

Memorandum to the Waverley Local Planning Panel

To: Chair and Panellists of the Waverley Local Planning Panel

From: Emma Finnegan, Senior Development Assessment Planner
Ben Magistrale, Manager, Development Assessment

Subject: DA-455/2021 | 671-683 Old South Head Road, VAUCLUSE
Addendum to the Assessment Report (SEPP 65 and ADG)

Date: 23 August 2022



1. PREAMBLE

The development application, known as DA-455/2021, was lodged with Council on 15 October 2021 for demolition of the existing dwellings and construction of a four-storey seniors living building with 37 units including basement car parking and associated landscaping works.

The application is recommended for deferred commencement consent by Council's Development and Building Unit (DBU) in a report to the Waverley Local Planning Panel (WLPP).

On 22 August 2022, a Panellist on the WLPP raised a query regarding the application of SEPP 65.

It is unclear whether SEPP 65 applies to Seniors Housing that are not subject to the new Housing SEPP, Clause 5(3) of the SEPP (Housing for Seniors or People with a Disability) 2004 (noting, this SEPP applies to this DA due to savings provisions), states the following:

(3) if this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.

In this regard, the assessment report comprehensively addresses the required matters for consideration under the Seniors SEPP, particularly matters that would be covered by the ADG. Also, the DA was referred to the Waverley Design Excellence Advisory Panel and their commentary against the design quality principles of SEPP 65 were considered and a brief assessment against these design quality principles has been provided in Table 2 of the Council Assessment Report.

Notwithstanding this, an internal review of other development applications and LEC matters indicates that Waverley Council planning staff have addressed SEPP 65 where Seniors Housing is proposed. As such, the below assessment against SEPP 65/ADG is provided to the Panel as an addendum to the Assessment Report.

2. APARTMENT DESIGN GUIDE ASSESSMENT

The following is an assessment of the proposed development against key parts of the Apartment Design Guide (ADG).

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable Increased separation of 3m where adjoins a lower density zone 	<p>Yes</p> <p>Yes</p>	<p>The development is separated by a distance of 8m from the rear (eastern) boundary, with a 12m separation distance between the proposed development and the apartments at 2 Oceanview Avenue. The proposed building is set back 4.5m from each side (northern and southern) boundary. Screening is provided on to the side of the balconies and windows to maximise visual privacy.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	<p>Yes</p>	<ul style="list-style-type: none"> 81% of units receive at least 2 hours mid winter (30/37 apartments) 0% of apartments receive no direct sunlight between 9am and 3pm mid-winter. <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	<p>Yes</p>	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. 84.2% of apartments are naturally cross ventilated (31/37 apartments). <p>The proposal incorporates full width glazing with large panel sliding doors to maximise the possible opening to encourage air flow and natural ventilation.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	<p>Yes</p>	<p>The ceiling heights within all units comply with the minimum requirement.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² 	<p>Yes</p>	<p>All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable.</p> <p>The proposed one-bedroom units are 58sqm, the two-bedroom units are between 91-112sqm</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • Add 5m² for each additional bathroom (above 1) • Add 12m² for each additional bedroom <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>		<p>and the three-bedroom units are between 135-170sqm.</p> <p>The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All kitchens are separate to the circulation spaces.</p> <p>All robes are a minimum of 1.5m.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	Yes	<p>100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</p> <p>The balconies and courtyards are either west or east facing.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Screens or solid side walls are provided to enhance privacy.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	<p>A maximum of three units are accessed off a circulation core on a single level.</p>
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	Yes	<p>The proposal provides separate storage within each apartment and storage areas are provided in the basement. The storage provided meets the requirements and objectives of the ADG. Condition imposed to ensure compliance in this respect.</p>

3. CONCLUSION

This addendum to the Assessment Report provides an assessment of SEPP 65 and the ADG. The assessment finds that the proposed development is consistent with the relevant provisions of SEPP 65 and the ADG. The application, known as DA-455/2021, at 671-683 Old South Head Road, VAUCLUSE is recommended for deferred commencement consent by Council's Development and Building Unit (DBU) in a report to the Waverley Local Planning Panel (WLPP).

Memorandum prepared by:



Emma Finnegan
Senior Development Assessment Planner

Date: 23 August 2022

**Memorandum reviewed and agreed upon
(on behalf of Council's Development and
Building Unit):**



Ben Magistrale
Manager, Development Assessment

Date: 23 August 2022