

**CLARKE DOWDLE & ASSOCIATES**

**DEVELOPMENT CONSULTANTS**

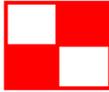
SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

# Statement of Environmental Effects

Residential Seniors Living development  
Development comprising four (4) self-care housing units

122 Blackwall Road, Woy Woy  
Lot 94 DP 6774

Our Ref: 20956



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## 1.0 Introduction

This Statement of Environmental Effects is part of a development application submission to Gosford City Council for the construction of a seniors living development comprising four (4) self-care dwellings on land, known as 122 Blackwall Road, Woy Woy. A full description of the proposal is outlined with section 4.0 of this report.

The application is submitted in accordance with the *State Environmental Planning Policy – Housing for Seniors or People with a Disability 2004*. The SEPP seeks to enable housing that will cater for seniors (people aged 55 and over) or people with a disability and allow efficient use of the land and utilise existing infrastructure and local services that are accessible to the occupants residing within the precinct.

This application has been prepared on behalf of owners and has been based on the plans and information provided by *Knight Mapleton Design Partners*. An on-site inspection has been undertaken and a photographic record of the inspection is provided in this document provided in part 3.0 of this document.

The proposal is permissible on the land due to its R2 residential zoning pursuant to both State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPP Seniors Living”) and the recently gazetted Gosford LEP 2014. In addition, the development complies with all design, access, locational and support service requirements of SEPP Seniors Living, as well as the specific development standards pertaining to self-care housing.

## 2.0 Site Location and Description

The subject site is legally described as Lot 94 in Deposited Plan 6774, known as 122 Blackwall Road, Woy Woy.

The rhombus shaped allotment has an area of 934.3m<sup>2</sup> and is located on the eastern side of Blackwall Road and approximately 250m from the town centre. The site is relatively flat and contains a single dwelling-house and ancillary structures and obtains direct vehicular access to Blackwall Road and enjoys rear lane access..

The surrounding residential development is characterised by an eclectic blend of one and two storey dwelling-houses, ranging from modest, post-war design to dwelling-houses of a contemporary appearance and medium density development to the north. The site is not located in heritage conservation area, bushfire or flood prone area.

## 3.0 Metropolitan Context

The site is located within the Local Government Area of Gosford and is located within close proximity of Woy Woy Town Centre. The area is characterised by a mixture of residential development and small scale commercial, retail, medical and educational establishments of varying height, bulk and scale. The site is located near public bus transport, recreational reserves, retail facilities, medical centers / hospitals and sporting grounds. It is considered that the proposal is located in a suitable location for the proposed seniors living development

