmental Plan 2011

The subject land is zoned RU4 - Primary Production Small Lots under the provisions of the Warringah Local Environmental Plan 2011.



Extract of Council Zoning Map

Under the RU4 zone the use of land for the purpose of Housing for Seniors or People with a Disability is prohibited.

The proposal therefore relies upon SEPP (Housing for Seniors or People with a Disability) 2004 for its permissibility.

As detailed in the following extract of the zoning table for the RU4 zone dwelling houses are permissible upon the site.

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
- *To maintain and enhance the natural landscape including landform and vegetation.*
- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*
- *To maintain the rural and scenic character of the land.*

Clause 4.4 - Floor Space Ratio

This clause does not apply to the Warringah LEP.

Clause 5.9 - Preservation of Trees or Vegetation

The proposal seeks to largely retain any significant vegetation located upon the property.

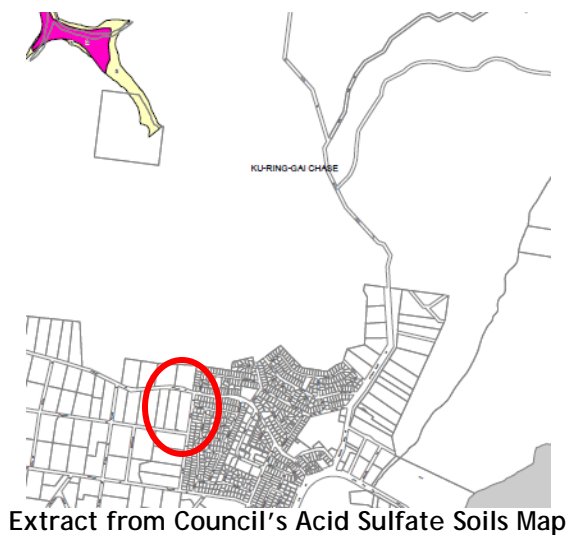
It is also noted that the proposal will provide for the planting of significant replenishment vegetation particularly around the perimeter of the site and along either side of the existing watercourse.

Clause 5.10 - Heritage Conservation

The subject site is not heritage listed and is not located adjacent to a heritage item or within a heritage conservation area.

Clause 6.1 - Acid Sulfate Soils

The subject site is not identified on Council's Acid Sulfate Soils Map as containing acid sulphate soils and as such is not subject to the requirements of this provision.



Clause 6.3 - Flood Planning

The subject site is in part traversed by an existing watercourse and which forms part of Neverfail Gully.

A Flood Study was prepared in support of the previous Development Application and found that the subject site was subject to only minimal flooding and which was largely confined to the existing channel.

It is understood that the proposed dwellings have been sited so as to be located outside and above the nominated flood zone.

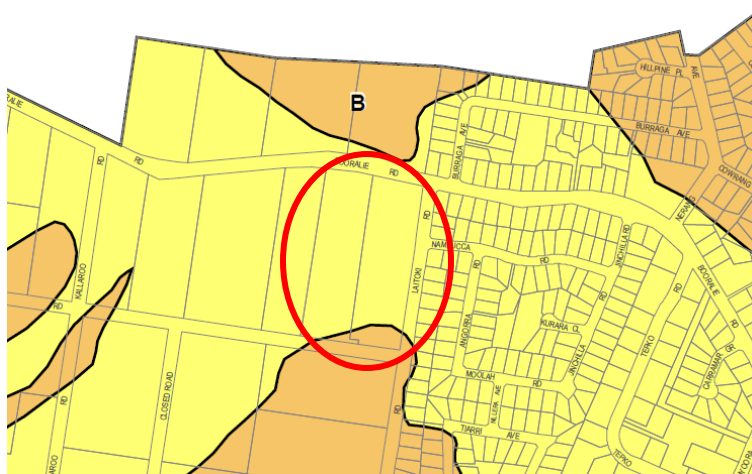
The Flood report will be updated so as to reflect the current proposal and will form part of the information accompanying the Development Application.

Clause 6.4 - Development on Sloping Land

The subject site is located on a combination of Area A & B zoned land on Council's Landslip Risk Map and as such the provisions of Clause 6.4 of the LEP apply to the proposal.

In response to this clause a geotechnical assessment of the site was prepared in respect of the original Development Application. That report identified that subject to compliance with a number of minor works that the site was suitable for development.

The subject report will be updated so as to reflect the current proposal and will form part of the information accompanying the Development Application.



Extract from Council's Landslip Risk Map

There are no other provisions of the Warringah Local Environmental Plan which it is considered are relevant to the proposal.

The proposal is therefore considered to be capable of satisfying the requirements of the Warringah Local Environmental Plan 2011.

5.3 Warringah Development Control Plan

The Warringah DCP would ordinarily apply to development permitted under the LEP.

