# TOWN PLANNING REPORT

# PROPOSED DEMOLITION WORKS AND ERECTION OF A BOARDING HOUSE AT 242 WARRINGAH ROAD

# BEACON HILL

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## 1.0 INTRODUCTION

CHARLES HILL PLANNING has been engaged by Ron Rohani Investments, to prepare a Town Planning Report in relation to the erection of a boarding house at 242 Warringah Road Beacon Hill

This planning report describes the proposed development, having particular regard to the provisions of the Environmental Planning and Assessment (E P and A) Act, and State Environment al Planning Policy (Affordable Housing) 2009, and examines any potential impacts with regard to the relevant sections of the Act, and relevant statutory and non- statutory requirements of the Northern Beaches Council.

A Pre DA meeting was held with Council officers for an earlier development proposal.

However as a result of the recent amendments to the State Policy, this amended proposal has been reduced to 12 units, and the matters raised by Council in the Pre Development Application meeting, have been addressed where relevant, as well as other issues raised during the redesign process.

The conclusions of the report is that the development as proposed, is appropriate in that it will have no adverse environmental effects on adjoining neighbours, will increase the variety and choice of housing in this locality, particularly related to the provision of affordable housing.

Accordingly it can be concluded that the proposed development is suitable for approval by Council, subject to the imposition of appropriate conditions.

## 2.0 THE SITE AND SURROUNDS

The subject land is located on the north east corner of Ellis Road and Warringah Road Beacon Hill, and is known as 242 Warringah Road (Lot 10, Section 1 in DP 6854).

The site has a total area of 877 square metres. The site has a frontage to Warringah Road of 12.8 metres (excluding the splayed corner), a frontage to Ellis Road of 57.49 metres, a northern boundary of 15.775 metres, and an eastern boundary of 55.65 metres.

The site is rectangular in shape and relatively flat, with a fall of some 6 metres from south to north.

A location sketch of the subject site is provided with the architectural plans attached to this report

Located on the site is essentially a single storey timber clad building, which has been cut into the site, creating an under-croft area on the northern elevation of that dwelling? There is also a granny flat located on the western elevation of that building

The building is setback approximately 10 metres from Warringah Road, and a minimum 4 metres from Ellis Road The building has a varying setback to the rear of

approximately 15-17 metres. Vehicular access to the site is via Ellis Road, whilst the main pedestrian access is from Warringah Road.

In addition it is noted that the site has not been identified as a heritage item, and is not in a heritage conservation area, nor in proximity to a heritage item or heritage conservation area.

A mixture of single and two storey dwellings are generally the predominant land use in this area. It is noted in particular that there is a two storey residential flat building directly opposite the subject site, on the west side of Ellis Street. A similar development is located on the south west corner of Ellis Street and Warringah Road.

The dwellings to the north and east of the site appear as single storey dwellings.

## 3.0 PROPOSED DEVELOPMENT

This application seek approval for the demolition of the existing dwelling and the construction of a new building for use as a boarding house, and associated works.

The development is commonly referred to as *new generation* boarding house which essentially means that each room is self-contained.

This application is lodged in accordance with the zoning provisions of the Warringah Local Environmental Plan 2011(under which Boarding Houses are permitted with Council consent in the R2 Low Density Residential zone), and the applicable development standards and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposed building has a setback to Warringah Road varying from 6.5 metres. The side setback to Ellis Street is a minimum of 3.5 metres, and the rear of the building is setback an average of 6 metres, although the First floor is setback an average of 8 metres from that boundary. On the eastern elevation the building is setback a minimum 0.9 metres, and a maximum 2 metres.

Vehicular access to the basement car park containing 7 parking spaces, including 1 disabled parking space, is from Ellis Street.

The proposed development comprises twelve (12) separate units.

On the lower ground floor is located 7 car spaces including a handicapped space, a community room with convenient access to the open yard at the rear of the site**,** bicycle and motor bike parking, a drying area, access stairway, and external garbage area. Vehicular access is from Ellis Street

Located on the ground floor are 7 units, including an accessible unit, a community room, managers room, access stairway, and pedestrian access to Ellis Street.

A drying area is located along the eastern boundary of the site.

The first floor comprises five units, a community room, stairway, and pedestrian access to Warringah Road.

Room sizes are generally range between 21-25 square metres including kitchen and bathroom, as shown on the architectural plans. The Manager's accommodation is 30 square metres.

Disabled pedestrian access is provided to the site

A site analysis and copies of the architectural and landscape plan, and photographic montage, are attached to this report

**Plan of Management**

The application also includes a Plan of Management.

It is proposed that the boarding house be operated and managed by the owner/applicant, or a delegate. In accordance with the requirements of the State Policy, one of the units will be available for accommodation of the manager.

The Plan of Management also includes provision for the future occupiers of the facility, as well as the local community, to contact the manager of the facility 24 hours per day, should any matter arise which requires action by the manager.

A copy of the Plan of Management is attached to this report.

## 4.0 STATUTORY CONTROLS (Section 4.15 (1) (a) (i))

Section 4.15 of the Environmental Planning and Assessment Act (EP and A) Act, requires an assessment of the development application having regard to the statutory planning instruments applying to the subject land, as well as the non-statutory controls and guidelines of the Northern Beaches Council (previously Warringah Council).

The statutory instruments considered as part of this assessment are as follows:

- Environmental Planning and Assessment Act, 1979.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Stat Environmental Planning Policy(Affordable Rental Housing) 2009
- State Environmental Planning Policy 55-Remediation of Land
- Warringah Local Environmental Plan 2011

The non statutory document is the Warringah Council Development Control Plan, 2011

These matter are addressed below.

### 4.1 Environmental Planning and Assessment Act

**Objects of Act**

In accordance with Clause 1.3, the relevant **"Objects of the Act"** as they relate to the subject application provides are as follows:

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(g) to promote good design and amenity of the built environment,

**COMMENT**

It is considered that the proposed development is consistent with these objective, as the proposed boarding house is permissible with Council consent in the zoning, and as such it promotes the orderly and economic development of land. The development will also increase the variety and choice of housing in this locality, particularly affordable housing, and the development is considered to be of a good design, and will have no adverse impacts in relation to the built environment.

## 4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX/Section J reports have been prepared, a copy of which is attached to this report.

## 4.3 State Environmental Planning Policy (Infrastructure) 2007

**Clause 45** of the State Policy requires the consent authority to consider any development application for any development:

*(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*

*(ii) immediately adjacent to an electricity substation, or*

*(iii) within 5m of an exposed overhead electricity power line,*

*(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

*(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*

*(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*

*(b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

**COMMENT**

Noted. Council to consult with electricity supply authority.

**100 Development on proposed classified road**

*(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of the chief executive officer of the RTA:*

*(a) subdivision that results in the creation of an additional lot with dwelling entitlements,*

*(b) development with a capital investment value greater than $150,000,*

*(c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.*

*(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*

*(a) give written notice of the application to the chief executive officer of the RTA within 7 days after the application is made, and*

*(b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

*(3) In deciding whether to grant concurrence to proposed development under this clause, the chief executive officer of the RTA must take the following matters into consideration:*

*(a) the need to carry out development for the purposes of a classified road or a proposed classified road,*

*(b) the imminence of acquisition of the land by the RTA,*

*(c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.*

*(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

*(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the RTA if:*

*(a) the consent authority has given the chief executive officer notice of the development application, and*

*(b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant the concurrence.*

**COMMENT**

Noted. Council to consult with RMS (previously RTA).

The objectives of **Clause 101:** Development with frontage to classified road are

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

In accordance with this clause:

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

*(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions,*

*or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

**Clause 102** Impact of road noise or vibration on non-road development, also applies to development:

*for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

*(a) a building for residential use,*

Before determining a development application for development to which this clause applies:

*the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

*(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

*(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*

*(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

*(4) In this clause,* ***freeway****,* ***tollway*** *and* ***transitway*** *have the same meanings as they have in the Roads Act 1993.*

**COMMENT**

An acoustic report has been prepared by prepared by Blackett Acoustics, a copy of which is attached to this report.