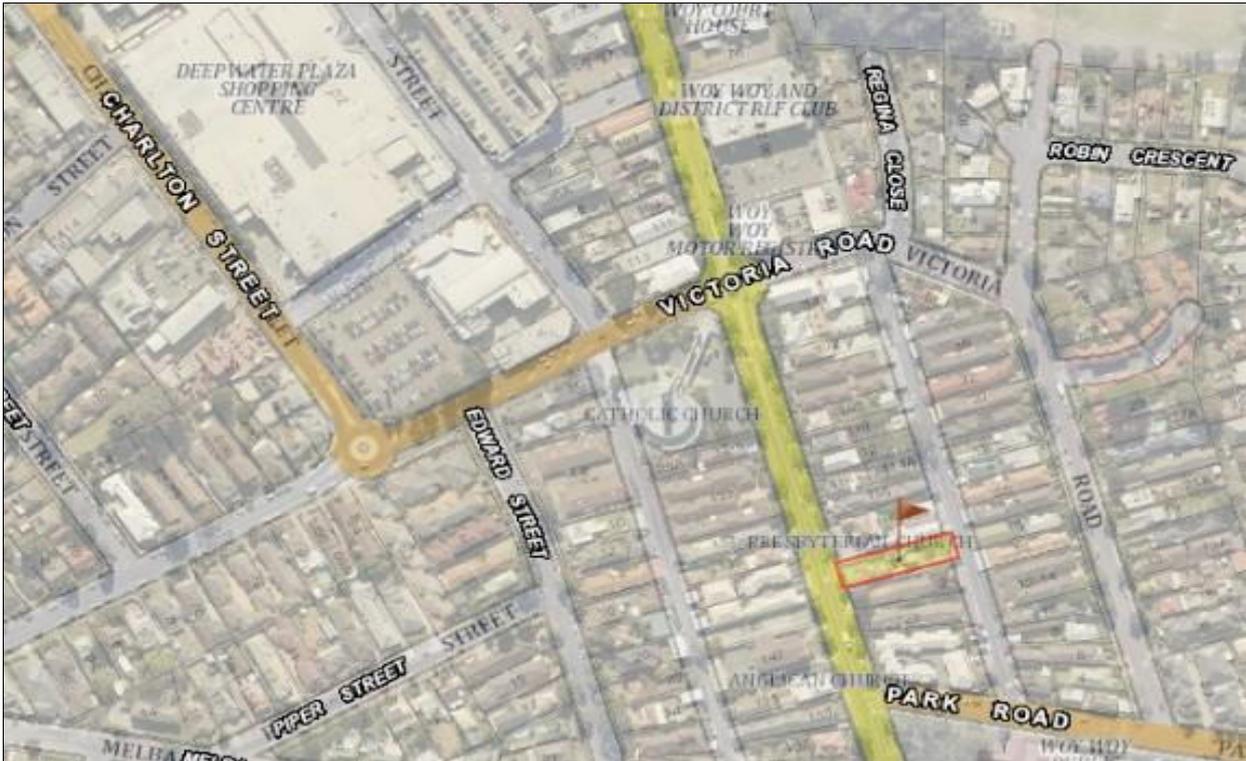


Figure 1 – Location Map

Source: LPI Maps (January 2020)



Plate Plate 2. View of the site from Blackwall Road

Source: Gmaps Maps January 2020

### 3.1 Accessibility

The site is located within convenient walking distance to the Woy Woy Town Center (approximately 250m) which includes the typical necessary goods and services required for day to day living and health services as specified in clause 26 Location and access to facilities. The site enjoys accessibility to a footpath that provides level gradient to and from the Town Centre as well as to the Peninsula Leisure Centre located approximately 700m from the site.

### 3.2 Utility Services

All utility services are available to each dwelling, which includes water, sewerage, electricity, gas and telephone / internet.

### 4.0 Description of Proposal

The proposal entails the removal the existing dwelling-house and ancillary structures, excavation for the implementation of building footings, driveways, services and stormwater systems, the placement of temporary construction fencing and sediment and erosion control measures.

The proposed development is defined as 'in-fill self-care housing' as defined in clause 13 in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The proposal would entail the erection of four (4) self-care seniors housing units. Each unit would include two (2) bedrooms, bathroom, living room, dining and kitchen. Each unit would also include a single car space with a small garden / private open space area with timber fencing around the perimeter of the garden. Each dwelling would have sufficient areas within the curtilage of their properties to include moveable garbage bins to be presented to either Blackwall Road for kerbside collection. The site would include vehicular access via a driveway from Blackwall Road.

The site would incorporate landscaping and rainwater tanks for water re-use in accordance with Council's water cycle management policies.

- The development is to be designed in a residential style with a range of finishes and materials including face brick walls, and colourbond roofs to match the existing residential development within the residential zone.
- Detailed Landscape plans have been prepared by *Knight Mapleton* and forms part of the plans submitted for the development application. Reference should be made to the plans as the ability of the site to incorporate landscaping around the perimeter and within the seniors living precinct.
- Detailed stormwater concept plans and water cycle management plan have been prepared by Halcrows Engineering and forms part of the plans submitted for the development application. Reference should be made to the plans for further drainage and water re-use for the site.

- All utility services are available to the site, which includes water, sewerage, electricity and telephone / internet. It is also noted that the records of services authorities will be investigated as to the location of services prior to the commencement of construction.
- Waste from residents would be stored within moveable garbage bins located behind each dwelling and away from view internally and from the street. The internal driveway area has been designed to cater for the access of waste collection vehicles and to be able to exit the site in a forward direction.
- The site would obtain direct vehicular access to Blackwall Road via a constructed driveway that would be positioned along the northern boundary of the allotment.

As part of the proposed development, civil works necessary for the construction of the buildings will be undertaken, including excavation for on-site stormwater detention tanks; construction of internal roads and driveways to connect to the existing roadway system in the lot and the connection of services.

## Statutory and Policy Compliance – Section 4.15

The provision of:

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

The following Environmental Planning Instruments are subject to the subject land and have been duly considered in the preparation of this development proposal and application.

The relevant Statutory Planning Controls include:

- *The Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy No 1 - Development Standards*
- *State Environmental Planning Policy (BASIX)*
- *State Environmental Planning Policy (SEPP) Coastal Management*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Gosford Local Environmental Plan 2014*
- *Gosford Development Control Plan 2013*

## **Objectives of the Environmental Planning and Assessment Act 1979**

The objects of the act are:

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land,*

*(iii) the protection, provision and co-ordination of communication and utility services,*

*(iv) the provision of land for public purposes,*

*(v) the provision and co-ordination of community services and facilities, and*

*(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*

*(vii) ecologically sustainable development, and*

*(viii) the provision and maintenance of affordable housing, and*

*(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

*(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

*Comment:*

The proposal would not result in any adverse environmental, amenity, social or economic impacts to the site and surrounding area. The proposal would allow the erection of a seniors living accommodation that is in high demand due to the ageing demographics of the area. The proposal would continue to cater for the community needs on a site that has already been established for such a facility.