Notwithstanding that the proposal is permitted under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 the following is an assessment of the proposal against the applicable provisions of the DCP.

The following is an assessment of the applicable prescriptive requirements of the DCP as they apply to the proposal.

Control	Requirement	Proposal	Compliance
B1 - Wall Height	<ul style="list-style-type: none">Maximum of 7.2m measured to the underside of the ceiling	<ul style="list-style-type: none">Refer to Plans	Yes
B3 - Side Boundary Envelope	<ul style="list-style-type: none">Not Applicable	<ul style="list-style-type: none">Not Applicable	Not Applicable
B5 - Side Boundary Setbacks	<ul style="list-style-type: none">Minimum of 10m	<ul style="list-style-type: none">Minimum of 10m to western boundary	Yes
B7 - Front Boundary Setbacks	<ul style="list-style-type: none">20m	<ul style="list-style-type: none">Minimum of 20m	Yes
B9 - Rear Boundary Setbacks	<ul style="list-style-type: none">10m	<ul style="list-style-type: none">Minimum of 10m	Yes
D1 - Landscaped Open Space	<ul style="list-style-type: none">Minimum of 30% of site area	<ul style="list-style-type: none">59%	Yes
D2 - Private Open Space	<ul style="list-style-type: none">A minimum of 60m²Minimum dimension of 5m	<ul style="list-style-type: none">Refer to Plans	Yes

In addition to the prescriptive requirements of the DCP there are also a number of performance based controls which apply to the proposal. The following is an assessment of the proposal against those provisions.

C3 - Parking Facilities

The proposal provides for garage structures which are both integrated into the individual dwelling designs and which are compatible with the dwelling designs.

The proposal provides for two car parking spaces for each dwelling.

The proposal is therefore considered to satisfy this element of the DCP.

C4 - Stormwater

The proposal will provide for the detailed management of stormwater from the site. In this regard a Stormwater Management Plan will be prepared for the site consistent with both the requirements of Council and BASIX. In this regard the proposal will provide for individual rainwater re-use tanks for each dwelling with retained water to be used for toilet flushing, washing machines and garden watering consistent with the requirements of BASIX with any overflow from the system being directed to the existing watercourse which traverses the site.

An on-site stormwater detention system will also be provided as part of the proposal so as to ensure that stormwater discharge from the development does not impact on downstream properties.

Appropriate pollution control devices will be incorporated into the design of the proposal to prevent pollutants from the internal road entering the watercourse.

The proposal is therefore considered to satisfy this element of the DCP.

C5 - Erosion and Sedimentation

A sediment and erosion control plan will be prepared for the site and will form part of the Development Application documentation.

It is considered that subject to compliance with the requirements of this plan that the proposal will satisfy this element of the DCP.

C7 - Excavation and Landfill

The proposal does involve minor cutting and filling of the site so as to create appropriate building zones.

The cutting and filling is considered to be of a minor nature and is located appropriate distances from the boundaries of the site.

It is therefore my opinion that the proposed filling of land associated with the proposal is acceptable in the circumstances of this case.

C8 - Waste Management Plan

A waste management plan will be prepared for the site and will form part of the information accompanying the Development Application.

The proposal is therefore considered to satisfy this element of the DCP.

D6 - Access to Sunlight

The proposal provides for single storey dwellings which will not result in any overshadowing of adjoining properties.

Appropriate solar access will be provided to each of the proposed dwellings and its associated private open space.

D7 - Views

It is not considered that the proposal will unreasonably impact upon the views of adjoining properties.

D8 - Privacy

The objectives of this section of the DCP relate to ensuring the siting and design of buildings provide reasonable visual and acoustic privacy for residents and their neighbours and to ensure the rights of owners to privacy are balanced with the public benefit of maintaining streetscape character.

In response to this design element it is submitted that the proposal will not result in a loss of privacy to the adjoining properties given the proposed separation distances and landscaping proposed.

In terms of internal visual privacy for future occupants of this development, measures such as window placement and the provision of landscaping and courtyard fencing have all been incorporated into the design so as to ensure that there will be appropriate amenity provided to future residents.

D9 - Building Bulk

It is submitted that the proposal provides for a high quality design outcome for the site and in a manner which will make a positive contribution to the character of the surrounding locality.

It is submitted that the proposal is in keeping with the height, bulk and scale of surrounding development and that it will not result in any unreasonable impacts.

On this basis it is submitted that the proposal provides for an appropriate building bulk.

D10 - Building Colours & Materials

The proposal is considered to provide for materials and colours which are in keeping with the character of the surrounding area and which will ensure that the proposal makes a positive contribution to the streetscape of the locality.

E10 - Landslip Risk

The subject site is located on Area B zoned land on Council's Landslip Risk Map and as such the provisions of Clause 6.4 of the LEP apply to the proposal.