Blackett Acoustics were engaged to conduct DA acoustic assessment of the proposed 13 rooms boarding house development located at 242 Warringah Road, Beacon Hill.

The consultants conclude as follows:

*Assessment of traffic noise ingress has been conducted in accordance with the requirements of The Department of Planning and Infrastructure's (DoPI) document entitled "Development near Rail Corridors and Busy Roads – Interim Guideline". To ensure compliance with the guideline, recommendations have been made for building elements to control noise ingress to within design levels recommended.*

*Operational noise emission levels associated with outdoor spaces such as communal areas and carpark has been conducted in accordance with the requirements of the NSW Noise Policy for Industry (NPfI). Compliance is predicted on all occasions.*

*House rule and management procedures are established in the Plan of Management to maintain the residential amenity within the boarding house and the surrounding residential receivers.*

Accordingly any recommendations arising from the consultant's report, have been incorporated into the design of the subject building.

### 4.4 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing 2009 aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime**.**

More specifically the State policy provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non- discretionary development standards.

The development is commonly referred to as *new generation boarding house* which essentially means that each room is self- contained.

According to the Governments supporting documentation (*Supporting New Generation Boarding Houses*- published by the Department of Planning in August 2014*),* the *SEPP helps create new generation boarding house accommodation by:*

- *Providing floor space incentives to encourage investment in new boarding houses.*
- *Setting clear standards for the design and construction of new generation boarding houses.*

The following is an assessment of the proposed development against the relevant provisions of that Policy.

**Division 3: Boarding Houses**

**Clause 25: Definition**

For the purpose of this Division, a *Boarding House* is defined as a building that:

*(a) Is wholly or partly let in lodgings, and*
*(b) Provides lodgers with a principle place of residence for 3 months or more, and*
*(c) May have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
*(d) Has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

*but does not include backpacker accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

Further to the above it is noted that communal living room means:

*a room within a boarding house or on the site that is available to all lodgers for recreational purposes, such a lounge room, dining room, recreation room or games room.*

**COMMENT**

The proposed development is in accordance with these definitions.

**Clause 26: Land to which this Division applies**

This Division applies to land within which land use zones or within a land use zone that is equivalent to any of those zones

| Requirement | Comment |
|---|---|
| (b) R2 Low Density Residential | The subject land is zoned R2 Low Density Residential and as such, the proposed use is permissible with Council consent in accordance with WLEP 2011. |

**Clause 27: Development to which this Division applies**

| Requirement | Comment |
|---|---|
| *(1) This Division applies to development for the purposes of boarding houses.*<br>*(2) Despite sub-clause (1), this Division does not apply to development on land within R2 Low Density Residential zone (or within a land use zone that is equivalent to that zone) in the Sydney region unless the land is within an accessible area.* | The proposed development is consistent with this policy. |

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|---|---|
| ***Note:*** *Accessible area means land that is within:*<br>*(c) 400m walking distance of a bus stop used by a regular bus service(within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06:00 and 21:00 each day from Monday to Friday(both days inclusive), and between 08:00 and 18:00 each Saturday and Sunday.* | |
| *(3) Despite sub-clause (1), this Division does not apply to development on land within Zone R2 zones Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those* | *Not applicable as the land is located within the Sydney Region.* |

**Clause 28: Development may be carried out with consent**

| Requirement | Comment |
|---|---|
| *Development to which this Division applies, may be carried out with consent* | A *boarding house* is permissible with Council consent in accordance with WLEP 2011 and as such is development which may be carried out with consent in accordance with this Policy. |

**Clause 29: Standards which cannot be used to refuse consent**

| Standard | Requirement | Proposed | Compliance/comment |
|---|---|---|---|
| ***(1)Density and Scale***<br>*A consent authority must not refuse consent to development to which this Division applies on the grounds of scale if* | *(a)The existing maximum floor space ratio for any form of residential accommodation* | In accordance with WLEP 2011, Floor space ratios are not applied to development in the Northern | Not Applicable |

| | | | |
|---|---|---|---|
| *the density and scale of the building when expressed as a floor space ratio are not more than:* | *permitted on the land, or*<br>*(b)If the development is on land within a zone in which no residential accommodation is permitted- the existing maximum floor space ratio for any form of development permitted on this land, or*<br>*(c) if the development is on land within a zone in which residential flat buildings are permissible and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register- the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus,*<br>*(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*<br>*(ii) 20% of the existing* | Beaches local government area.<br><br>Residential flat buildings are not permitted within the R2 Low Density Residential zone.<br><br>The land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register. | Consistent |

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|---|---|---|---|
| | *maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.* | | |
| (2) A consent authority must not refuse consent to development to which this Division applies on any of the following reasons: | | | |
| **(a)building height** | If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land | The development proposes building heights which are below the prescribed maximum height of 8.5 metres. | Consistent |
| **(b)landscape area** | If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located | The landscape treatment of the front setback area is compatible with the streetscape in which the building is located | Consistent |
| **(c)solar access** | Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours of direct sunlight between 9am and 3pm mid - winter. | Three communal rooms are provided. The proposed communal rooms are located in the northern elevations of the proposed building, and will receive a minimum of 3 hours direct sunlight between 9am and 3pm mid- winter | Consistent |

| | | | |
|---|---|---|---|
| **(d)private open space** | If at least the following private open space areas are provided(other than the front setback)<br><br>(i) One area of at least 20m2 with a minimum dimension of 3.0m is provided for the use of the lodgers.<br><br>(ii)if accommodation is provided on site for a boarding house manager-one area of at least 8m2 with a minimum dimension of 2.5 m is provided adjacent to that accommodation | <br><br><br><br>An area of private open space for lodgers as required by this control is provided.<br><br><br>Private open space for the manager as required by this control is provided. | <br><br><br><br>Consistent<br><br><br><br>Consistent |
| **(e)parking** | If:<br>(i)In the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room, and<br><br>(ii) in the case of any development-not more than than1 parking space is provided for each person employed in connection with the development | The development is located within an accessible area.<br><br>12 units are provided, plus accommodation for the onsite manager.<br><br>Accordingly 6 spaces are required for the lodgers and one for the manager making a total 7 spaces required. 7 have been provided. | Consistent<br><br><br>Consistent<br><br><br><br><br>Consistent |

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|---|---|---|---|
| | and who is resident on site. | | |
| **(f)accommodation size** | if each boarding room has a gross floor area(excluding any area used for the purposes of private kitchen or bathroom facilities) of at least<br><br>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger.<br><br>(ii)16 square metres in any other case | Each room has been designed to accommodate a single lodger, and private kitchen and bathroom facilities have been provided in each room.<br><br>All rooms have a minimum 12m2, excluding those facilities. | Consistent<br><br>Consistent |
| | (3)A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room. | Each room as kitchen and bathroom facilities | Consistent |

**Clause 30: Standards for boarding houses**

| **Standard Requirement** | **Proposed** | **Compliance/Comment** |
|---|---|---|
| *(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:* | | |
| **(***a)if a boarding house has 5 or more boarding rooms, at least one communal* | Three communal living room has been provided | Compliant |

| | | |
|---|---|---|
| *living room will be provided* | | |
| **(***b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more* ***than 25 m2.*** | All units are less than the maximum provided by this requirement. | Compliant |
| | | |
| **(***c) no boarding room will be occupied by more than 2 adult lodgers* | Each room has been designed to accommodate 2 adults. | Compliant |
| *(d)adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger* | Each room has private kitchen and bathroom facilities. | Compliant |
| **(***e)if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.* | The proposed boarding house is capable of accommodating more than 20 lodgers, and as such an on-site manager is required.<br><br>A separate room has been designated for that purpose. | Boarding house has only 12 rooms but a manager's room is also provided. |
| (f)Repealed | | |
| **(***g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for* | The site is not zoned for commercial purposes. | Compliant |

| | | |
|---|---|---|
| *residential purposes unless another environmental planning instrument permits such a use.* | | |
| **(***h)at least one parking space will be provided for a bicycle, and one will be provided for a motor cycle, for every 5 boarding rooms.* | 5 bicycle and motor cycle parking spaces are provided as part of this development proposal | Compliant |

**Clause 30 A: Character of local area**

Clause 30A of the State Policy requires that:

*A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.*

**COMMENT**

It is noted that the local area is characterized by low density detached style housing comprising a mixture of single and two storey dwellings, with some dual occupancy and other strata unit development.