The application would be compatible with the intention and rationale outlined in the Department of Planning's planning publication '*The Metropolitan Strategy*' which is further outlined in the '*Central Coast Regional Strategy*'.

The use of the land would not adversely impact on the surrounding properties and would allow the existing environment to be adequately protected whilst allowing suitable and appropriate development to proceed. The use of the land for the erection of alterations and additions to an existing age care facility is considered to be an orderly and economic use of the subject land, whilst reflecting the character of the locality and the environment.

Careful consideration has been given in the design of the senior living development to ensure that the amenity of the surrounding residents will not be compromised and that the works provide a high standard of development that would be compatible with the existing and likely future built environment.

The proposal would be; consistent with the scale of the established buildings in the locality, of quality design, meets the objectives outlined in the act and would be in the public interest. It is considered that the development satisfies the objectives of the *Environmental Planning and Assessment Act 1979*.

## **Statutory and Policy Compliance – Section 4.15**

The provision of:

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

This statement of environmental effects addresses the environmental planning instruments in relation to the proposed development upon the subject land.

#### **4.1 State Environmental Planning Policy (SEPP) – Coastal Management**

The SEPP applies to the Gosford Council LGA. The objective of this policy is to protect and manage the coastal lands of NSW in an ecologically sustainable way. This objective is particularly associated with sensitive coastal locations as defined under Section 13 of the SEPP. Matters of consideration by a consent authority are outlined under Clause 14 of the SEPP. However given the minor nature of the proposal where potential environmental impacts would be negligible, the provisions of the SEPP are not considered relevant in this instance.

#### **4.2 State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land requires the consideration as to whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated it must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The site history indicates a history of residential development, it is not likely that the site has experienced any significant contamination, and further assessment under SEPP 55 is not required.

#### **4.3 State Environmental Planning Policy (BASIX) 2004**

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims to ensure consistency in the implementation of the BASIX scheme throughout the State. A BASIX certificate is required for all new dwellings and has been considered in this application as a BASIX certificate has been submitted as part of this application.

## 5.0 Gosford Local Environmental Planning Policy 2014

The *Gosford Local Environment Plan 2014 (GLEP 2014)* is currently Council's primary planning control for development in the Gosford Local Government Area and establishes the requirements for the use and development of within the Municipality. The GLEP provides objectives, zones and principal development standards including minimum lot sizes, floor space ratios, densities and height of buildings.

The zoning maps provided by Gosford City Council's website indicate the subject site is currently zoned R2 – Low Density Residential under the *Gosford LEP 2014*

The objectives of the R2 – Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To encourage best practice in the design of low-density residential development.*
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*

Comment:

The proposed development is defined as 'seniors housing' under the GLEP 2014 and is permissible subject to Council consent. The location and design adheres to the objectives of the zoning including the provision a facility or service to meeting the demand for aged care accommodation within the area. The proposal would utilise energy efficient construction techniques and would be constructed upon on already developed land and consequently not injure or harm the ecology within the locality.

The proposal would allow for the erection of an aged care facility which is commensurate with the overarching objectives of the zone and would comply with the development standards within the GLEP 2014. The aged care facility would provide residential accommodation that would cater for a variety of aged care persons within a building that would be compatible with the scale of development in the locality and would not adversely impact on the demands of local services.

It is acknowledged that that he proposed development is being lodged pursuant to the provision of the Seniors SEPP, and by virtue of clause 5 of the Seniors SEPP, in the

event of any inconsistency with any other environmental planning instrument (including GLEP 2014), the Seniors SEPP prevails to the extent of the inconsistency.

Accordingly a full assessment of the proposed development against the objectives and the controls of the GLEP 2014 (where relevant having regard to the provisions of the Seniors SEPP) is provided in this report.

## 5.1 GLEP Development Standards

Development Standard	Required	Proposed	Compliance
Height	8.5m max	5.16m	Yes
FSR	0.5:1	0.32:1	Yes

## 5.2 – GLEP 2014 - Clause 7.1 Acid sulfate soils

The site is within a moderate (class 3) acid sulphate zone in accordance with Council's Acid Sulphate Soils Map. Generally Acid Sulphate Soils are found lower than 1 metre Australian Height Datum (AHD) and often 0-0.3 metre AHD. The site is approximately 1.4 metres AHD and therefore significant acid sulphate soils would be not likely to be encountered. Additionally there would be minimal excavation in relation to the construction for the subdivision. Should acid sulphate soils be encountered during construction works, Council would be notified immediately and an Acid Sulphate Soils Management Plan, written in accordance with the NSW Acid Sulphate Soil Manual 1998 would be to be submitted to Council.

## 6.0 SEPP (Housing for Seniors or People with a Disability 2004)

The proposed in-fill self-care seniors housing development is being submitted to Gosford City Council pursuant to the relevant provisions of the State Environment Planning Policy (Housing for Seniors or People with a Disability 2004 (Seniors SEPP).