In response to this clause a geotechnical assessment of the site was prepared in respect of the original Development Application. That report identified that subject to compliance with a number of minor works that the site was suitable for development.

The subject report will be updated so as to reflect the current proposal and will form part of the information accompanying the Development Application.

There are no other provisions of the Warringah DCP applicable to the proposal.

The proposal is therefore considered to comply with the applicable prescriptive requirements of the DCP together with the applicable performance based controls.

5.4 - State Environmental Planning Policy No. 55 - Remediation of Land

In accordance with Clause 7 of the SEPP an assessment of the site to determine the presence of contamination was undertaken by Martens & Associates as part of the previous Development Application.

That assessment involved both a Stage 1 & 2 Environmental Site Assessment and which identified that some remediation was required in order to render the site suitable for residential development.

It is considered that subject to compliance with those recommendations and which can be dealt with as Conditions of any Development Consent that the site is capable of being appropriately remediated.

6. CLAUSE 25(5)(b) - SITE COMPATIBILITY REQUIREMENTS

(5) *The Director-General must not issue a site compatibility certificate unless the Director-General:*

- (a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and*
- (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
 - (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

Comment

The subject site is currently zoned RU4 - Primary Production Small Lots under the Warringah LEP 2011. TNo.85 Booralie Road has most recently been used for the agistment of horses and other agricultural related activities.

It is advised that on the 11th December 2013 that Development Consent (DA 2013/796) was granted by Warringah Council for the construction of 50 dwellings to be used as serviced self care housing upon No.83 Booralie Road. That consent has been commenced and the subject buildings are currently under construction.

Consistent with its current/previous use the subject site comprises of mainly cleared land comprising of open grass paddocks. Existing vegetation located upon the site is generally confined to the area adjoining Booralie Road.

The existing vegetation comprises remnants of the Duffys Forest Ecological Community together with examples of *Grevillea caleyi*, an endangered species. Both of the above vegetation types are located within the setback areas of the site and are capable of being both protected and enhanced as part of this proposal.

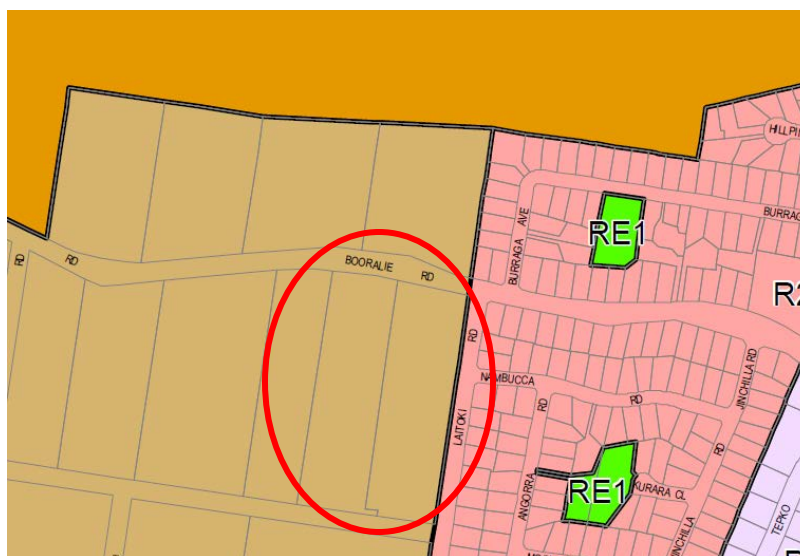
Detailed Arboricultural & Flora & Fauna Reports together with a Vegetation Management Plan which were prepared and accepted in relation to the existing Development Consent for the land will be updated so as to reflect the proposed development and will form part of the information submitted with the Development Application.

The remaining vegetation located upon the property comprises of mainly weed and noxious plant species located on either side and predominantly to the south of the existing watercourse which diagonally traverses the southern portion of the site.

The existing watercourse as a result of the above weed infestation together with bank erosion and destabilization is in a degraded state and requires rehabilitation. In this regard it is considered that rather being a constraint to development that the development actually provides for an opportunity for the enhancement of the watercourse.

It is also considered that the topography of the site and which is gently sloping does not present any impediment to the development of the site.

The subject property as evidenced from the following extract from the Warringah LEP Zoning Map is located on the zone boundary between RU4 - Primary Production Small Lot land which comprises land on the western side of Laitoki Road and which includes the subject site and the land on the eastern side of Laitoki Road and which is zoned R2 - Low Density Residential.



Extract from Warringah LEP Zoning Map

As a consequence there is a clear distinction between the character of the lands located on either side of Laitoki Road. In this respect the western side which is zoned RU4 and which includes the site is characterised by properties of similar size and characteristics to the subject site whilst the R2 zoned land located on the eastern side is characterised by conventional 600-700m² low density residential allotments supporting a mix of one and two storey detached dwelling houses.