A two storey residential flat building is located directly opposite on the west side of Ellis Street.

Landscaping is a strong element, particularly in relation to rear setback areas where lots exceed 30m.

Whilst the immediate future development is expected to maintain the visual pattern and predominant scale of existing detached houses in this locality, and the state of that housing, it is anticipated that there will be redevelopment of this area in the longer term, particularly given the locations good access to public transport and services,

The streets however are expected to continue to be characterised by landscaped front gardens and consistent front building setbacks.

Further to the above, and in relation to assessing the character compatibility of the proposed boarding house, the Land Environment Court following consideration of matters arising from case *GPC No. 5 (Womberra Pty Ltd v Wollongong City Council (2003) NSWLEC 268* and *Project Venture Developments v Pittwater Council (2005) NSWLEC 191,* established Planning Principles to assist in the evaluation of how development should respond to the character of its environment.

In that regard the following statements are of particular importance.

*20 In GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council [2003] NSWLEC 268 the Court established four principles for the specific case of medium density housing for older people fitting into the streetscape in a low-density housing area.*

- *The medium density development does not have to be single-storey to be compatible with the streetscape even where most existing buildings are single-storey;*
- *The scale of the medium density it should be visually broken up;*
- *Existing site characteristics that reduce visual dominance should be retained;*
- *Where new materials and forms are introduced, this should be done with sensitivity to the existing forms and materials.*

*21 The planning principle that follows develops the above further and makes it more generally applicable.*

*Planning principle: compatibility in the urban environment*

*22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*

*23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.*

*24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

*25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.*

*26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by* ***building height, setbacks and landscaping****. In special areas, such as conservation areas,* ***architectural style and materials*** *are also contributors to character.*

*27 Buildings do not have to be the same* ***height*** *to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*

*28 Front* ***setbacks*** *and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity.* ***Setbacks*** *from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*

*29* ***Landscaping*** *is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

*30 Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a higher level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to* ***architectural style*** *expressed through roof form, fenestration and materials.*

*31 It should be remembered that most people are not trained planners or urban designers and experience the urban environment without applying the kind of analysis described above. As people move through the city, they respond intuitively to what they see around them. A photomontage of a proposed development in its context provides the opportunity to test the above analysis by viewing the proposal in the same way that a member of the public would.*

In relation to the judgment in *Project Developments* it is noted that it includes suggestions how the above can be done.

Firstly Senior Commissioner Roseth, in the case of *GPC No. 5 (Womberra Pty Ltd v Wollongong City Council (2003) NSWLEC 268,* developed the following principles:

- *The first principle is that buildings in a development do not have to be single storey to be compatible with the streetscape even where most existing buildings are single storey. The principle does not apply to conservation areas where single storey dwellings are likely to be the major reason for conservation.*

**COMMENT**

Applying the above method to the surroundings of this site, it is clear that the predominant building height is mixture of single and two storey dwellings. The building setbacks are reasonably consistent, although not in an obviously straight line. The landscaping does not dominate buildings; rather, there is a balance between buildings and vegetation. There is a consistency of architectural style (tiled hipped roofs, brick walls, verandas, windows with hoods over them) throughout.

It is noted in particular that the proposed building essentially complies with Council's requirements in relation to height, building envelope and wall height controls, and whilst the boarding house obviously occupies a greater footprint then surrounding detached dwelling houses,, the overall height and appearance of the building is considered to be compatible with the streetscape and landscape setting of nearby residential development along Warringah Road and Ellis Street.

In that regard it can be concluded that the proposed development is of a scale not inconsistent with the streetscape, and therefore consistent with the requirements of this principle.

- *The second principle is that, where the size of a development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by generous breaks and landscaping.*

**COMMENT**

Whilst the proposed development appears as one building, it has been designed to have an appearance of a detached style dwelling. In that regard, the use of colours and varying materials, together with the sloping and broken roof line**,** and the proposed building setbacks, particularly to Warringah Road and Ellis Street, the building presents as a well articulate building, which will enhance the street scape in this location.

The proposed landscaping also maintains the wide setbacks to Warringah Road and Ellis Street, complementing the building, consistent with the setting of other dwellings in this locality.

Accordingly it can be concluded that the proposed development is also consistent with this principle.

- *The third principle is that, where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that makes development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation.*

**COMMENT**

There is no existing vegetation of any significance on the site, but new and intensive planting is proposed both within the site and within the public domain, will complement and enhance the appearance of the proposed building.

The site does fall sharply towards the north. In addition the architect in designing the proposed building has used the existing excavated foot print of the site (that is the site has been previously excavated), to accommodate a lower ground level, combined with a substantial setback of the first floor to the rear boundary, assists in mitigating any perception of bulk and scale of that building as viewed from the north.

It is considered that the proposed landscaping will ensure that the building does not unreasonably dominate the proposed building's natural setting, and the design of the building, with its articulation and use of materials and colours, ensures that any perception of visual dominance, will be significantly reduced.

In that regard it is considered that the proposed development is consistent with this principle.

- *The fourth principle is that a development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced only that the introduction should be done with care and sensitivity.*

**COMMENT**

The proposed building includes materials and colours, and a roof form retains a visual appearance comparable with the residential context within which the proposed dwelling is to be located.

Accordingly it can be conclude that the proposal is consistent with this principle.

The above principles were further developed in the Land and Environment Court case *Project Venture Developments v Pittwater Council (2005) NSWLEC 191,* requiring the consideration of the potential physical impacts on surrounding development, including the physical constraints on the development potential of surrounding sites.

**COMMENT**

The physical impacts of the proposed development are addressed as follows:

**Constraints on the development potential of surrounding sites**

As is discussed in more detail later in this report, it is considered that the proposed development does not inhibit the future development of the surrounding properties, in terms of its built form, or introduce amenity issues which would adversely impact on the future development of those sites.

More particularly the following matters are pertinent in so far as consideration of the potential impacts of the proposed development on the character of the local area.

**Privacy**

The proposed development does not include any elevated decks, which would unreasonably impact upon the visual privacy of neighbouring residential properties.

There are however a number of elevated habitable rooms which have the potential to inhibit visual privacy, but it is proposed to install horizontal visual screens on those windows where appropriate to preserve visual privacy of neighbouring residential properties.

Dense landscaping is also proposed around the perimeter of the site to minimise any perception of privacy impact upon neighbouring properties.

The main common rooms located on the lower ground and ground floors are located at the rear of the site, to minimise any noise impacts that might emanate from this location. Additional common rooms are also located on the ground and first floor facing Ellis Street.

Overall it is considered that the boarding house will maintain a good standard of visual and acoustic privacy, as well as security, a subject which is addressed in more detail later in this report.

The boarding house design also maintains an innovative use of space to maintain reasonable amenity for the future occupants of the proposed boarding house.

**Overshadowing**

Shadow diagrams have been prepared and are addressed later in this report. However it can be concluded that the proposed development complies with the requirements of Clause D6 of Council's DCP in relation to access to sunlight.

**Landscaping**

A landscaping plan has been provided, a copy of which is attached to this report.

The landscaping does not dominate the site in this instance, but is an important contributor to softening the building outline, and providing a suitable context within which the proposed building is to be located, comparable with other landscaping within this locality.