In accordance with the definitions provided under the SEPP, the proposed dwellings are considered to be “*in-fill self-care housing*”, which consists of “*two or more self contained dwellings where no meals, cleaning, personal or nursing services are provided*”.

In this regard it is generally acknowledged that a large percentage of the over 55 cohorts generally have no immediate need for essential support services on-site, being able to seek external support services via private and public transport when required. As such development s such as this proposal does not warrant provision of on-site services where the site is in accessible location to those services in accordance with clause 26 which is discussed below.

It is acknowledged that that he proposed development is being lodged pursuant to the provision of the Seniors SEPP, and by virtue of clause 50 of the Seniors SEPP, standards that cannot be used to refuse development consent for self-contained dwellings are applicable. In relevant circumstances these include, building height, density and scale, landscaped area, deep soil zones, solar access, private open space for in-fill self-care housing and parking.

Accordingly a full assessment of the proposed development against the objectives and the controls of the GDCP 2013 (where relevant having regard to the provisions of the Seniors SEPP) is provided in this report. The Policy prevails to the extent of any inconsistency with any other environmental planning instrument.

The SEPP is the overriding planning instrument for the development of housing for aged and disabled people in NSW and provides for hostels, residential care facilities (nursing homes) self-contained dwellings and multi-storey buildings. The *SEPP* is comprehensive in scope including land use planning provisions, design principles, development standards and standards specifically to meet the housing needs of aged and disabled people. Relevant clauses of the *SEPP* are addressed below.

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#### **Clause 4 - Land to which Policy applies**

Seniors housing developments are permissible within the zone under clause 4 of SEPP (Housing for Seniors or People with a Disability) 2004, and R2 zone under Gosford LEP 2014. The land is not identified as being within any environmentally sensitive land defined under Schedule 1 of the SEPP or as described within GLEP or SEPP 71.

#### **Clause 26 – Location and access to facilities requirements**

The site is located within convenient walking distance to the Woy Woy Town Center (approximately 250m) which includes the typical necessary goods and services required for day to day living and health services as specified in clause 26 Location and access to facilities. The site enjoys accessibility to a footpath that provides level gradient to and from the Town Centre as well as to the Peninsula Leisure Centre located approximately 700m from the site.

Public transport service services are also available to the residents within close proximity of the subject site. The furthest walking distance to the nearest public transport service is approximately 80 metres to the Bus Ways Bus Service – route 59. The bus picks up from the front of the Peninsula Leisure Centre on average every hour in the morning and every two hours in the afternoon. The bus ride is approximately 5 minutes to Woy Woy CDB which provides those services outlined in clause 26(1) of the Seniors SEPP.

It is noted that the abovementioned transport services operate at a frequency which currently meets the access requirements and the distance specified for seniors housing development pursuant to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Clause 26 Location and Access facilities. The gradients of the pedestrian route to where the buses can safely stop to pick up or set down passengers would be less than 1 in 14 grade requirement.

Monday to Friday		♿		♿			
map ref	Route Number	59	59	59	59	59	59
P	Wagstaffe Store Wagstaffe Avenue	05:34	06:55	08:38	09:15	13:05	16:40
O	Killcare Heights Hats Street & The Scenic Road	05:43	07:04	W08:47	09:24	13:14	W16:47
N	Empire Bay Post Office Kendall Road	05:50	07:12	X09:02	09:32	13:22	X16:15 X17:04
M	St Huberts Island Discovery Street & Weatherly Parade	05:58	07:22	X09:12	09:41	13:31	...
L	Ettalong Beach Ocean View Road & Memorial Avenue	E06:04	07:31	X09:20	09:49	13:39	X16:25 X17:14
K	Blackwall Booker Bay Road & Mullbong Road	06:09	07:37	X09:26	09:55	13:45	X16:31 X17:18
J	Woy Woy Peninsula Leisure Centre Blackwall Road	06:13	07:42	X09:31	10:00	13:50	X16:36 X17:22
I	Woy Woy Brick Wharf Road & North Burge Road	06:16	...	X09:35	10:04	13:54	X16:40 X17:26
H	Woy Woy Interchange	06:20	07:48	X09:40	10:09	13:59	X16:45 X17:30
T	Woy Woy train departs	06:26	07:56	10:11	10:44	14:11	17:11 17:44
Ⓜ	Sydney train arrives Central	07:42	09:12	11:26	11:56	15:26	18:26 18:56
Ⓟ	Woy Woy Interchange Rte 55 or 70 departs Stand 1	06:37	07:50	09:56	10:26	14:05	17:03 17:37
Ⓠ	Gosford Interchange Rte 55 or 70 arrives	07:05	08:15	10:21	10:51	14:39	17:28 18:02

Figure 2. Red Bus Co. Bus Route Map

Source: <https://www.busways.com.au/travelling-with-us/route/59/route-59>

## Clause 28 - Water and Sewer

Pursuant to the SEPP, Council must be satisfied that the provision of water and sewerage infrastructure is satisfactory for the proposed development. The site is connected to Council's reticulated potable water supply and sewer system. The site would continue to be serviced by these services.