It is considered that the development proposed by this application as a result of features such as the provision of landscaped setbacks and a single storey built form comprising detached dwelling houses will provide for an appropriate transition between both the RU4 and R2 zoned lands and a compatible land use and built form outcome.

- (ii) *the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,*

Comment

The subject land is currently zoned RU4 - Primary Production Small Lots.

No. 83 Booralie Road is the subject of a current Development Consent which grants approval to the erection of 50 dwellings upon the site as part of a serviced self-care housing development. That development is currently under construction.

On this basis it is considered that strategically it has already been accepted that the land is not required in order to fulfill any designated agricultural purpose.

It is not considered that No.85 Booralie Road currently fulfills any strategic agricultural requirement which would be impacted by the proposal.

- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*

Comment

The site is located approximately 70m to the west of bus stops located on either side of Booralie Road which are serviced by regular bus services and which provide access to the Terrey Hills Shops, the Forest Way Shopping Centre at Frenchs Forest and the Chatswood regional shopping and business precinct.

At each of these locations residents are able to access a wide range of commercial and retail services and facilities.

Importantly the Terrey Hills Shopping Centre which is located approximately 850m to the south east of the site on Booralie Road contains a range of retail and commercial services likely to be required on a daily basis.

In addition to the above and consistent with the requirements of the SEPP the proposal will be provided with a 10 seat mini-bus which will be available to take residents to shops and services as well as on day trips and will be benefitted with a service agreement for the provision of services such as meals, cleaning services, personal care and nursing care should they be required by residents.

On this basis it is my opinion that residents of the proposed development will be provided with appropriate access to the required shops and services.

- (iv) *in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,*

Comment

The subject site is not zoned open space or special uses.

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

Comment

It is my opinion that the proposal is of a height, bulk and scale commensurate with a transitional site situated on the interface between rural zoned lands and a low density environment. This has primarily been achieved through the provision of generous setbacks to the site boundaries and which are proposed to be extensively landscaped together with the provision of a built form comprising of single storey detached dwelling houses.

- (vi) *if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.*

Comment

The proposal does not require the clearing of native vegetation subject to the requirements of Section 12 of the Native Vegetation Act 2003.

It is therefore my opinion based upon this assessment that the subject site is suitable for the development as proposed.

7. SECTION 79C(1) ASSESSMENT

Environmental Planning Instruments - Section 79C(1)(a)

The subject site is zoned RU4 - Primary Production Small Lots under the provisions of the Warringah Local Environmental Plan 2011. The subject site is located adjacent to land zoned for urban purposes and as such is only permitted to be used for housing for seniors or people with a disability upon issue by the Director General of the Department of Planning of a Site compatibility Certificate pursuant to Clauses 24 & 25 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The proposal has been assessed against the objectives and all of the provisions of SEPP (Housing for Seniors and People with a Disability) 2004 and the Warringah LEP 2011 together with Council's DCP as detailed within this report. The proposal is considered to satisfy the requirements of these documents and in my opinion is worthy of support.

There are no other environmental planning instruments or draft environmental planning instruments, which are applicable to the proposal.

Impacts of the Development - Section 79C(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area. The proposal will provide for an additional 37 dwellings designed specifically for seniors or people with a disability in a location considered suitable for this form of development.

It is my opinion based upon this report and the current Development Consent granted for the site that the proposal will not result in any unreasonable impacts upon adjoining properties or the streetscape.

This is particularly the case in relation to existing vegetation, threatened species and the existing watercourse located upon the site.

Similarly it is considered that the proposal will not result in any unreasonable impacts upon the adjoining properties or upon the character of the surrounding locality.

Suitability of the Site - Section 79C(1)(c)

It is considered that the suitability of the site for this form of development has previously been demonstrated by the granting of both a Compatibility Certificate and Development Consent for a 50 dwelling serviced self-care housing development upon No. 83 Booralie Road, Terrey Hills.

In this respect it is considered that in the absence of any detrimental impacts associated with this proposal that the subject land is suitable for the proposed development.

Public Interest - Section 79C(1)(e)

The proposed development is considered to be in the public interest as it seeks to provide a much needed form of housing specifically designed for the areas older and disabled population in a built form which does not result in any unreasonable detrimental impacts.

8. CONCLUSION

In conclusion it is considered that this report and the supporting documentation have demonstrated that the subject site is worthy of the granting by the Director-General of the Department of Planning of a Site Compatibility Certificate pursuant to Clauses 24 & 25 of SEPP (Housing for Seniors or People with a Disability) for the construction of an additional 37 serviced self-care dwellings upon land at 83-85 Booralie Road, Terrey Hills.

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