**Setbacks**

The front setback to Warringah Road and that of Ellis Street are generally maintained, retaining the unity consistent with other dwellings along those roads, and the way they are treated contribute to the urban character of this locality.

Setbacks from side boundaries although not exactly the same, the rhythm of the proposed building, is considered to be comparable with other buildings in this locality

**Noise**

An acoustic report has been prepared, and previously addressed above.

In addition, the proposal will have an on-site Manager and operate in accordance with the Plan of Management, to ensure noise disturbances from the future occupants do not unreasonably affect surrounding residential land.

**Conclusion**

Having regard to the above assessment and consideration of the principles established by the Land and Environment Court, it can be concluded that the proposed development is compatible with the character of the local area, and as such satisfies the requirements of Clause 30 of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

### 4.5 State Environmental Planning Policy 55 Remediation of Land

Clause 7(1) (a) of this State Policy requires the consent authority to consider whether the land is contaminated.
Given the residential nature of the existing use of the site, it is not anticipated of the site would be contaminated, and as such it is considered that no further consideration is required in accordance with Clause 7(1)(b) and(c) of this Policy.

In that regard it is understood that Council agrees with that conclusion.

Accordingly it can be concluded that the site is suitable for the proposed use.

## 4.6 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan (WLEP) 2011, is the applicable instrument that applies to the subject land.

**1.2 Aims of Plan**

The particular aims of this Plan relevant to the subject application, are addressed as follows:

*(d) in relation to residential development, to:*

*(i) protect and enhance the residential use and amenity of existing residential environments,*

**COMMENT**

The proposed development is consistent with the residential use of land in this locality, a use which is also consistent with the zoning of the subject land.

The amenity of the residential environment will be protected by the adoption of the Plan of Management, and the application of the principles articulated in that document.

Accordingly it can be concluded that the proposed development is consistent with this objective.

*(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance,*

**COMMENT**

This objective has already been addressed earlier in this report (See Clause 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009).

Further to the above, issues in relation to privacy, overshadowing, building bulk etc. are also addressed under Section 6 of this report.

It can be concluded therefore that the proposed development satisfies this objective.

*(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,*

**COMMENT**

The proposed development will increase the variety and choice of housing in this locality, particularly affordable housing, consistent with the aims of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The compatibility of the proposed development with the character of the area, has already been addressed above (Clause 30A OF THE SEPP), and where it was concluded that the proposal is consistent and compatible with the character of the local area.

*(f) in relation to environmental quality, to:*

*(i) achieve development outcomes of quality urban design,*

**COMMENT**

It is considered that the proposed development satisfies tis objective in that the building has been designed having regard to its contextual relationship with the natural and built features of the area; it is of a scale compatible with other buildings in this locality ;is of an appropriate built form; comprises a density of development which is sustainable; provides landscaping resulting in greater aesthetic quality and amenity for the future occupants and the public domain; provides enhanced amenity for the future occupants through spatial and increased environmental quality of development; optimizes safety and security both internal to the development and for the public domain, and has quality aesthetic design comprising an appropriate composition of building elements, textures, materials and colours, that reflect the proposed use.

Accordingly it can be concluded that the proposed development is consistent with this objective.

*(ii) encourage development that demonstrates efficient and sustainable use of energy and resources,*

**COMMENT**

It is considered that the proposed development has been designed to optimize thermal performance, thermal comfort and daylighting, which all contribute to the energy efficiency of the building, providing increased amenity for the future

occupants, and reducing greenhouse emissions and, with them, the cost of supplying energy.

The proposed development is therefore consistent with this objective.

*(iii) achieve land use relationships that promote the efficient use of infrastructure,*

**COMMENT**

The proposed development has access to established infrastructure in this locality, and as such it can be concluded that the proposed development is consistent with this objective.

*(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment,*

**COMMENT**

The proposed development will not have an adverse impact on the streetscape and or vistas. Appropriate setbacks have been provided to Warringah Road and Ellis Street consistent with the established building lines in this locality, creating the proportions of the street and contributing to the public domain by enhancing streetscape character and the continuity of the street facades.

The proposed development is therefore consistent with this objective.

*(v) protect, conserve and manage biodiversity and the natural environment,*

**COMMENT**

There are no issues related to biodiversity and the natural environment in relation to the subject proposal.

*(vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,*

**COMMENT**

There are no environmental constraints to the site such as acid sulfate soils, landslip risk, flood and tidal inundation, coastal erosion and biodiversity.

It can therefore be concluded that the proposed development is consistent with this objective

**Clause 2.3(2**) - Zone objectives and Land Use Table, is also relevant in that:

*The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*

In that regard the subject sites are located in **Zone R2 Low Density Residential** in accordance with Warringah Local Environmental Plan (WLEP) 2011, and as such the proposed development, being a *boarding house* is permissible with Council consent.

A *boarding house* is defined as follows:

***boarding house*** *means a building that:*

*(a) is wholly or partly let in lodgings, and*

*(b) provides lodgers with a principal place of residence for 3 months or more, and*

*(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*

*(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

*but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

**COMMENT**

The proposed development is consistent with this definition.

The consistency of the proposed development with the **objectives** of Zone R2 Low Density Residential are addressed as follows:

- *To provide for the housing needs of the community within a low density residential environment.*

**COMMENT**

The proposed boarding house will provide an alternative affordable option within a low density residential environment.

The proposed development is therefore consistent with this objective

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**COMMENT**

This objective is not relevant to the consideration of this application.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

**COMMENT**

The proposed landscaping for the site contributes to a positive relationship between the development and its contextual relationship with the site. The landscape design optimises useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, as well as the practical long term management of the landscaped areas.

Accordingly it can be concluded that the proposed development is consistent with the objectives of this clause.

**Clause2.7 – Demolition,** provides that demolition of a building or work may be carried out only with development consent.

**COMMENT**

This application includes an application for demolition. A dilapidation report will be provided as a condition of approval if required.

**Part 4 Principal development standards**

The relevant provisions of this Part are addressed below.

The objectives of **Clause 4.3** - Height of buildings are as follows:

*(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

*(b) to control the bulk and scale of buildings,*

*(c) to minimise disruption to the following:*

*(i) views to nearby residential development from public spaces (including the harbour and foreshores),*

*(ii) views from nearby residential development to public spaces (including the harbour and foreshores),*

*(iii) views between public spaces (including the harbour and foreshores),*

*(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

*(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

**COMMENT**

In accordance with the Height of Buildings Map, the maximum height of building for the subject site is 8.5 metres. The proposed building has a maximum height of less than 8.5 metres, therefore complying with Council's height control.

Issues related to any potential view loss, and privacy etc. are addressed later in this report.

**Clause 4.4 Floor space ratio**

**COMMENT**

There are no floor space controls relevant to this site

### 5.9 Preservation of trees or vegetation

No trees are to be removed as part of this application**.**

### 6.1 Acid sulfate soils

The site has not been identified as being affected by acid sulfate soils.

### 6.2 Earthworks

The objectives of this clause are as follows:

*(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*

*(b) to allow earthworks of a minor nature without requiring separate development consent.*

*(2) Development consent is required for earthworks unless:*

*(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the work is ancillary to other development for which development consent has been given.*

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters:*

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

*(b) the effect of the proposed development on the likely future use or redevelopment of the land,*

*(c) the quality of the fill or the soil to be excavated, or both,*

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*

*(e) the source of any fill material and the destination of any excavated material,*

*(f) the likelihood of disturbing relics,*

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

**COMMENT**

A Geotechnical report has been prepared by Michael Adler and Associates, Consulting geotechnical Engineers, a copy of which is attached to this report.

The consultants conclude that a detailed slope stability/slip assessment is not required for this site.

Further that this geotechnical assessment has been provided on the basis that the excavation will be inspected during the works to ensure that appropriate measures are taken as the actual subsurface conditions become apparent.

The consultants provide further advice in relation to future actions required. These matters should form part of any conditional approval.