## Clause 30 – Site Analysis

Included in the architectural plans submitted is a site analysis plan identifies site dimensions, topography, services, existing vegetation, micro climates, location of existing structures and access points, views and overshadowing.

The development will provide sufficient separation to adjoining allotments to implement landscaping and privacy within the low density zone.

## Clause 31 Design of in-fill self-care housing

The proposed in-fill self-care development has incorporated the relevant design requirements outlined with the Department of Planning's document "*Seniors Living Policy: Urban Design Guideline for Infill Development*". The design of the SL development has been undertaken in manner that addresses the site context; character of the locality; streetscape impacts and impacts to neighbouring properties.

## Clause 32 Design of residential development

Clause 32 of the SEPP stipulates that a consent authority must be granted unless it is satisfied that adequate regard has been given to the following design principles.

## Clause 33 - Neighbourhood amenity and streetscape

The SL development has been undertaken in a fashion to allow the siting of the dwellings and associated roadway that would be sympathetic to the bulk and scale of development with the low density residential area. The design includes suitable and appropriate boundary setbacks to retain an appropriate landscape transition zone along the front boundary to maintain the transition of the built form to the street.

The maintaining of trees and vegetation to around the perimeter of the development will allow a balance of the solar access and shade for the residents who reside in the subject allotment. Additionally with the incorporation of landscaping around the eastern street frontage perimeter the appearance of the building would be substantially softened and provide an acceptable transition to the street and adjoining properties.

### **Clause 34 Visual and acoustic privacy**

As demonstrated within the site analysis plan the design layout for the SL dwellings would incorporate sufficient separation and landscaping between each self-contained dwelling and to neighbouring premises to provide sufficient visual and acoustic privacy in accordance with the SEPP.

The sense of privacy has been primarily achieved through the location of buildings each being separated by single garages and landscape screening located around the perimeter of the dwellings and allotment as demonstrated in the landscape plan. This has been further enhanced with the provision of boundary setbacks and the considered orientation and location of each dwelling and their private open space.

With respect to acoustic impacts the site is located in the immediacy of low density residential development. It is considered that the structures along with fencing will adequately suppress noise generated by the activities within the area. It is considered that the activities undertaken by the occupants would be passive rather than dynamic in nature and therefore generate low noise impacts that would be entailed with the SL precinct. The proposed usage as a SL precinct is unlikely to generate offensive noise pollution that would require mitigation measures or other management procedures.

### **Clause 35 - Solar access and design for climate**

The SEPP requires:

*a) adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*

*(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

The siting of the dwellings within the SL development has taken advantage of the east-west orientation of the allotment. The proposal includes a BASIX Certificate that requires the implementation of solar and passive design which has been considered in the site planning for the SL development.

### **Clause 36 – Stormwater**

The intent of Water Cycle Management is to minimise the impact of development on the natural water cycle. In this instance the development would relate this plan in relation to storm water re-use and stormwater discharge in relation to creation of a new allotment and future dwelling house.



A Water Cycle Management Plan has been prepared by *Halcrow & Associates* which demonstrates that the proposed subdivision and future dwelling-house development would have the ability to incorporate appropriate water cycle management design that adheres to Gosford Councils Water Cycle Management requirements.

#### Clause 37 – Crime Prevention

It is anticipated that that associated with the patronage of the seniors living units and that the site is located on a relatively busy stretch of Blackwall Road that this would entail additional passive surveillance which in turn would act as a deterrent to criminal activities. The premises is relatively free from physical screens/barriers that would impede sightlines that would allow passive surveillance to be undertaken.

#### Clause 38 – Accessibility

The proposed apartments are required to comply with the relevant requirements of the Building Code of Australia (BCA), particularly with respect to fire safety standards and the energy efficiency provisions relevant to Class 1 buildings. In this regard, discussions with the building designer have indicated that the buildings can comply with the relevant provisions of the BCA either via deemed-to-satisfy provisions or alternate solutions (or a combination of both). Details of the relevant standards and how they are met will be addressed in the plans prepared for the relevant construction certificate.

#### Clause 39 - Waste Management

The waste generated during the demolition and construction phase will be contracted to local professional parties who will dispose of this material at the appropriate waste recycling depots and Council waste depots, depending upon the material encountered.

Details of waste management is detailed in the Waste Management Report that accompanies this application In accordance with GDCP 2013 – Chapter 7.2 Waste Management a waste management plan has been undertaken in accordance with the requirement outlined in the DCP.