**6.3 Development on sloping land**

The front of the site has a slope of less than 5 degrees, and at the rear between 5 degrees and 15 degrees, but because the site has already been excavated, it is considered that there will be no risks associated with future development of the site.

## 5.0 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS (Section 4.15 (2) (a) (ii))

There are no draft environmental planning instruments applicable to the site.

## 6.0 NON STATUTORY CONTROLS (Section 4.15 (2) (a) (iii))

6.1 Warringah Development Control PLAN 2011

The relevant objectives of Council's Development Control Plan are addressed below.

• *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*

**COMMENT**

This issue has been addressed in accordance with Clause 30 of SEPP (Affordable Rental Housing) 2009 above. It can be concluded that the proposed development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.

• *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*

**COMMENT**

The proposed development includes a Plan of Management which describes how the boarding house will be managed and provides appropriate provision to contact the on –site manager 24 hours per day.

Landscaping has been provided in accordance with Council requirements, to enhance the amenity of the site and surrounding properties, resulting a landscape character, consistent with the landscape setting in this locality.

The architects have also designed the building, to provide an attractive outcome, combining a variation in colours and materials and articulation of the facades and roof line, not inconsistent with the character of other dwellings in this locality.

• *To inspire* design innovation for residential, commercial and industrial development

**COMMENT**

The design of the building is considered to be innovative, having been designed to provide much needed affordable accommodation, but which is also appropriate outcome, given the homogeneous, traditional built form of buildings in this locality, and as such, compatible with the residential character of this locality.

• *To provide a high level of access to and within development.*

**COMMENT**

The site is located on Warringah Road, which provides good access for those in the community who most likely need it most. A traffic consultant's report is attached, and which addresses in particular the availability of local transport.

In addition the development includes access/paths/ramps which provide access to persons with a disability from the street to the accommodation and communal areas.

• *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*

**COMMENT**

The subject land is located within an urban area and has not been identified as being within an environmentally sensitive area.

It is also noted later in this report, that there are no adverse impacts from the proposed development, on views from neighbouring properties.

• *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

**COMMENT**

The proposed development will provide a variety and choice of housing in this locality, particularly affordable housing, and will have no adverse impacts in relation to the environment or the economy, or compromise the proposed developments sustainability and suitability, for the broader community or in this locality.

The following is a summary of the Council's Built Form Controls in so far as they relate to the proposed development.

| **Built Form Control** | **Requirement** | **Proposed** | **% of Variation** | **Compliance** |
|---|---|---|---|---|
| B1 Wall height | 7.2 m | Maximum 7.2 m | N/A | Yes |
| B3 Side Boundary Envelope | East: 4.0m x 45*<br>West: 4.0m x45* | Complies | N/A | Yes-see assessment report |

| | | | | |
|---|---|---|---|---|
| B5 Side Boundary Setbacks | East: 0.9m<br>West: 0.9m | Min 2.0m | N/A | Yes<br>Yes |
| B7 Front Boundary Setbacks | 6.5m | Minimum 6.5 m | N/A | Yes |
| B9 Rear Boundary Setbacks | 6.0m except on corner allotments where there is no minimum setback | NA | N/A | Yes-see assessment report. |
| D1 Landscape Open Space and Bushland Setting* | 40% (350m2) | 351 m2 (41%) of site has been landscaped | 3.9% | No see Assessment report |

***Note**: Landscaped area is addressed under Clause 29(2) (b) of SEPP (Affordable Rental Housing 2009, and in the following assessment of the relevant provisions of Council's Development Control Plan.

**Appendix A** indicates the compliance assessment of the proposed development in relation to the provisions of Council's Development Control Plan.

The following is a detailed assessment of the proposed development in respect of those controls.

**B2 Number of Storeys**

**Applies to Land**
This control applies to land shown coloured on the DCP Map Number of Storeys.

**Objectives**
• To ensure development does not visually dominate its surrounds.
• To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.
• To provide equitable sharing of views to and from public and private properties.
• To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.
• To provide sufficient scope for innovative roof pitch and variation in roof design.
• To complement the height of buildings control in the LEP with a number of storeys control.

**Requirements**
1. Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.

**Note**
*Maximum height of buildings is determined by reference to the WLEP.*

*To measure the height in storeys :*
*The number of storeys of the building are those storeys which may be intersected by*

*the same vertical line, not being a line which passes through any wall of the building; and*
*Storeys that are used for the purposes of garages, workshops, store rooms, foundation spaces or the like, that do not project, at any point, more than 1 metre above ground level (existing) are not counted.*

*In accordance with Warringah Local Environmental Plan*

*storey* means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

**COMMENT**

The proposed development is consistent with this requirement.

**B3 Side boundary Envelope**

**COMMENT**

Building has been designed to comply with Council envelope controls

**B5 Side Boundary Setbacks**

**COMMENT**

A minimum of 2.0 metres has been provided, with increased setbacks to the Ellis Street frontage.

**B9 Rear Boundary Setbacks**

**COMMENT**

Whilst the minimum setback required is 6 metres, there is no minimum for a corner allotment as is the case in respect of the subject proposed development, in accordance with Council's Development Control Plan.

However the dwelling has been setback an average of 8 metres from the rear boundary.

**C2 Traffic Access and Safety**

The Objectives of this control are as follows

*To minimise:*
*a) traffic hazards;*
*b) vehicles queuing on public roads*
*c) the number of vehicle crossings in a street;*
*d) traffic, pedestrian and cyclist conflict;*

*e) interference with public transport facilities; and*
*f) the loss of "on street" kerbside parking*

**COMMENT**

A traffic assessment prepared by Transport and Traffic Planning Associates is attached to this report.

The report concludes as follows:

> 1. *The development site represents a valuable opportunity for affordable boarding house accommodation which is compatible with the planning principals for the precinct. The traffic, transport and parking assessment provided in this report indicates that the development will:*

- *not present any unsatisfactory traffic capacity, safety or environmental related implications,*
- *incorporate a suitable and appropriate parking provision for the nature of the use*
- *incorporate suitable vehicle access, internal circulation and servicing arrangements*

**C3 Parking Facilities**

The objectives of this control area as follows:

• *To provide adequate off street car parking.*
• *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
• *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

**COMMENT**

This provision of car parking has been addressed in accordance with SEPP (Affordable Rental Housing) 2009.

Notwithstanding the above**,** garage doors have been integrated into the building design and do not dominate the façade; parking is located within buildings, and does not obscure views of the street from front windows; and garage does not exceed 6 metres or 50% of the building width.

**C3 (A) Bicycle Parking and End of Trip Facilities**

The objectives of this control are as follows:

• *To help meet the transport needs of the Warringah community*
• *To encourage healthy active lifestyles and help reduce reliance on private motor vehicles*
• *To provide convenience and safety for bicycle users*

**COMMENT**

Bicycle parking has been provided as per the provisions of SEPP (Affordable Housing) 2009

The bicycle parking has also been designed in accordance with Australian Standard AS 2890.3 – Bicycle Parking Facilities, and provided as an integral part of the development.

**C4 Storm water**

The objectives of this control are as follows:

- *To ensure the appropriate management of stormwater.*
- *To minimise the quantity of stormwater run-off.*
- *To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.*
- *To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).*

**COMMENT**

Drainage plans have been prepared by NTMA Consulting, a copy of which is attached to this report.

**C5 Erosion and Sedimentation**

The objectives of this control are as follows:

• *To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.*
• *To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.*
• *To prevent any reduction in water quality downstream of the development site.*

**COMMENT**

A Soil and Water Management Plan will be prepared in accordance with the Managing Urban Stormwater: Soils and Construction Handbook, as a condition of approval, and will provide details of the proposed method of on-site erosion and sediment control.

**C7 Excavation and Landfill**

The objectives of this control are as follows:

• *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
• *To require that excavation and landfill does not create airborne pollution.*
• *To preserve the integrity of the physical environment.*
• *To maintain and enhance visual and scenic quality.*

**COMMENT**

As indicated previously, a geotechnical assessment has been prepared, a copy of which is attached to this report.

Conditions will be applied to ensure that excavated areas will be constructed to ensure the geological stability of the work.

**C8 Demolition and Construction**

The objectives of this control are as follows

• *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
• *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
• *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
• *To discourage illegal dumping.*

**COMMENT**

The demolition works will be carried out in accordance with the requirements of Council

**C9 Waste Management**

The objectives of this control are as follows;

• *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
• *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
• *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*
• *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
• *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
• *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
• *To discourage illegal dumping.*

**CONMMENT**

As a result of the Pre DA meeting, Council provided specific requirements in relation to waste management.

A waste management plan has been prepared in accordance with Council requirements, a copy of which is attached to this report

**D1 Landscaped Open Space and Bushland Setting**

Council requires 40% of the site to be landscaped. The proposal provides almost 41%. (351 m2)

A landscape plan is attached to this report

The objectives of this control are addressed as follows:

• *To enable planting to maintain and enhance the streetscape.*

**COMMENT**

The proposal complies with street setbacks to both Warringah Road and Ellis Street, providing opportunities for tree planting and landscaping, including, within the public domain.

• *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

**COMMENT**

There is no vegetation of any significance on the site.

• *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

**COMMENT**

The proposed landscaping includes a variety of low and medium shrubs and canopy trees to provide a variety of landscape planting comparable with the building that is proposed for the subject site.

The proposed landscaping will provide an enhanced setting for the building, which will also assist in mitigating any perceptions in relation to the height, bulk and scale of the building. As also indicated in this report, no views are unreasonably affected by the height of the selected tree planting.

• *To enhance privacy between buildings.*

**COMMENT**

The landscape planting has been provided to enhance the architectural design of the building and privacy between neighbouring properties. This includes the use of screen planting and trees to ensure that there are no unreasonable impacts on privacy to adjacent residential land.

Visual screens are also proposed on windows where appropriate to complement the landscaping, and minimise any potential for overlooking.

• *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

**COMMENT**

The garden areas provided on the Warringah Road frontage and that of Ellis Street, provide adequate breakout areas for those occupants living in the boarding house, and seeking passive recreation. Some terraces are also provided to the ground floor units that have a garden outlook for the enjoyment of the occupants

• *To provide space for service functions, including clothes drying.*

**COMMENT**

The rear garden setback provides adequate space for clothes line, and the OSD (On site Detention System), area has been integrated into the design of the building, so that garden areas are not taken up by an above ground basin structure.

• *To facilitate water management, including on-site detention and infiltration of stormwater.*

**COMMENT**

Opportunities for deep soil planting is provided around the perimeter of the building, except where pathways are required for the egress and BCA compliance. The OSD is integrated into the overall planning, and designed to manage storm water discharge from the site

It can therefore be concluded that the proposed development will not create any unreasonable water management problems.

**D2 Private Open Space**

The objectives of this control are as follows:

• *To ensure that all residential development is provided with functional, well located areas of private open space.*
• *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*
• *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*
• *To ensure that private open space receives sufficient solar access and privacy.*

**COMMENT**

Private open space has been provided in accordance with the provisions of SEPP (Affordable Rental Housing) 2009.

The provision of the private open space is also provided in accordance with the objectives of this control.

**D3 Noise**

**The objectives of this control are as follows:**

• *To encourage innovative design solutions to improve the urban environment.*
• *To ensure that noise emission does not unreasonably diminish the amenity of the*

*area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

**COMMENT**

An acoustic assessment has been prepared, a copy of which is attached to this report. Details in relation to the recommendations of that report, have already been addressed above.

**D6 Access and Sunlight**

The objectives of this control are as follows:

• *To ensure that reasonable access to sunlight is maintained.*
• *To encourage innovative design solutions to improve the urban environment and public open space.*
• *To promote passive solar design and the use of solar energy.*

**COMMENT**

Shadow diagrams are attached to this report. Essentially it is noted that there is little if any change to the impacts of shadows from the proposed development, compared with that of the existing residence.

An assessment of those diagrams indicate that at least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

**D7 Views**

The objectives of this control are as follows:

• *To allow for the reasonable sharing of views.*
• *To encourage innovative design solutions to improve the urban environment.*
• *To ensure existing canopy trees have priority over views.*

**COMMENT**

This Clause stipulates that future development should allow for the reasonable sharing of views. In assessing potential view loss the principles outlined in the Land and Environment Court Case *Tenacity Consulting Pty Ltd V's Warringah Council (2004) NSWLEC 140,* has been adopted.

The principles of this decision are set out below.

*26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

*27 The second step is to consider from what part of the property the views are*

*obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

*28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

*29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Having regard for the above principles it is noted that the land in the vicinity of the proposed development falls sharply towards the north.

There are no particular iconic views from this locality given the extensive tree cover both along Ellis Street and within the properties themselves. There are however distant glimpses of the vegetation presumably related to the ridge line contained within the Red Hill Reserve further to the north.

These views however will not be affected by the proposed development.

Directly opposite the site and south of Warringah Road are located a number of dwellings which are single storey dwellings, Because of their location and topography of the individual sites, these views will not be adversely affected by the proposed development.

Similarly to the west along Warringah Road, although views along Ellis Street will continue to be preserved.

It is considered that there will be no view losses for those dwellings located on the west side of Ellis Street opposite the subject building, nor those immediately to the east of the proposed development,

It can therefore be concluded that the proposed development is consistent with the objectives of this Clause.

**D8 Privacy**

The objectives of this control are as follows:

• *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
• *To encourage innovative design solutions to improve the urban environment.*
• *To provide personal and property security for occupants and visitors.*

**COMMENT**

The Building layout has been designed to optimise privacy for occupants of the development and occupants of adjoining properties, and living areas, habitable rooms and windows to private open space areas or to the street, have been orientated to limit overlooking, and provided with horizontal screens where appropriate.

**D9 Building Bulk**

The objectives of this control are as follows:

• *To encourage good design and innovative architecture to improve the urban environment.*
• *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

More specifically, Council requires that:

*1.Side and rear setbacks are to be progressively increased as wall height increases.*
*2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
*4. Building height and scale needs to relate to topography and site conditions.*
*5. Orientate development to address the street.*
*6. Use colour, materials and surface treatment to reduce building bulk.*
*7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.*
*8. Articulate walls to reduce building mass.*

**COMMENT**

This issue has been dealt with previously in relation to the Character of the Area (Clause 30A of SEPP (Affordable Housing) 2009.

In that regard it was considered that the development is compatible with adjoining development, and satisfactorily responds to the predominant bulk and scale of development in the local area and to the topography of the site, complimented by the landscaping on the perimeter of the site and in the public domain.

**D10 Building Colours and Materials.**

The objective of this control are as follows:

• *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

**COMMENT**

The proposed building maintains a combination of dark and light materials with feature work to enhance the building articulation, resulting in any visual impact of new development being minimized through the use of appropriate colours and materials and landscaping.

The site is also not within a visually sensitive area, and will maintain, if not enhance the existing landscape setting of the proposed building.

A materials and colour board is attached to this report.

**D11 Roofs**

The objectives of this control are as follows:

• *To encourage innovative design solutions to improve the urban environment.*
• *Roofs are to be designed to complement the local skyline.*
• *Roofs are to be designed to conceal plant and equipment.*

**COMMENT**

The roof of the proposed building has been designed to complement the roof pitch and forms of the existing buildings in the streetscape. The roof is articulated as a result of the variable roof line. The roofs also incorporate eaves for shading, and the proposed roofing materials will not cause excessive glare and reflection.

**D12 Glare and Reflection**

The objectives of this control are as follows:

• *To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.*
• *To maintain and improve the amenity of public and private land.*
• *To encourage innovative design solutions to improve the urban environment***.**

**COMMENT**

The overspill from artificial illumination or sun reflection is to be minimised by selecting an appropriate lighting height that is practical and responds to the building and its neighbours;

Light sources will be located away from adjoining properties or boundaries, and directing light spill within the site.