#### Clause 40 – Development standards—minimum sizes and building height

Development Standard	Required	Proposed	Compliance
40(2) Site Size	Min. 1000m <sup>2</sup>	934.3m <sup>2</sup>	No – refer to SEPP1 Objection
40(3) Site Frontage	Min 20m	15.24m	No – refer to SEPP1 Objection
40(4) Height	8m	5.16m	Yes
	25% of rear < 1 storey	Single storey	Yes

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

Development Standard	Required	Proposed	Compliance
(50)(a) Building Height	8m max.	5.16m	Yes
(50)(b) Density and Scale	0.5:1 max.	0.32:1m	Yes
(50)(c) Landscaping	Min. 30% of site	35%	Yes
(50)(d) Deep Soil Zones	Min 15% (2/3 to rear)	30% - 2/3 to front	No – refer to SEPP1 Objection
(50)(e) Solar Access	minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Greater than 70% of the dwelling would receive 3hrs of solar access to	Yes
(50)(f) Private Open Space	POS: Ground floor units - not less than 15m <sup>2</sup> of POS per dwelling is to be provided, not less than 3m x 3m & accessible from living area located on ground floor.	Units 2,3 & 4 < 15m <sup>2</sup>	No – Unit 2 & 3 entail min widths of 2.48m – refer to SEPP 1 objection
(50)(h) Parking	Parking – 0.5 spaces per bedroom is required.	1 space per 2 bedroom dwelling	Yes

**Clause 41 & Schedule 3 – Access and useability standards for self-contained dwellings:**

Development Standard	Required	Proposed	Compliance
Siting Wheel Chair Access	100% of ground floor dwellings to have wheelchair access by continuous accessible path of travel as per 1428.1 to an adjoining public road % of ground floor dwellings, equal to 1% of the site with gradient <1:10 or min. 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to driveway or public road that is accessible to all residents	Compliant with AS 1428.1	Yes

Letterboxes	Lockable		Yes per - conditions of consent to be specified prior to issue of CC
<b>Private car accommodation</b>	Comply with AS2890.1 6m x 3.2m or achievable  5% of total width able to be increased to 3.8m	All 5 spaces comply	Yes
<b>Accessible entry</b>	Gradient 1:40 or less  Comply 4.3.1 and 4.3.1  Door Handle/Hardware		Yes – subject to conditions of consent
<b>Interior: general</b>	Internal Doors 800mm  Internal corridors min 1m  Entry door handle AS1428		Yes – subject to conditions of consent
<b>Bedroom</b>	Area, power, phone		Yes – subject to conditions of consent
<b>Bathroom</b>	Area, ect		Yes – subject to conditions of consent
<b>Toilet</b>	AS1428		Yes – subject to conditions of consent
<b>Surface finishes</b>	Patio and areas to be paved		Yes – subject to conditions of consent
<b>Door hardware</b>	Door handles and hardware to comply with AS4299		Yes – subject to conditions of consent
<b>Ancillary items</b>	Switches and powerpoints to comply with AS4299		Yes – subject to conditions of consent
<b>Living room and dining room</b>	Circulation space/telephone		Yes – subject to conditions of consent
<b>Kitchen</b>	Width, taps, cooktops, ovens		Yes – subject to conditions of consent
<b>Access to kitchen, main bedroom, bathroom and toilet</b>	Multi-storey, self contained dwelling	All units one level only	Yes – subject to conditions of consent
<b>Laundry</b>	Washing machines, clothes dryer		Yes – subject to conditions of consent
<b>Storage for linen</b>	Storage for linnen		Yes – subject to conditions of consent
<b>Garbage</b>	Garbage enclosures provide and collected on street		Yes

## 7.0 Gosford Development Control Plan 2013

### Development Control Plan 2013 Chapter 2.1 – *Character*

The subject allotment is located in the suburb of Woy Woy and is classified as being located within Place 4: *Parkland Bungalows*. The desired character for the centre is to:

*“Surround each dwelling with a leafy garden to conserve existing bushland remnants and trees that are visually-prominent, particularly any corridors or clusters along back fences and street verges. New trees should be mostly-indigenous to enhance the established canopy.*

*Ensure that new structures complement the siting of surviving traditional bungalows nearby. Maintain street setbacks that are similar to neighbouring properties. Avoid the appearance of a continuous wall of buildings along any street or laneway by providing at least one wide side setback or by stepping the shape of front and rear facades.*

*For new dwellings and additions to existing dwellings, reflect the modest scale and simple articulation of traditional mid-Twentieth Century bungalows. Roofs should be simple hips, gables or skillions without elaborate articulation, gently-pitched to minimise the height of ridges, and flanked by wide eaves to disguise the scale and bulk of exterior walls. Use stepped floorplans, or divide floorspace into linked pavilion structures that are capped by individual roofs and separated by landscaped courtyards. Any facades that are taller or longer than those of neighbouring dwellings should be screened by an extra setback or by balconies and verandahs. Preferably, provide parking as open carports or in detached garages that are screened by shady trees.”*

Comment:

The proposed SL development would maintain the landscaping along the backwall street frontage and side setbacks that has been established in the area and incorporate landscaping measures to provide appropriate transition zone from the units when presented to the street.

The proposed SL development would be incorporate various cladding finishes utilising an appropriate schedule of finishes that would be compatible with the contemporary dwellings that have been erected in the locality. The SL development would incorporate patios and be modulated in a manner to alleviate monotonous design. The design incorporates a balance of horizontal and vertical elements to incorporate breaks in form that is encouraged by the character statement for Woy Woy.

### **Front Fencing**

Unlike single dwelling-houses that are erected upon residential sized allotments, that typically have their principal private open space positioned to the rear of the dwelling-house; multi-unit dwelling and residential flat buildings have court yards positioned to the

front of the front dwelling with courtyard fencing to allow an appropriate level of screening to the principal private open space. The implementation of 1.8 metre front fencing allows the incorporation of a front private courtyard which meets the objective and performance criteria stipulated in of the Fencing clause in regards to the provision of privacy.

With the incorporation of a roadside planting and horizontal timber paneling, the structure avoids a monotonous form with the bulk and scale broken by the incorporation of timber paneling. The scenic quality of the area would not be compromised with the erection of front fencing to the residential SL complex. The implementation of the front courtyard fencing will allow appropriate delineation of the private open space to be utilised by the front unit within the development and the adjoining streetscape.

## **7.1 GDCP 2013 – Chapter 6.6 – Preservation of Trees or Vegetation**

The proposed SL development entails the removal of 3 trees. The species are not critically endangered or form part of vegetation corridor that would entail impacts to fauna. It is suggested that the loss of the tree canopy could be off-set with the imposition of a condition recommending the planting of suitable native street trees such as Water Gums (*Tristania laurina*).

## **8.0 Sediment and Erosion Control**

Erosion and sedimentation controls will be installed and maintained in accordance with Gosford City Councils standard engineering practices where required. Preliminary details are shown on the Soil Erosion and Sedimentation Control Plan prepared by Knight Mapleton (as part of the architectural plans) shows the proposed erosion and sedimentation controls to be implemented. Full details will be provided with the Construction Certificate and will be subject to appropriate conditions of consent required by Gosford City Council. When fully implemented, the erosion and sedimentation controls are expected to minimise any adverse effects caused by the development.

## **9.0 Social and Economic Impacts**

Positive social and economic impacts are anticipated as a result of the proposed development. As outlined in this statement of environmental effects the proposal would provide an additional seniors living facility to provide residential aged care accommodation that is in high demand due to the ageing population and the older cohort representation within the Woy Woy Peninsula.

The proposal will contribute to positive economic outcome by providing short term construction employment and additional SL accommodation that is in high demand within the Gosford City LGA.

## **10.0 Suitability of the Site for the development**

The site is of sufficient size and dimensions to accommodate the proposal in accordance with the objectives outlined in the relevant environmental planning controls. In view of the fact that the site is located within an established residential zone and that all utility services would be available for the site, the proposed development would not infringe on these established services.



The design of the SL units entail appropriate access to all areas within the building which is encouraged by anti-discrimination polices that have been implemented within national state and local planning instruments and building codes.

### **BCA/DISABLED ACCESS**

Under SEPP Seniors Living, the proposed development is also required to comply with the relevant requirements for access by persons with disabilities specified within the BCA, and the Disability Discrimination Act 1992 (DDA) and the various Australian Standards cross referenced within same (i.e. AS 1428.1 – Design for Access and Mobility, AS 4299-1995 – Adaptable Housing, AS 2890.6-2009 – Off Street Parking for People with Disabilities and AS 1735.12-1999 – Facilities for Persons with Disabilities).

Accordingly, the design has taken into that the accessible features (such as parking, pedestrian entries, lifts, toilets and common areas etc) and travel paths to and within the proposed development will provide compliant access for persons with a disability as required under the BCA, DDA and the various Australian Standards identified above.

## **11.0 The Public Interest**

The public interest is well served by the proposed development. In view of the minor nature of the development it is considered that the health and safety of the public will not be affected. The proposal will allow an additional seniors living accommodation and supports the strategic planning objectives relative to the Gosford LGA.

## **12.0 Conclusion**

As detailed within this report, the proposed self-care seniors living at 122 Blackwall Road, Woy Woy development is consistent with the objectives, planning strategies and controls applicable to the site. The appropriate assessment has been undertaken to ensure that the development would not be detrimental to the environmental or amenity aspects of the site.

The proposal is consistent with the seniors living precinct that has been established in the residential zone and is commensurate with the character of the area. Given the proposal meets the objectives of the applicable planning instruments and the overarching strategic goals for the Gosford City Local Government Area, it is considered that the proposal is suitable for the site.

## Appendix A - SEPP 1 Objection

The SEPP 1 Policy provides flexibility in the application of development standards in circumstances where strict compliance with those standards would, in particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979, states:

“The objectives of this Act are:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of the land,
  - (iii) ....”