Any glare from artificial illumination will be minimised by the use of either indirect lighting; controlling the level of illumination; and/or directing the light source away from view lines.

In relation to sunlight reflectivity that may impact on surrounding properties, it is to be minimised by the use of selective materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;

**D13 Front Fences and Front Walls**

The objectives of this control are as follows:

• To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.
• To encourage innovative design solutions to improve the urban environment.
• To avoid a 'walled in' streetscape.

**COMMENT**

Fencing is provided on both street frontages with brick piers and open timber battens to 1.8 metres in height to facilitate casual surveillance, similar to that provided at 556 Warringah Road.

Low open style screen fencing (maximum 1.2 m in height is proposed along the Warringah Road frontage.

Existing fencing is proposed to be maintained along the eastern and northern boundaries of the site, however any replacement will be *lapped and capped* with a maximum height of 1.8 metres.

**D14 Site Facilities**

The objective of this control are as follows:

• *To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
• *To encourage innovative design solutions to improve the urban environment.*
• *To make servicing the site as efficient and easy as possible.*
• *To allow for discreet and easily serviceable placement of site facilities in new development.*

**COMMENT**

Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities have been provided in accordance with Council requirements, and are located to have minimal visual impact from a public place.

**D15 Side and Rear Fences**

The objective of this control is as follows:

• *To encourage innovative design solutions to improve the urban environment.*

**COMMENT**

Proposed boundary fences are to be no higher than 1.8 metres

All fencing materials are to complement the existing neighbourhood.

**D20 Safety and Security**

The objective of this control is as follows:

• *To ensure that development maintains and enhances the security and safety of the community.*

**COMMENT**

Entrances to building is to be from both Warringah Road, and has been designed so that: the building entrance is clearly identifiable, defined, lit and visible.

In addition, pavement surfaces and signage that direct pedestrian movements is to be provided and the potential conflict between pedestrians and vehicles is avoided, by the clear separation of these two activities.

More importantly it is considered that the proposed development is considered to be consistent with the policy in relation to Crime Prevention through Environmental Design (CPTED), particularly in respect of the four principles of:

1. Surveillance;
2. Access reinforcement;
3. Territorial reinforcement; and
4. Space Management.

These matters are addressed as follows:

**1 Surveillance**

Effective surveillance is a major deterrent to crime in areas with high levels of surveillance'.

This deterrent can be achieved by:

- *Clear sight lines between public and private places*
- *Effective lighting of public places*
- *Landscaping that makes places attractive, but does not provide potential offenders with a place to hide or entrap victims.*

**COMMENT**

In that regard the subject buildings has been designed to overlook Warringah Road and Ellis Street, with the units with a frontage to those roads, having a clear view resulting in the facilitation of casual surveillance.

Adequate lighting of entrances and pedestrian areas is also proposed, and after hours land use activities are to be given priority along primary pedestrian routes to increase safety.

It is also considered that Warringah Road and particularly Ellis Street, the proposed building is to be located in a residential area with sufficient lighting to illuminate the frontage of the property to be an effective deterrent.

Whilst the landscaping will provide an attractive setting for the proposed building, it has also been designed to limit places to hide.

**2 Access Control**

Effective access control can be achieved by creating:

- *Landscapes and physical locations that channel and group pedestrians into target areas.*
- *Public spaces which attract, rather than discourage people from gathering*
- *Restricted access to internal areas or high risk areas (like carparks or other rarely visited areas).*

**COMMENT**

Access to the site from Ellis Street, is open to direct surveillance from units 3, 5, and 7 on the ground floor, and units 8, 9, 11 and 12 on the first floor.

Surveillance to Warringah Road is also from Unit 7 on the ground floor and Unit 12 on the first floor.

**3 Territorial Reinforcement**

Territorial Reinforcement can be achieved through:

- *Design that encourages people to gather in public space and to feel some responsibility for its use and condition.*
- *Design with clear transitions and boundaries between public and private space.*
- *Clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces through gates and enclosures.*

**COMMENT**

The proposed development is capable of accommodating up to 24 persons at any one time.

These persons will of course have an invested interest in ensuring that the rules of behaviour as described in the Management Plan are complied with, as well as being enforced by and maintained by the on site manager. Accordingly it can be concluded that there will be a sense of community ownership within the facility, and that there will be a shared responsibility for the way the building is used, and the way the condition of that building is maintained.

More specifically the Plan of Management encourages territorial reinforcement, by providing specific clauses which require residents (both within and outside the proposed boarding house) to regulate their behaviour and report any incidents which may impact adversely on the amenity of the area.

The proposed development also includes four common room areas which will encourage people to gather and establish a sense of responsibility for the use and condition of those facilities.

These area and other shared facilities such as open space areas, will no doubt set the community standards as to acceptable behaviour and the way those area are to be used.

**4 Space Management**

**COMMENT**

Space management strategies are important in ensuring appropriate maintenance, in particular in relation to common areas, ensuring that those area are cared for, and made available for the purpose that they were designed for.

In that regard the Plan of Management sets out the requirements in relation to cleaning and maintenance.

**D21 Provision and Location of Utility Services**

The objectives of this control are as follows:

• *To encourage innovative design solutions to improve the urban environment.*
• *To ensure that adequate utility services are provided to land being developed.*

**COMMENT**

All utilities are available to the subject land

**D22 Conservation of Energy and Water**

The objectives of this control is as follows:

• *To encourage innovative design solutions to improve the urban environment.*
• *To ensure energy and water use is minimised.*

**COMMENT**

The orientation, layout and landscaping of sites has made the best use of natural ventilation, daylight and solar energy, and the site layout and structures allow for reasonable solar access for the purposes of water heating and electricity generation and maintenance of reasonable solar access to adjoining properties.The proposed buildings has also been designed to minimize energy and water consumption, and the landscape has been designed to assist in the conservation of energy and water.

**E1 Private Property Tree Management**

The objectives of this control are as follows:

• *To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
• *To protect human life and property through professional management of trees in an urban environment.*
• *To provide habitat for local wildlife.*
• *Promote the retention and planting of trees which will help enable plant and animal*

*communities to survive in the long-term with regard to the original 1750 community. See Warringah Natural Area Survey, August 2005.*
*• To preserve and enhance the area's amenity.*

**COMMENT**

There are no trees of significance on the site.

**E6 Retaining Unique Environmental Featur**es

**COMMENT**

There are no unique environmental features associated with the subject site.

**E10 Landslip risk**

**COMMENT**

The subject has not been identified as being subject to landslip

## 7.0 PLANNING AGREEMENTS (Section 4.15 (1) (iii d))

There are no planning agreements in relation to this application.

## 8.0 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000(Section 4.15 (IV))

**Division 8A** requires the consent authority to consider *Prescribed Conditions* of development consent. These matters will be addressed by Council its consideration of the application.

**Clause 92** requires the consent authority to consider AS 2601-1991: The *Demolition of structures,* and may be addressed by the application of appropriate conditions.

**Clause 98** requires the consent authority to consider insurance requirements under the Homes Building Act 1989. This matter may be addressed by the application of appropriate conditions.

**Clause 98** also requires the consent authority to consider the provisions of the Building Code of Australia (BCA).

A BCA report has been prepared, a copy of which is attached to this report.

## 9.0 LIKELY IMPACTS (Section 4.15(b))

In terms of occupancy, management and safety, the proposed boarding house will provide future residents with a place of residence for a minimum period of three months, providing an opportunity for those persons residing in the boarding house, to form an association with the local area.

The provision of an on-site manager, and the adoption of the Plan of Management as proposed as part of this application, includes provisions which require residents to abide by house rules, and the eviction of any resident should an abuse of the house rules occur.

The Plan of Management also provides a requirement for the operators to install a sign on the property indicating the contact name and telephone number of the manager, who may be contacted 24 hours a day, in the event of any concerns raised by adjoining residents.