Where development could, by for a development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore), the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case and specifying the grounds of that objection.

The proposed development application (DA) is seeking approval for the erection of five (5) residential aged care facility on lot Lot 18 in Deposited Plan 549396, known as 122 Blackwall Road, Woy Woy.

This SEPP 1 Objection addresses the matters set out in a recent Land and Environment Court decision, *Wehbe v Pittwater Council* (2007) NSW LEC 827

### **Development Standard to which this objection relates**

This Objection is made in respect to three development standards within the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, including:

Clauses 40(2) Site Size, 40(3) Site frontage, 50 (d) Deep soil zones and 50 (f)(i) private open space for in-fill self-care housing.

Notwithstanding the non-compliance with the SL SEPP development standards the proposal generally achieves compliance with all the relevant development standards and design principles and site related requirements with the non-compliances justified on planning grounds below :

1. The proposed in-fill development would be commensurate with the established and desired character, intensity and scale of multi-unit development for the Woy Woy Peninsula area. Such examples include the SL development at 247 Blackwall Road and 73 Ocean Beach Road, Woy Woy.
2. The size and width of the allotment large and wide enough to provide an appropriate access, dwelling design, private open space areas, car parking circulation and curtilage for the proposed four (4) units.
3. The proposal in relation to the landscaping and private open space requirements is a relatively minor non-compliance that has been designed and incorporated into the development to meet the overarching objectives of the SEPP.
4. The proposed development is consistent with the underlying objective of the development standard as there is a sufficient area for landscaping to the front of the site demonstrating that the proposed development is consistent with the planning policy.
5. The site is located within close proximity of the Peninsula Leisure Centre and the Woy Woy waterfront that provides an extension of the amenity and recreational facilitation that the occupants of the units would use for active and passive recreational pursuits.
4. The plans submitted with the application indicate that appropriate planting area would be selected for the landscaping that would be included in the landscaping design.
5. The proposed landscaping is proposed to be undertaken to the front of the site that would assist in providing visual amenity to the residents of the residential care facility as well as in relation softening the built form to the streetscape.
6. The development complies with the other relevant development standards set out within the SL SEPP.
7. The proposal would be consistent to other SL unit development that has recently been approved by Council as infill development within The Woy Woy Peninsula.
8. The SL would be regarded as beneficial to providing appropriate scale dwellings for older cohorts which is in great demand within Woy Woy Peninsula Area and the Gosford LGA. This from a socio-economic perspective the proposal would provide a positive outcome.

In a recent Land and Environment Court decision, *Wehbe v Pittwater Council* (2007) NSW LEC 827, the Chief Justice expressed the view that there are five different ways in which an objection may be well founded and the approval of the objection may be consistent with the aims of the policy: -

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

It is noted that these tests are independent of each other and not cumulative (*Wehbe* paragraphs 42-48)

In this instance point 1 is relevant in this case and below is discussion outline why the underlying purpose of the standard is achieved.

Point 1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

Comment: -

The objectives of the State Environmental Planning Policy (*Housing for Seniors or People with a Disability*) 2004 are outlined in clause No. 2 Aims of Policy and states:

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
  - (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
  - (b) *make efficient use of existing infrastructure and services, and*
  - (c) *be of good design.*
- (2) *These aims will be achieved by:*
  - (a) *setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*

*(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*

*(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

Comment:

Seniors Living development is a permissible land uses in the Residential R2 – Low Density Zone, subject to Council Consent.

The application would provide additional residential aged care accommodation that is in high demand due to the ageing population and the older cohort representation in the Peninsula.

As outlined in the statement of environmental effects the design of the additions would be undertaken to be of good design principles (in relation aesthetic treatment and appropriate function) and be in sympathy with the existing structures and the streetscape.

As demonstrated in the landscape plan an appropriate landscaped area would be provided to eastern (front) perimeter that would soften the appearance of the building that is projected to the Blackwall Road frontage.

The design of the landscaping would allow improved amenity to the existing aged care facility and incorporate an appropriate balance between native and exotic species. The landscape design would allow open passive surveillance that is appropriate for the SL site.

The site would provide appropriate community care services to the residents in an appropriate location and setting with all utility services are available to the site.

Overall the proposal generally meets the prescriptive standards of the SEPP and it is considered that the proposal meets the overarching objectives of the *State Environmental Planning Policy Housing for Seniors or People with a Disability) 2004*. Refusal on the basis of the non-compliance with the prescriptive measures would contravene the purpose and rationale of the stated objectives.

## **Conclusion**

Based on the assessment of the proposal, the application would provide a sufficient site and design to meet the objectives set out within the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

It is submitted to Council for the reasons set out in the objection that it would be both unreasonable and unnecessary for the prescriptive measures of the SL *SEPP* to be strictly adhered to *this in this application*. *The non-compliance in this instance would not result in the undermining or destroying the development standard or the planning objectives of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