In terms of the built form, the site is located within an area predominantly characterized by single and two storey residential dwellings.

In that regard the scale of the development is similar to the scale of other development in the local area, and as indicated previously, consistent with the provisions of Clause 30 of the State Policy in relation to consistency with the character of the local area.

Whilst the proposal provides a density potentially higher than that which might be normally expected in a  Low Density residential zoning, this use is permissible with Council consent, and as demonstrated previously, essentially complies with the requirements of Council, and there are no adverse impacts in terms of privacy, over shadowing, and or loss of solar access.

In relation parking and traffic, it is noted that the proposed boarding house provides the necessary parking for cars, bicycles and motor bikes as is required by the State Policy, and the traffic consultant has indicated that there are no concerns in respect of traffic management in this locality.

Notwithstanding the above, and whilst any concerns raised by the community, must be addressed by Council, it is important, and relevant to the consideration of this application, is the Land and Environment Court Case New Century Developments Pty Ltd v Baulkham Hills Shire Council(2003)[NSWLEC154] which concluded as follows:

*In circumstances such as the relevant case, however the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area (Dixon at [53]). In Broad, de Jersey J explained (at 304) that whilst the court is clearly entitled to have regard to the views of residents of the area, those views must be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use.*

In that regard it is considered that the potential impacts, and any subsequent concerns which the community may raise in relation to the proposed boarding house, have been addressed, and as such it can be concluded that that the application is suitable for approval, subject to the application of conditions as may be appropriate.

## 10.0 SUITABILITY OF THE SITE (Section 4.15(c))

The subject land is close to, and accessible to regular public transport as indicated by the traffic consultant's report.

It is also noted in particular, that the proposal is also consistent with Clause 27(2) (c) of State Environmental Planning Policy (Affordable Rental Housing) 2009, in respect of being an ***Accessible area,*** as defined by that Policy.

The proposal is also consistent with the character of the area, as addressed in accordance with Clause 30A of the State Policy, and consistent with the planning principles established in the NSW Land and Environment Court cases *GPC No. 5 (Wombarra)Pty Ltd v Wollongong City Council (3003 NSWLEC268* and *Project Venture Developments v Pittwater Council (2005) NSWLEC 191.*

The proposal is also consistent with the aims and objectives of Warringah Local Environmental Plan 2011, and the controls indicated in that statutory instrument. It is also essentially consistent with the objectives of Council's Development Control Plan, and the relevant requirements of that Plan.

Furthermore, following the Pre Development Application meeting with Council officers, a number of amendments have been made to the proposal, including reducing the number of units to 12, and additional documentation provided, to address the concerns raised by Council, including but not necessarily limited to the:

- Reduction of wall lengths;
- Increased setbacks and compliance with envelope controls;
- Provision of breaks in the building and increased articulation;
- Maintenance of a minimum of 2.0m for ground level areas to ensure landscaped open space buffer for the building and achieve a landscape setting.
- Provision of low open style fencing with a strong landscaped setting.
- Provision of a 3.5m landscaped setback or wider to Ellis Street.
- Provision of a principal pedestrian entry to Warringah Road with a pathway connection to the existing public path. Provision of traffic assessment.
- Provision of engineering profiles of both sides of driveway to Ellis Street.
- Provision of stormwater management plan.
- Provision of waste storage in accordance with Council requirements.

In relation to Council concerns it should also be noted that the setbacks have been increased as was required by Council; approximately 41% of the site is now landscaped; all consultants reports have been provided and any recommendations arising from those reports, incorporated into the design of the proposal; advice provided in relation to view loss; and visual screens provided where appropriate; increased articulation provided on the south-eastern façade; waste storage facilities provide in accordance with Council requirements; and driveways and the provision of storm water management provided in accordance with Council requirements.

It can also be concluded that the proposed development will not have a detrimental social impact in the locality, given the residential nature of the proposed development.

In addition, it is considered that the proposed development will not have a detrimental economic impact on the locality, but will obviously have economic

benefits in terms of the tradesmen engaged to build the proposal, the purchase of materials, as well as the economic benefits derived from the inhabitants, who will work and live within this community.

It can be concluded therefore that the proposed boarding house is a suitable use of the subject site.

## 11.0 SUBMISSSIONS (Section 4.15(d))

Council is required to consider any submissions received as a result of the public exhibition of the proposed development**.**

## 12.0 PUBLIC INTEREST Section 4.15 (e))

It is considered that the public interest in this instance is best served by the provision of affordable rental housing consistent with the State Environmental Planning Policy (Affordable Rental Housing) 2009.

In summary, the State Policy aims to promote the facilitation the delivery of more affordable rental housing across the State, by increasing the supply of community, social and low income rental accommodation at the local level.

**Aim (b)** is particularly relevant as it states as follows:

*To facilitate the development of housing for the homeless and way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.*

**Aim (g)** is also relevant as it states as follows:

*to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

The proposed development is consistent with these aims.

## 13.0 CONCLUSION

The application has been assessed having regard to the following statutory and non-statutory documents

- Environmental Planning and Assessment Act, 1979.
- Environmental Planning and Assessment Act Regulations, 2000
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Stat Environmental Planning Policy(Affordable Rental Housing) 2009
- State Environmental Planning Policy 55-Remediation of Land
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

The assessment has addressed the potential impacts of the proposed development, and concluded that there will be no unreasonable impacts on surrounding, adjoining, adjacent and nearby properties.

It is considered that the proposed development is consistent with the aims and objectives of Environmental Planning and Assessment Act, 1979, and those of State Environmental Planning Policy (Affordable Rental Housing) 2009, as well as those of Council's Local Environmental Plan and Development Control Plan.

The proposal is also consistent with the relevant requirements of those statutory and non-statutory documents.

Accordingly it can be concluded the proposed boarding house is suitable for approval, subject to the application of conditions as may be appropriate.

## APPENDIX A-COMPLIANCE TABLE

| CLAUSE | COMPLIANCE | CONSISTENCY AIMS AND OBJECTIVES |
|---|---|---|
| A5 Objectives | YES | YES |
| B1 Wall heights | YES | YES |
| B3 Side Boundary Envelope | YES | YES |
| R2 Side Boundary Exceptions | YES | YES |
| B5 Side Boundary Setbacks | YES | YES |
| Side Setbacks-R2 | YES | YES |
| Side Setbacks Exceptions-R2 | YES | YES |
| B7 Front Boundary Setbacks | YES | YES |
| R2-All other land in R2 | YES | YES |
| B9 Rear Boundary Setbacks | YES | YES |
| All other land under R2 | YES | YES |
| Rear Boundary Exceptions-R2 | YES | YES |
| C2 Traffic, Access and Safety | YES | YES |
| C3 Parking Facilities | YES | YES |
| C3(A) Bicycle Parking and End of Trip Facilities | YES | YES |
| C4 Storm water | YES | YES |
| C5 Erosion and Sedimentation | YES | YES |
| C7 Excavation and Landfill | YES | YES |
| C8 Demolition and Construction | YES | YES |
| C9 Waste Management | YES | YES |
| D1 Landscaped Open Space and Bushland Setting | YES | YES |
| D2 Private Open Space | YES | YES |
| D3 Noise | YES | YES |
| D6 Access and Sunlight | YES | YES |
| D7 Views | YES | YES |
| D8 Privacy | YES | YES |
| D9 Building Bulk | YES | YES |
| D10 Building Colours and Materials | YES | YES |
| D11 Roofs | YES | YES |
| D12 Glare and Reflection | YES | YES |
| D14 Site Facilities | YES | YES |
| D20 Safety and Security | YES | YES |
| D21 Provision and Location of Utility Services | YES | YES |
| D22 Conservation of Energy and Water | YES | YES |
| E1 Private Property Tree Management | YES | YES |
| E6 Retaining unique environmental features | YES | YES |

| | | |
|---|---|---|
| **E10 Landslip Risk** | **YES** | **YES** |